

AUSTRALIAN COMPLEMENTARY PROTECTION: UNSUCCESSFUL REFUGEE REVIEW TRIBUNAL DECISIONS

Last updated 23 May 2014 (supersedes 16 May 2014)
PLEASE NOTE THIS TABLE IS NO LONGER UPDATED

This is a list of all published Refugee Review Tribunal decisions to 23 May 2014, other than those decisions resulting in a finding that the applicant was entitled to complementary protection.

Although in chronological order, there is sometimes a delay in the publication of decisions so it is prudent to check back through the list for updates.

Case	Decision date	Relevant paragraphs	Comments
1312769 [2014] RRTA 353	16 May 2014	7, 60, 67	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1401045 [2014] RRTA 370	15 May 2014	15–7, 26, 35, 39, 42, 48, 50, 55, 57	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1315209 [2014] RRTA 358	14 May 2014	7, 25	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1400501 [2014] RRTA 368	12 May 2014	14–6, 29, 35, 37	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1400085 [2014] RRTA 367	12 May 2014	29, 40–1, 43, Attachment A (3)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1318823 [2014] RRTA 361	12 May 2014	12, 16, 31–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312561 [2014] RRTA 352	12 May 2014	23, 37–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300322 [2014] RRTA 346	12 May 2014	25, 30, 34, 41	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1319744 [2014] RRTA 364	9 May 2014	6, 24, 26	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1300047 [2014] RRTA 344	9 May 2014	12–5	Recognised as refugee so no need to recognise under separate grounds
1313993 [2014] RRTA 335	8 May 2014	7, 12, 55–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312064 [2014] RRTA 329	8 May 2014	21, 23, 28	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312998 [2014] RRTA 354	7 May 2014	39–40, 67–70	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm. (Only the second named applicant’s claims were considered. The Tribunal did not consider the merits of the first named applicant’s claims as the first applicant was not in Australia at the time of making the application, as required by s 36(2) of the Act (paras 18–20).
1300298 [2014] RRTA 345	7 May 2014	7, 52–6, 58, 68–73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1401551 [2014] RRTA 341	6 May 2014	14, Attachment A (12–4)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1319151 [2014] RRTA 340	6 May 2014	10, 25–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312828 [2014] RRTA 331	6 May 2014	24–6, 58–60	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218188 [2014] RRTA 327	6 May 2014	4, 11, 14	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1400046 [2014] RRTA 366	5 May 2014	8, 17, 30, 33	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm. The Tribunal found that if the applicant returned to his original place of residence, he would face serious harm (para 22). However, the Tribunal concluded that it was reasonable for the applicant to relocate internally within

			India (para 28).
1400003 [2014] RRTA 365	5 May 2014	30–7	Recognised as refugee so no need to recognise under separate grounds
1319676 [2014] RRTA 363	5 May 2014	19, 23, 28, 30, 32	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1318393 [2014] RRTA 360	5 May 2014	17, 24–33	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm. The Tribunal found there was a small but real chance the applicant may be harmed if he returned to work for his family’s business (para 25). However, the Tribunal found that the applicant could reasonably relocate within India (para 32).
1303613 [2014] RRTA 349	5 May 2014	6, 31, 36–40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1404662 [2014] RRTA 343	5 May 2014	19–21, 31, 38–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313680 [2014] RRTA 334	5 May 2014	13–5, 64, 68, 70	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312512 [2014] RRTA 351	30 April 2014	6, 29–30, 42–5, 47	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1318468 [2014] RRTA 339	30 April 2014	15–7, 54, 56	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312518 [2014] RRTA 330	30 April 2014	7, 42–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1400634 [2014] RRTA 326	30 April 2014	8, 22, 24, Attachment (27, 31)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1400636 [2014] RRTA 369	29 April 2014	7, 14–6, 18	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1317025 [2014] RRTA 359	29 April 2014	6, 23–5, 27	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1314937 [2014] RRTA 356	29 April 2014	7, 14, 30, 36	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1318345 [2014] RRTA 338	29 April 2014	15–20, 35, 38, 40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1314022 [2014] RRTA 336	29 April 2014	11–2, 26–9, Appendix A (8–9)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1314596 [2014] RRTA 355	28 April 2014	41–7, 49	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303612 [2014] RRTA 348	28 April 2014	9, 43, 52–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1314489 [2014] RRTA 317	28 April 2014	12, 32–3, 35	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214162 [2014] RRTA 314	28 April 2014	9, 11, 35–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1400623 [2014] RRTA 313	28 April 2014	10, 19, Attachment (28)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316971 [2014] RRTA 337	24 April 2014	6, 52, 60–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1317626 [2014] RRTA 321	24 April 2014	7, 28–32	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1317304 [2014] RRTA 312	24 April 2014	20–2, 37, 57, 59	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1315221 [2014] RRTA 311	24 April 2014	7, 48–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313026 [2014] RRTA 310	24 April 2014	6, 65–7, 72	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1305350 [2014] RRTA 350	23 April 2014	71–4	Recognised as refugee so no need to recognise under separate grounds
1318666 [2014] RRTA 323	23 April 2014	13–4, 16	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310381 [2014] RRTA 316	22 April 2014	13, 26–31, Annexure A (47–9)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1306136 [2014] RRTA 328	17 April 2014	7, 68, 70, 78	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm. Oddly, at paragraph 10, it is stated that the matter should be remitted for reconsideration. This is not, however, the actual decision.
1400361 [2014] RRTA 297	17 April 2014	8, 25–6, 29–32	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1315985 [2014] RRTA 284	17 April 2014	46–56	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm. Note, the Tribunal found that there were substantial grounds for believing that, as a necessary and foreseeable consequence of his being removed from Australia to China, there was a real risk that the applicant would suffer significant harm, including torture (para 46). However, the Tribunal found that the applicant could reasonably relocate internally within China (para 55).
1312590 [2014] RRTA 309	16 April 2014	17, 51–3, 55, Appendix B	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1317439 [2014] RRTA 320	15 April 2014	9, 14, 53–61	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1318315 [2014] RRTA 290	15 April 2014	19–21, 23	Recognised as refugee so no need to recognise under separate grounds (decision relating to cl.866.221 of the Migration Regulations, finding that the applicant may be eligible for a subclass 866 visa, instead of the

			subclass 785 (temporary protection) visa originally conferred)
1318312 [2014] RRTA 289	15 April 2014	4–6	The applicant did not satisfy the requirements for a protection visa as he was not ‘in Australia’ as required by s 36(2) of the Act.
1315142 [2014] RRTA 357	14 April 2014	12, 16, 21, 23	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1318904 [2014] RRTA 293	14 April 2014	8, 14, 39	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217881 [2014] RRTA 260	14 April 2014	15–7, 66, 69–71	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217412 [2014] RRTA 258	14 April 2014	6, 38–9, 51–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1319081 [2014] RRTA 362	11 April 2014	10, 24, 26	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1318374 [2014] RRTA 322	11 April 2014	6, 38, 60, 62	No protection obligations, since applicant had not taken all possible steps to avail himself of a right to enter and reside in another country
1311863 [2014] RRTA 271	11 April 2014	29–30, 37–8, Attachment A (12–4)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216038 [2014] RRTA 257	11 April 2014	7, 44, 64–5, 74, 76	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1319656 [2014] RRTA 295	10 April 2014	6, 14, 16–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1318745 [2014] RRTA 292	10 April 2014	6, 18, 20	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214595 [2014] RRTA 256	10 April 2014	5, 32, 42, 44, 46	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1403347 [2014] RRTA 372	9 April 2014	13–24, 26	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1315987 [2014] RRTA 318	9 April 2014	22, 31–2, Attachment A (3)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1400622 [2014] RRTA 300	9 April 2014	14	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1400409 [2014] RRTA 299	9 April 2014	8, 16, 32, 40–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316117 [2014] RRTA 286	9 April 2014	19, 26, 34–40	No protection obligations, since applicant had not taken all possible steps to avail himself of a right to enter and reside in another country.
1315894 [2014] RRTA 283	9 April 2014	7, 12, 15, 17	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312943 [2014] RRTA 277	9 April 2014	21–4	The application for protection visa was not valid and could not be considered. The applicant claimed to be a citizen of Afghanistan but had arrived in Australia on a UK passport (para 3). The applicant claimed the passport was fraudulently obtained, and he did not have the right to lawfully reside in the UK (paras 4, 23). Examination by DFAT showed that the passport was not fraudulent (paras 8, 23). The Tribunal accepted that the applicant had become naturalized in the UK in 2009 (para 23). As the applicant was a national of two countries, his application for a protection visa was not validly made (ss 91N and 91P of the Act) (paras 21–2). The Tribunal entered a decision noting the invalidity of the decision (para 24).
1310572 [2014] RRTA 266	9 April 2014	7, 17, 32–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305641 [2014] RRTA 262	9 April 2014	6, 34, 45–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1317889 [2014] RRTA 288	8 April 2014	6, 21, 23, 25	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1318097 [2014] RRTA 252	8 April 2014	17–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1400472 [2014] RRTA 325	7 April 2014	15–7, 25, 29, 33, 35	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1315661 [2014] RRTA 305	7 April 2014	9, 84, 97–9, 101	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1318554 [2014] RRTA 291	7 April 2014	6, 17–9, 21, 23	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1314184 [2014] RRTA 281	7 April 2014	29, 39–40, Attachment A (3)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1318287 [2014] RRTA 253	7 April 2014	17–21	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1400899 [2014] RRTA 302	4 April 2014	13, 23, Attachment (32)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1400750 [2014] RRTA 301	4 April 2014	10, 18, Attachment (27)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316066 [2014] RRTA 285	4 April 2014	8, 12, 25, 29, 32, 35, 37	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1314005 [2014] RRTA 249	4 April 2014	23, 32, 34	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303252 [2014] RRTA 347	3 April 2014	7, 11, 23–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harms
1313098 [2014] RRTA 278	3 April 2014	13, 32–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312224 [2014] RRTA 308	3 April 2014	15–7, 51–4, 65, 74, 76–84	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm. Note that the Tribunal accepted the applicant faced a

			real chance of serious harm arising from his ethnicity and religion in the Kurram Agency (para 51). However, the Tribunal found that there would be no such risk if the applicant relocated internally within Pakistan, to Rawalpindi (para 74).
1217741 [2014] RRTA 259	3 April 2014	32, 36–40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1400408 [2014] RRTA 298	2 April 2014	12, 26	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1400224 [2014] RRTA 296	2 April 2014	14–6, 29, 40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316374 [2014] RRTA 287	2 April 2014	80, 100–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1400139 [2014] RRTA 239	2 April 2014	30, 33	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218980 [2014] RRTA 238	2 April 2014	38–9, 42–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1319492 [2014] RRTA 294	1 April 2014	13, 55–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312426 [2014] RRTA 274	1 April 2014	17–8, 23	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1400934 [2014] RRTA 255	1 April 2014	38, 47–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217297 [2014] RRTA 244	1 April 2014	8–10, 13–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313910 [2014] RRTA 237	1 April 2014	16, 25–9, 32	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1319921 [2014] RRTA 324	31 March 2014	6, 17, 25–7, 29	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1301760 [2014] RRTA 315	31 March 2014	29–32	Recognised as refugee so no need to recognise under separate grounds
1311959 [2014] RRTA 272	31 March 2014	30, 44	Recognised as refugee so no need to recognise under separate grounds
1311760 [2014] RRTA 270	31 March 2014	14, 18–22	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301836 [2014] RRTA 268	31 March 2014	7, 27, 37–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301776 [2014] RRTA 267	31 March 2014	23, 28–32	Recognised as refugee so no need to recognise under separate grounds
1310459 [2014] RRTA 265	31 March 2014	23, 28–32	Recognised as refugee so no need to recognise under separate grounds
1310251 [2014] RRTA 264	31 March 2014	11, 29–31	Recognised as refugee so no need to recognise under separate grounds
1309933 [2014] RRTA 263	31 March 2014	7, 50, 64	Recognised as refugee so no need to recognise under separate grounds. Note that at para 63, the Tribunal notes, ‘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 satisfied that the applicant is a person in respect of whom Australia has protection obligations under s 36(2)(aa).’ This is confusing as the reasoning finds the applicant to be a refugee and the decision is that the matter should be reconsidered in light of s 36(2)(a). This is likely a typographical error or incorrect reproduction of a template statement.
1301836 [2014] RRTA 261	31 March 2014	18, 29, 36, 43, 45, 47	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1316849 [2014] RRTA 250	31 March 2014	14–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312189 [2014] RRTA 247	31 March 2014	12, 14, 17, 21, 28–33	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310898 [2014] RRTA 246	31 March 2014	34 – 5, 41, 44 – 6	Recognised as refugee so no need to recognise under separate grounds
1314263 [2014] RRTA 241	31 March 2014	29–30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316239 [2014] RRTA 240	31 March 2014	8–9, 15, 17–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305405 [2014] RRTA 307	28 March 2014	26, 90–3	Recognised as refugee so no need to recognise under separate grounds
1314080 [2014] RRTA 280	28 March 2014	33, 42–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1319296 [2014] RRTA 254	28 March 2014	29, 39	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313596 [2014] RRTA 248	28 March 2014	15, 19–21	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305797 [2014] RRTA 229	28 March 2014	30, 40–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313244 [2014] RRTA 279	27 March 2014	12, 22, 24, Appendix A (10–1)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1319520 [2014] RRTA 217	27 March 2014	13, 31, 34, 39	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312544 [2014] RRTA 275	26 March 2014	15, 29–32, Appendix B	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311534 [2014] RRTA 269	26 March 2014	5, 32, 42–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1317391 [2014] RRTA 251	26 March 2014	38 – 41, 50–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300245 [2014] RRTA 245	26 March 2014	23–4, 36, 38	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1314454 [2014] RRTA 242	26 March 2014	16–9, 21	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1317791 [2014] RRTA 235	26 March 2014	11, 13–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216049 [2014] RRTA 232	26 March 2014	28, 30–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1309611 [2014] RRTA 228	26 March 2014	36–8, 41–2, 57–67	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313454 [2014] RRTA 332	25 March 2014	14–7, 39, 47–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1403634 [2014] RRTA 230	25 March 2014	13, 19, 29–34	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215197 [2014] RRTA 218	25 March 2014	6, 13–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313466 [2014] RRTA 333	24 March 2014	10, 20, 22, Attachment (29)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1317234 [2014] RRTA 319	24 March 2014	17–9, 38, 49–53	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302600 [2014] RRTA 306	24 March 2014	9, 34, 38	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1401255 [2014] RRTA 303	24 March 2014	7–8, 13, 18	The application for protection visa was not valid and could not be considered. The applicant was a national of the Democratic Republic of Korea (DPRK) (para 11). There was advice from DFAT that DPRK nationals are automatically considered national of the Republic of Korea by virtue of their residence on the Korean

			peninsula (para 13). As she was a national of two countries, she could not make a valid application without obtaining a relevant exemption from the Minister (ss 91N, 91P and 91Q of the Act) (paras 16–8). The Tribunal found that the application for protection visa was not valid and could not be considered (para 24).
1312582 [2014] RRTA 276	24 March 2014	9, 32	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316751 [2014] RRTA 225	24 March 2014	13, 33, 41–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312159 [2014] RRTA 273	21 March 2014	8, 31–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1400687 [2014] RRTA 243	21 March 2014	40, 45, 51–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311798 [2014] RRTA 234	21 March 2014	10, 22, 24	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316785 [2014] RRTA 222	21 March 2014	9, 13, 21, 49, 51	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316798 [2014] RRTA 231	20 March 2014	28, 32, 36–7, 39	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1314220 [2014] RRTA 227	20 March 2014	41, 52, 53, 57–60	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316122 [2014] RRTA 223	20 March 2014	13, 17, 25, 34, 39, 49–54	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1318306 [2014] RRTA 216	20 March 2014	42–4, 49, 55, 58	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1315777 [2014] RRTA 207	20 March 2014	31, 37, 40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1314972 [2014] RRTA 204	20 March 2014	30–1, 33, 35	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1314396 [2014] RRTA 202	20 March 2014	30, 32, 34	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1315326 [2014] RRTA 282	19 March 2014	6, 20, 26, 30, 37, 39	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1315628 [2014] RRTA 221	19 March 2014	36, 59, 62–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312788 [2014] RRTA 211	19 March 2014	13, 27–8, 30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312040 [2014] RRTA 197	19 March 2014	10–2, 15	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1401259 [2014] RRTA 214	18 March 2014	30, 35, 39	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1315400 [2014] RRTA 212	18 March 2014	20–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1315446 [2014] RRTA 206	18 March 2014	11, 13, 18–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311608 [2014] RRTA 226	17 March 2014	11, 37–41, 43–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310453 [2014] RRTA 220	17 March 2014	28–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1318773 [2014] RRTA 213	17 March 2014	32, 58, 66–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1314744 [2014] RRTA 203	17 March 2014	9, 18, 20–1, 30, 32	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1319077 [2014] RRTA 224	14 March 2014	53–6, 60–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1312592 [2014] RRTA 219	14 March 2014	24, 42, 45–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312709 [2014] RRTA 215	14 March 2014	44, 46, 56–60	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316017 [2014] RRTA 208	14 March 2014	12, 14, 17–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1315351 [2014] RRTA 205	14 March 2014	32, 37, 42, 46–50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305820 [2014] RRTA 196	14 March 2014	11–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313219 [2014] RRTA 199	13 March 2014	8, 22	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312787 [2014] RRTA 179	13 March 2014	45–6, 50, 52–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305656 [2014] RRTA 171	13 March 2014	14, 34–7	Recognised as refugee so no need to recognise under separate grounds
1303846 [2014] RRTA 169	13 March 2014	19–21	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216820, 1216828 [2014] RRTA 209	12 March 2014	12, 14, 18–9	Recognised as refugee so no need to recognise under separate grounds
1313699 [2014] RRTA 200	12 March 2014	14–5, 26, 29–30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312840 [2014] RRTA 180	12 March 2014	21, 27	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219115 [2014] RRTA 194	11 March 2014	96, 101–3, 105, 112, 118	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216746 [2014] RRTA 193	11 March 2014	42–7, 61	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1316983 [2014] RRTA 189	11 March 2014	52, 68, 71, 83	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313308 [2014] RRTA 182	11 March 2014	15–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310284 [2014] RRTA 172	11 March 2014	28, 30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1314174 [2014] RRTA 201	10 March 2014	10–1, 14–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311889 [2014] RRTA 176	10 March 2014	9, 11–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301333 [2014] RRTA 168	10 March 2014	23, 28, 30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218320 [2014] RRTA 165	10 March 2014	23, 29–31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313046 [2014] RRTA 198	7 March 2014	25, 28, 32, 42–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1314341 [2014] RRTA 184	7 March 2014	14, 21	No substantial grounds for believing that there was a real risk that applicant would suffer significant har
1313202 [2014] RRTA 181	7 March 2014	37–8, 46, 49–51	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312006 [2014] RRTA 178	6 March 2014	31, 53–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311497 [2014] RRTA 174	6 March 2014	37–46	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1318235 [2014] RRTA 163	6 March 2014	54–8 67–70	Recognised as refugee so no need to recognise under separate grounds
1311595 [2014] RRTA 159	6 March 2014	39–42, 50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1400042 [2014] RRTA 153	6 March 2014	38–41, 53–4, 71	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1318188 [2014] RRTA 141	6 March 2014	12–3, 22, 25–30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300491 [2014] RRTA 167	5 March 2014	31, 38–40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1317188 [2014] RRTA 162	5 March 2014	43, 71–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313804 [2014] RRTA 160	5 March 2014	17, 21, 37 – 40	Recognised as refugee so no need to recognise under separate grounds
1315680 [2014] RRTA 187	4 March 2014	22, 32–3, 36	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311963 [2014] RRTA 177	4 March 2014	36, 40–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302466 [2014] RRTA 155	4 March 2014	49, 51, 88, 94–105	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311126 [2014] RRTA 173	3 March 2014	8, 43	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1319059 [2014] RRTA 164	34 March 2014	6, 8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300128 [2014] RRTA 195	28 February 2014	31–3, 45, 50–1, 53	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1317647 [2014] RRTA 190	28 February 2014	23–9	Recognised as refugee so no need to recognise under separate grounds
1316355 [2014] RRTA 188	28 February 2014	32–6, 40–2	Recognised as refugee so no need to recognise under separate grounds
1313343 [2014] RRTA 183	28 February 2014	76–81, 87–94	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1309664 [2014] RRTA 157	28 February 2014	26, 33–5, 44–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305470 [2014] RRTA 156	28 February 2014	45, 53	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313218 [2014] RRTA 147	28 February 2014	13, 26	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310604 [2014] RRTA 143	28 February 2014	30–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310346 [2014] RRTA 136	28 February 2014	38, 47, 53–4, 65–7	Recognised as refugee so no need to recognise under separate grounds
1304281 [2014] RRTA 130	28 February 2014	30–8	Recognised as refugee so no need to recognise under separate grounds
1315550 [2014] RRTA 186	27 February 2014	40, 44, 54, 69	No protection obligations, since applicant had not taken all possible steps to avail himself of a right to enter and reside in another country.
1313144 [2014] RRTA 138	27 February 2014	44, 61–3, 71, 74–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1306826 [2014] RRTA 135	27 February 2014	13, 15	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316882 [2014] RRTA 150	26 February 2014	33, 38–43, 55, 59	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1306633 [2014] RRTA 134	26 February 2014	8, 27, 31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305615 [2014] RRTA 132	26 February 2014	18–20, 23–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212320 [2014] RRTA 129	26 February 2014	7, 11, 15–6	Recognised as refugee so no need to recognise under separate grounds
1311850 [2014] RRTA 175	25 February 2014	42, 52, 57	Recognised as refugee so no need to recognise under separate grounds

1305835 [2014] RRTA 133	25 February 2014	30, 45, 56–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312525 [2014] RRTA 109	25 February 2014	38, 55–62	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312156 [2014] RRTA 105	25 February 2014	31, 39, 45, 49–50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312906 [2014] RRTA 111	24 February 2014	17, 33	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311409 [2014] RRTA 98	24 February 2014	23–7, 32–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304034 [2014] RRTA 89	24 February 2014	12, 40, 48–51	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300547 [2014] RRTA 84	24 February 2014	31, 49	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm (with respect to the first and second applicants). The Tribunal found it had no jurisdiction with respect to the review sought by the third named applicant, who was born after the delegate’s original decision and had therefore not been considered as part of that decision.
1318806 [2014] RRTA 152	21 February 2014	37–8, 53, 56–8, 67, 75–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313698 [2014] RRTA 139	21 February 2014	35, 44–5, 53, 55–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1319732 [2014] RRTA 128	21 February 2014	14–5, 17	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1317584 [2014] RRTA 124	21 February 2014	20, 28–9, 31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1314697 [2014] RRTA 118	21 February 2014	31, 39–47	The Tribunal found that the applicant did not meet the requirements set out in ss 36(2)(a) or 36(2)(aa) of the Act. The applicant, a national of Tonga, had sought

			<p>asylum on the basis of ‘financial hardship and destitution’ (para 26). The Tribunal found that the applicant did not belong to a particular social group such as poor or unemployed Tongans. Even if these were cognisable social groups, there was no indication that the applicant would face persecution on this basis (para 31). With respect to complementary protection (paras 39–47), the Tribunal found that severe poverty was not captured by the test in s 36(2)(aa):</p> <p>‘The Tribunal acknowledges that the applicant may find returning to Tonga very challenging. However, on the evidence before it, the Tribunal is not satisfied that the Tongan authorities will intentionally withhold services from the applicant for any reasons, and therefore the Tribunal does not accept that there are substantial grounds for believing that as a necessary and foreseeable consequence of the applicant being removed to Tonga, there is a real risk he will suffer significant harm as defined in the Act.’ (para 47)</p>
1313632 [2014] RRTA 116	21 February 2014	11–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217874 [2014] RRTA 79	21 February 2014	58, 80–1, 110–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316030 [2014] RRTA 149	20 February 2014	9 – 11	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1314758 [2014] RRTA 140	19 February 2014	42 – 3, 53 57, 59	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1318100 [2014] RRTA 126	19 February 2014	33–4, 44–7	Recognised as refugee so no need to recognise under separate grounds

1313421 [2014] RRTA 115	19 February 2014	15, 29–31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311635 [2014] RRTA 99	19 February 2014	16, 18–21	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217513 [2014] RRTA 78	19 February 2014	116–21	Recognised as refugee so no need to recognise under separate grounds
1316054 [2014] RRTA 120	18 February 2014	29, 41–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313409 [2014] RRTA 114	18 February 2014	30–3, 43–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220366 [2014] RRTA 166	17 February 2014	20, 31, 35–40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304869 [2014] RRTA 131	17 February 2014	34–8, 45–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313091 [2014] RRTA 113	17 February 2014	12, 32–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312461 [2014] RRTA 108	17 February 2014	8, 17–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311114 [2014] RRTA 96	17 February 2014	12, 43	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303250 [2014] RRTA 88	17 February 2014	8, 29–30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1314357 [2014] RRTA 185	14 February 2014	20, 23	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1318116 [2014] RRTA 127	14 February 2014	22, 26	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1317342 [2014] RRTA 123	14 February 2014	44, 56–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1311887 [2014] RRTA 102	14 February 2014	28, 35–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218904 [2014] RRTA 82	14 February 2014	27–9, 33, 37	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214437 [2014] RRTA 76	14 February 2014	18–20, 45, 49–52	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1317474 [2014] RRTA 151	13 February 2014	24, 52–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312821 [2014] RRTA 146	13 February 2014	37, 41, 53–4, 58–63	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1315978 [2014] RRTA 119	13 February 2014	25–36, 45–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311677 [2014] RRTA 100	13 February 2014	17, 20–5	Recognised as refugee so no need to recognise under separate grounds
1310513 [2014] RRTA 94	13 February 2014	26, 28–35	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313962 [2014] RRTA 161	12 February 2014	50–1, 61, 65–74	No protection obligations, since applicant had not taken all possible steps to avail himself of a right to enter and reside in another country.
1312060 [2014] RRTA 103	12 February 2014	43–4, 55–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218880 [2014] RRTA 81	12 February 2014	13, 34, 48–50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311003 [2014] RRTA 144	11 February 2014	21, 24, 27, 30–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302960 [2014] RRTA 87	11 February 2014	23, 32, 41–4	Recognised as refugee so no need to recognise under separate grounds
1304654 [2014] RRTA 170	10 February 2014	22, 41, 67	Recognised as refugee so no need to recognise under separate grounds

1312802 [2014] RRTA 145	10 February 2014	11, 18–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316970 [2014] RRTA 121	10 February 2014	21, 30–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312438 [2014] RRTA 107	10 February 2014	8, 21, 23	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311707 [2014] RRTA 101	10 February 2014	9 34	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304433 [2014] RRTA 90	10 February 2014	26, 33–40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301706 [2014] RRTA 86	10 February 2014	21–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310922 [2014] RRTA 158	7 February 2014	41, 43, 53, 59–65	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1317132 [2014] RRTA 122	7 February 2014	12, 44–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312118 [2014] RRTA 72	7 February 2014	31, 43–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312823 [2014] RRTA 110	6 February 2014	21, 27, 31, 33–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312785 [2014] RRTA 44	6 February 2014	30, 37–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311220 [2014] RRTA 137	5 February 2014	38 – 40, 57	No protection obligations, since applicant had not taken all possible steps to avail himself of a right to enter and reside in another country.
1313062 [2014] RRTA 112	5 February 2014	37, 52–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300750 [2014] RRTA 84	5 February 2014	17, 26–7, 33, 36–41	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1218305 [2014] RRTA 80	5 February 2014	9–14	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312231 [2014] RRTA 74	4 February 2014	11–2, 17, 32–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310619 [2014] RRTA 95	4 February 2014	40–3, 48–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220505 [2014] RRTA 83	4 February 2014	18, 39, 42–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1319533 [2014] RRTA 73	4 February 2014	43–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1317387 [2014] RRTA 51	4 February 2014	45, 53–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304695 [2014] RRTA 91	3 February 2014	24, 38, 41, 44	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1317026 [2014] RRTA 71	3 February 2014	18–27	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313940 [2014] RRTA 117	31 January 2014	32, 40–4, 50–3	No protection obligations, since applicant had not taken all possible steps to avail himself of a right to enter and reside in another country.
1214888 [2014] RRTA 77	31 January 2014	16, 28, 35–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313660 [2014] RRTA 67	31 January 2014	46–7, 56–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304115 [2014] RRTA 60	31 January 2014	13	Recognised as refugee so no need to recognise under separate grounds
1317545 [2014] RRTA 52	31 January 2014	28, 36–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316544 [2014] RRTA 49	31 January 2014	41–3, 58–66	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1306666 [2014] RRTA 34	31 January 2014	16–23	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301103 [2014] RRTA 56	30 January 2014	73, 79, 83–4	Recognised as refugee so no need to recognise under separate grounds
1218609 [2014] RRTA 54	30 January 2014	36–43	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312145 [2014] RRTA 104	29 January 2014	9–10, 19–24	Recognised as refugee so no need to recognise under separate grounds
1312436 [2014] RRTA 43	29 January 2014	10, 21	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310187 [2014] RRTA 36	29 January 2014	20–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213081 [2014] RRTA 75	28 January 2014	19–22	Recognised as refugee so no need to recognise under separate grounds
1311129 [2014] RRTA 39	28 January 2014	18–20, 23–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1306818 [2014] RRTA 93	24 January 2014	43, 57–8, 66–9, 71–80	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311187 [2014] RRTA 97	24 January 2014	17–8, 23	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1317548 [2014] RRTA 53	24 January 2014	34–43	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310810 [2014] RRTA 38	24 January 2014	47–52	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312117 [2014] RRTA 25	24 January 2014	14–5, 17–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310930 [2014] RRTA 23	23 January 2014	40–50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1313446 [2014] RRTA 148	22 January 2014	34, 39–40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313447 [2014] RRTA 66	22 January 2014	42–51	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312472 [2014] RRTA 63	22 January 2014	48, 76, 81–3, 86–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303913 [2014] RRTA 59	22 January 2014	42–4, 53–4, 74, 77–81	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316558 [2014] RRTA 50	22 January 2014	87–101	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1315059 [2014] RRTA 47	22 January 2014	46–57	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310018 [2014] RRTA 22	22 January 2014	43–51, 64, 71, 92–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310917 [2014] RRTA 210	21 January 2014	94–101	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1315917 [2014] RRTA 70	21 January 2014	19, 29	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312310 [2014] RRTA 42	21 January 2014	32–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313264 [2014] RRTA	20 January 2014	44–8	Recognised as refugee so no need to recognise under separate grounds
1306297 [2014] RRTA 61	20 January 2014	41, 45, 47–52, 56–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304649[2014] RRTA 32	20 January 2014	22, 27, 46–51	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219987 [2014] RRTA 21	17 January 2014	30, 38, 52–65	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1314172 [2014] RRTA 68	16 January 2014	36–8, 55–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303782 [2014] RRTA 58	16 January 2014	9, 21, 25–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301246 [2014] RRTA 57	16 January 2014	77–81, 87–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316055 [2014] RRTA 48	16 January 2014	42, 48–56	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312139 [2014] RRTA 41	16 January 2014	42–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219383 [2014] RRTA 29	16 January 2014	32, 47, 54, 70–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310933 [2014] RRTA 24	16 January 2014	86, 108–116	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1319010 [2014] RRTA 18	16 January 2014	29–35	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312962 [2014] RRTA 15	16 January 2014	17, 24–33	Recognised as refugee so no need to recognise under separate grounds
1210505 [2014] RRTA 26	15 January 2014	51, 60–4, 65–75	No substantial grounds for believing that there was a real risk that applicant would suffer significant harms
1312367 [2014] RRTA 20	15 January 2014	11, 16, 19–20	No substantial grounds for believing that there was a real risk that applicant would suffer significant harms
1301871 [2014] RRTA 17	15 January 2014	26–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305624 [2014] RRTA 92	14 January 2014	27, 35–7, 67–73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311342 [2014] RRTA 62	14 January 2014	29–33	Recognised as refugee so no need to recognise under separate grounds

1309587 [2014] RRTA 35	14 January 2014	28–9, 35, 44–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217421 [2014] RRTA 28	14 January 2014	28 – 30, 35–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312382 [2014] RRTA 192	13 January 2014	14, 40–2, 45–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1314836 [2014] RRTA 69	13 January 2014	10–23, 29, 31–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312846 [2014] RRTA 45	13 January 2014	101–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311858 [2014] RRTA 40	13 January 2014	16, 21	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305111 [2014] RRTA 33	13 January 2014	72–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm. Note that the Tribunal accepted that there were substantial grounds for believing that should the applicant return to Karachi she would face a real risk of significant harm (para 72). However, the Tribunal found that there would be no such risk if the applicant relocated internally within Pakistan, i.e. away from Karachi (para 73).
1311872 [2014] RRTA 14	10 January 2014	77, 82, 124–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301833 [2014] RRTA 6	10 January 2014	36, 65–6, 70–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312387 [2014] RRTA 106	9 January 2014	26–30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1300778 [2014] RRTA 13	9 January 2014	58, 70	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm. Note that the Tribunal found that the applicant faced a real risk of significant harm at the hands of his family but that the risk of that harm was localised to the applicant's home area of Akkar and that he could avoid it by moving to Beirut (para 70).
1311162 [2014] RRTA 7	9 January 2014	23-7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218385 [2014] RRTA 4	9 January 2014	28-35	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312804 [2014] RRTA 64	8 January 2014	32-8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313359 [2014] RRTA 46	8 January 2014	22-3, 42-7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310712 [2014] RRTA 37	8 January 2014	17-8, 33-44	Recognised as refugee so no need to recognise under separate grounds
1215076 [2014] RRTA 27	8 January 2014	28-31	Recognised as refugee so no need to recognise under separate grounds
1313891 [2014] RRTA 16	8 January 2014	62-4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316173 [2014] RRTA 10	8 January 2014	16-22	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312469 [2014] RRTA 8	7 January 2014	17-18	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220465 [2014] RRTA 5	7 January 2014	52-7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1316176 [2014] RRTA 3	7 January 2014	12, Appendix	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1312359 [2014] RRTA 2	7 January 2014	16–19, 56	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214224 [2014] RRTA 1	7 January 2014	7–9, 48–56	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303348 [2014] RRTA 31	6 January 2014	11, 20, 27–8, 33–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312260 [2014] RRTA 19	6 January 2014	14, 17, 29, 31–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210415 [2014] RRTA 11	6 January 2014	29 – 30, 32 – 7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1315056 [2014] RRTA 9	6 January 2014	33–6, 41, 45–52	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220683 [2014] RRTA 55	3 January 2014	13, 15	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310427 [2013] RRTA 882	24 December 2013	79, 90–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300709 [2013] RRTA 886	23 December 2013	39, 47–52	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311112 [2013] RRTA 868	23 December 2013	6–7, 88–91	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311936 [2013] RRTA 888	20 December 2013	8, 17, 19	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219848 [2013] RRTA 881	13 December 2013	26–7, 36–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218981 [2013] RRTA 880	12 December 2013	26, 29–34	Recognised as refugee so no need to recognise under separate grounds
1215367 [2013] RRTA 875	11 December 2013	12, 16, 27–30, 36	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1310806 [2013] RRTA 867	11 December 2013	9–10, 40–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219961 [2013] RRTA 845	11 December 2013	31–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311960 [2013] RRTA 885	10 December 2013	23, 31–2, 35, 40–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313896 [2013] RRTA 876	10 December 2013	11, 23 – 4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215311 [2013] RRTA 866	10 December 2013	33–4, 53	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305239 [2013] RRTA 871	9 December 2013	16, 56–9, 71–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217632 [2013] RRTA 870	9 December 2013	40, 50–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215620 [2013] RRTA 869	9 December 2013	30 – 5	Recognised as refugee so no need to recognise under separate grounds
1220647 [2013] RRTA 846	9 December 2013	14–17, 127–30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219653 [2013] RRTA 844	9 December 2013	7–8	Recognised as refugee so no need to recognise under separate grounds
1312254 [2013] RRTA 840	9 December 2013	6–7, 27	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310452 [2013] RRTA 851	8 December 2013	15–19, 59, 62, 67, 70	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1309207 [2013] RRTA 850	6 December 2013	5–6, 24–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303092 [2013] RRTA 849	6 December 2013	5–6, 26–7, 31, 34, 38	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1313879 [2013] RRTA 826	6 December 2013	5–6, 14, 16	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310969 [2013] RRTA 821	6 December 2013	6–7, 17	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305602 [2013] RRTA 818	6 December 2013	31–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219958 [2013] RRTA 810	6 December 2013	6–7, 31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211064 [2013] RRTA 807	5 December 2013	8–9, 31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1313004 [2013] RRTA 854	4 December 2013	51–2, 67–70	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311568 [2013] RRTA 839	4 December 2013	9–10, 39–40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214685 [2013] RRTA 833	4 December 2013	30, 33, 46	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312432 [2013] RRTA 824	4 December 2013	12, Attachment 1 (12–15)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310781 [2013] RRTA 820	4 December 2013	16–19, 41–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301942 [2013] RRTA 813	4 December 2013	13	Recognised as refugee so no need to recognise under separate grounds
1311021 [2013] RRTA 852	3 December 2013	24, 30	Recognised as refugee so no need to recognise under separate grounds
1306226 [2013] RRTA 838	3 December 2013	28–9, 45–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305100 [2013] RRTA 817	3 December 2013	16–19, 57–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1309391 [2013] RRTA 872	2 December 2013	23, 32, 34, 54, 67–75	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1315692 [2013] RRTA 855	2 December 2013	7–8, 22–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210568 [2013] RRTA 842	29 November 2013	59–62, 78–81	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302946 [2013] RRTA 848	29 November 2013	16–19, 60–79	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218690 [2013] RRTA 834	29 November 2013	37–9, Appendix A (10–12)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210819 [2013] RRTA 805	29 November 2013	12–13, 30–33	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311552 [2013] RRTA 803	29 November 2013	18, 31–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304721 [2013] RRTA 791	28 November 2013	7–8, 53–4, 59	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304422 [2013] RRTA 884	27 November 2013	22–5	Recognised as refugee so no need to recognise under separate grounds
1204779 [2013] RRTA 879	27 November 2013	56, 60–70	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1306112 [2013] RRTA 837	27 November 2013	7–8, 23, 27, 31–2, 34, 36	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310795 [2013] RRTA 831	27 November 2013	10–11, 34–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219002 [2013] RRTA 808	27 November 2013	7–8, 26	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215556 [2013] RRTA 798	27 November 2013	29–31, 47–50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1218595 [2013] RRTA 843	26 November 2013	7–8	Recognised as refugee so no need to recognise under separate grounds
1313577 [2013] RRTA 825	26 November 2013	18–21, 32, 34	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1315943 [2013] RRTA 794	26 November 2013	6–7, 33–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301682 [2013] RRTA 883	25 November 2013	32, 40, 46–52	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311115 [2013] RRTA 822	25 November 2013	14–17	Recognised as refugee so no need to recognise under separate grounds
1304329 [2013] RRTA 816	25 November 2013	5–6, 27	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303259 [2013] RRTA 801	25 November 2013	12–15, Attachment 1 (12–15)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218718 [2013] RRTA 788	25 November 2013	6–7, 43–4, 67–73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220211 [2013] RRTA 811	22 November 2013	10–11	Recognised as refugee so no need to recognise under separate grounds
1210086 [2013] RRTA 797	22 November 2013	36–52	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311376 [2013] RRTA 899	21 November 2013	70–2, 84–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1306192 [2013] RRTA 878	21 November 2013	44–5, 61, 63	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312026 [2013] RRTA 856	21 November 2013	7–8, 31–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312971 [2013] RRTA 853	21 November 2013	71–9, 94–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1312396 [2013] RRTA 823	21 November 2013	15–19, 27–8, 30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218303 [2013] RRTA 793	21 November 2013	6–7, 41	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214362 [2013] RRTA 781	21 November 2013	23–5, Appendix 1 (41–4)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312931 [2013] RRTA 774	21 November 2013	7–8, 14	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305182 [2013] RRTA 893	20 November 2013	59, 63, 70–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311247 [2013] RRTA 785	20 November 2013	15–19, 63–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217189 [2013] RRTA 782	20 November 2013	6–7, 110–15	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312104 [2013] RRTA 874	19 November 2013	100, 102, 106, 111	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303526 [2013] RRTA 815	19 November 2013	50–3, 69–72	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211042 [2013] RRTA 806	18 November 2013	85–6, 99–100	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302912 [2013] RRTA 780	18 November 2013	5–6, 97–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312542 [2013] RRTA 773	18 November 2013	11, Appendix	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219791 [2013] RRTA 800	15 November 2013	7–8, 36	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215772 [2013] RRTA 769	15 November 2013	16–19, 56–60, 64–7, 71–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1305732 [2013] RRTA 836	14 November 2013	6–7, 22–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312167 [2013] RRTA 832	14 November 2013	45–7, 63–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219499 [2013] RRTA 829	14 November 2013	61–3, 77–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218812 [2013] RRTA 779	14 November 2013	7–8, 31–40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219429 [2013] RRTA 771	14 November 2013	29–35, Attachment A (12–14)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217908 [2013] RRTA 770	14 November 2013	8–9, 52–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214344 [2013] RRTA 768	14 November 2013	67–73, Attachment A	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215853 [2013] RRTA 862	13 November 2013	16–17, 30–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209675 [2013] RRTA 859	13 November 2013	35–7, 50–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311975 [2013] RRTA 762	13 November 2013	N/A	Recognised as refugee so no need to recognise under separate grounds
1310998 [2013] RRTA 760	13 November 2013	8–9, 16	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220700 [2013] RRTA 790	12 November 2013	16–21, 74–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302358 [2013] RRTA 830	11 November 2013	6–7, 38–9, 54, 56–60	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305160 [2013] RRTA 784	11 November 2013	16–20	Recognised as refugee so no need to recognise under separate grounds

1310326 [2013] RRTA 759	11 November 2013	22–5, 36	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310065 [2013] RRTA 758	11 November 2013	16–19, 60–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311339 [2013] RRTA 761	8 November 2013	7–8, 20–3, 25	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217260 [2013] RRTA 754	8 November 2013	14–17, 91, 93	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219863 [2013] RRTA 719	8 November 2013	7–8	Recognised as refugee so no need to recognise under separate grounds
1303419 [2013] RRTA 814	7 November 2013	6–7	Recognised as refugee so no need to recognise under separate grounds
1305297 [2013] RRTA 802	7 November 2013	58–61, Attachment A (12–15)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311661 [2013] RRTA 732	7 November 2013	13	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1306366 [2013] RRTA 727	7 November 2013	7–8, 17–19	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304849 [2013] RRTA 725	6 November 2013	7–8, 28–31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302517 [2013] RRTA 723	6 November 2013	11, 13–25	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209683 [2013] RRTA 804	5 November 2013	69–70, Attachment A (83–4)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312325 [2013] RRTA 763	5 November 2013	7–8, 83	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1306038 [2013] RRTA 739	5 November 2013	7	Recognised as refugee so no need to recognise under separate grounds

1214140 [2013] RRTA 860	4 November 2013	31, 44–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301128 [2013] RRTA 812	4 November 2013	13–17	Recognised as refugee so no need to recognise under separate grounds
1303477 [2013] RRTA 772	4 November 2013	16–20	Recognised as refugee so no need to recognise under separate grounds
1300980 [2013] RRTA 747	4 November 2013	5–6, 24	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303281 [2013] RRTA 737	4 November 2013	21, Attachment 1 (12–15)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311102 [2013] RRTA 730	4 November 2013	19–22, 36	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218822 [2013] RRTA 835	31 October 2013	17–21	Recognised as refugee so no need to recognise under separate grounds
1303487 [2013] RRTA 755	31 October 2013	7–8, 66–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218534 [2013] RRTA 717	31 October 2013	15–19, 33–9, 41	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211348 [2013] RRTA 714	31 October 2013	15–19, 61–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310265 [2013] RRTA 819	30 October 2013	16–19	Recognised as refugee so no need to recognise under separate grounds
1304794 [2013] RRTA 750	30 October 2013	15–18	Recognised as refugee so no need to recognise under separate grounds
1304536 [2013] RRTA 749	30 October 2013	30, 45–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310756 [2013] RRTA 728	30 October 2013	Attachment 1 (12–15)	Recognised as refugee so no need to recognise under separate grounds

1300011 [2013] RRTA 720	30 October 2013	15–17, 19	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214916 [2013] RRTA 861	29 October 2013	17–20, 46–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300024 [2013] RRTA 776	29 October 2013	15–18, 33–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219867 [2013] RRTA 809	28 October 2013	38–41, Attachment 1 (12–15)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303213 [2013] RRTA 753	28 October 2013	26	Recognised as refugee so no need to recognise under separate grounds
1304857 [2013] RRTA 751	28 October 2013	16–25, 39	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303832 [2013] RRTA 748	28 October 2013	5–6, 25–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311563 [2013] RRTA 731	28 October 2013	6–7, 9–16	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311045 [2013] RRTA 729	28 October 2013	8–9, 23–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300401 [2013] RRTA 721	28 October 2013	29, Appendix A (11–13)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305280 [2013] RRTA 726	25 October 2013	7–8, 57–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304734 [2013] RRTA 724	25 October 2013	39, 44, 74–86, 88	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300703 [2013] RRTA 796	24 October 2013	5–6, 20–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305021 [2013] RRTA 756	24 October 2013	55–8, 74–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1309688 [2013] RRTA 743	24 October 2013	6–7, 23–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1306429 [2013] RRTA 742	24 October 2013	61, 91–110	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202875 [2013] RRTA 740	24 October 2013	7–8	Recognised as refugee so no need to recognise under separate grounds
1203748 [2013] RRTA 713	24 October 2013	70–3, 88–90	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220157 [2013] RRTA 705	23 October 2013	8–9, 24–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1103936 [2013] RRTA 857	22 October 2013	99–102, 117–19	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216297 [2013] RRTA 799	22 October 2013	41–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312685 [2013] RRTA 746	22 October 2013	27–8, 31–3, 46–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219617 [2013] RRTA 744	22 October 2013	7	Recognised as refugee so no need to recognise under separate grounds
1303729 [2013] RRTA 738	22 October 2013	6–7	Recognised as refugee so no need to recognise under separate grounds
1310255 [2013] RRTA 712	22 October 2013	7–8, 66–73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220217 [2013] RRTA 706	22 October 2013	16–19, 50–60	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218327 [2013] RRTA 891	21 October 2013	12, 25–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant
1215169 [2013] RRTA 716	18 October 2013	45–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1211562 [2013] RRTA 715	18 October 2013	28–31, 46–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300644 [2013] RRTA 707	18 October 2013	43–6	Recognised as refugee so no need to recognise under separate grounds
1219649 [2013] RRTA 828	17 October 2013	5–6, 45–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214937 [2013] RRTA 827	17 October 2013	27	Recognised as refugee so no need to recognise under separate grounds
1219974 [2013] RRTA 795	17 October 2013	12–13, 55–64	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1312055 [2013] RRTA 745	17 October 2013	7–9	Recognised as refugee so no need to recognise under separate grounds
1301908 [2013] RRTA 708	17 October 2013	65–7, 83–6, 89	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300653 [2013] RRTA 700	17 October 2013	6–7, 37–42	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208590 [2013] RRTA 766	16 October 2013	35–42, 60–74	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215746 [2013] RRTA 704	16 October 2013	29–30, 42–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304960 [2013] RRTA 690	16 October 2013	7–8, 34–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303584 [2013] RRTA 684	16 October 2013	8–9, 64	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303311 [2013] RRTA 710	15 October 2013	6–7, 60–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209640 [2013] RRTA 702	15 October 2013	36–7, 22–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1214990 [2013] RRTA 699	15 October 2013	83–6	Recognised as refugee so no need to recognise under separate grounds
1303700 [2013] RRTA 685	15 October 2013	15	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209223 [2013] RRTA 673	15 October 2013	7–8	Recognised as refugee so no need to recognise under separate grounds
1302714 [2013] RRTA 709	14 October 2013	17–20	Recognised as refugee so no need to recognise under separate grounds
1311315 [2013] RRTA 701	14 October 2013	56–7, Attachment A (3–4)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304427 [2013] RRTA 689	11 October 2013	53–6, 72–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304014 [2013] RRTA 688	11 October 2013	29–30, 39–40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218579 [2013] RRTA 741	10 October 2013	5–6, 25–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300632 [2013] RRTA 682	10 October 2013	13–14, 45–55	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219365 [2013] RRTA 789	9 October 2013	16–19	Recognised as refugee so no need to recognise under separate grounds
1219191 [2013] RRTA 783	9 October 2013	49–51, 80–97	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216221 [2013] RRTA 777	8 October 2013	12–13, 41–2	No protection obligations, since applicant had not taken all possible steps to avail himself of a right to enter and reside in another country.
1305025 [2013] RRTA 691	8 October 2013	16–19	Recognised as refugee so no need to recognise under separate grounds
1310967 [2013] RRTA 897	4 October 2013	18–20	No substantial grounds for believing that there was a real risk that applicant would suffer significant

1218293 [2013] RRTA 778	4 October 2013	5–6, 75–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300860 [2013] RRTA 722	4 October 2013	7–8, 195–205	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303847 [2013] RRTA 687	4 October 2013	7–8	Recognised as refugee so no need to recognise under separate grounds
1218290 [2013] RRTA 680	4 October 2013	17–19, 68–70	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217188 [2013] RRTA 679	4 October 2013	7–8, 16–18	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211747 [2013] RRTA 675	4 October 2013	49–52, 55	Recognised as refugee so no need to recognise under separate grounds
1309931 [2013] RRTA 752	3 October 2013	9–10	Recognised as refugee so no need to recognise under separate grounds
1215763 [2013] RRTA 890	2 October 2013	36, 41, 46, 50–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant
1305514 [2013] RRTA 787	2 October 2013	16–19, 151–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305786 [2013] RRTA 757	2 October 2013	43–6	Recognised as refugee so no need to recognise under separate grounds
1302703 [2013] RRTA 683	2 October 2013	18–21, 60–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311961 [2013] RRTA 672	2 October 2013	15–19, 38, 40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305247 [2013] RRTA 666	2 October 2013	26	Recognised as refugee so no need to recognise under separate grounds
1211241 [2013] RRTA 767	1 October 2013	6–7, 83	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1218896 [2013] RRTA 718	1 October 2013	16–19, 52–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311852 [2013] RRTA 696	1 October 2013	41, 56–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1306248 [2013] RRTA 694	1 October 2013	6–7, 28–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215611 [2013] RRTA 677	1 October 2013	67–71	Recognised as refugee so no need to recognise under separate grounds
1211328 [2013] RRTA 674	1 October 2013	46–51, Attachment 1 (12–15)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219620 [2013] RRTA 662	1 October 2013	17–18, Attachment A (3–4)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302418 [2013] RRTA 792	30 September 2013	40–5, 49, 58–60	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303864 [2013] RRTA 711	30 September 2013	16–19, 61–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211094 [2013] RRTA 703	30 September 2013	16–26	Recognised as refugee so no need to recognise under separate grounds
1216702 [2013] RRTA 660	30 September 2013	71–3, Appendix B	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219166 [2013] RRTA 786	29 September 2013	41–4, 57–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311052 [2013] RRTA 695	27 September 2013	7–8, 161–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305031 [2013] RRTA 692	27 September 2013	50–64	Recognised as refugee so no need to recognise under separate grounds
1211686 [2013] RRTA 659	27 September 2013	24	Recognised as refugee so no need to recognise under separate grounds

1217848 [2013] RRTA 661	26 September 2013	16–18, 21	Recognised as refugee so no need to recognise under separate grounds
1204249 [2013] RRTA 657	25 September 2013	16–26, 67–71	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305913 [2013] RRTA 646	25 September 2013	7–9	Recognised as refugee so no need to recognise under separate grounds
1213120 [2013] RRTA 676	24 September 2013	65–9, 85–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310254 [2013] RRTA 648	24 September 2013	5–6, 37–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304354 [2013] RRTA 645	24 September 2013	21–2, 49–53	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305178 [2013] RRTA 693	23 September 2013	16–19	Recognised as refugee so no need to recognise under separate grounds
1219904 [2013] RRTA 681	23 September 2013	6–7, 32–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305629 [2013] RRTA 655	23 September 2013	7–8, 35	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216007 [2013] RRTA 652	23 September 2013	60–1, Attachment A (3–4)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310312 [2013] RRTA 649	23 September 2013	49–66, Attachment 1 (12–15)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211613 [2013] RRTA 658	22 September 2013	6, 26–7, 38–43	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303003 [2013] RRTA 636	21 September 2013	41–2	Recognised as refugee so no need to recognise under separate grounds
1302603 [2013] RRTA 892	20 September 2013	16–8, 66–70	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1311646 [2013] RRTA 643	20 September 2013	40–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216633 [2013] RRTA 678	19 September 2013	5–6, 41	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310891 [2013] RRTA 670	19 September 2013	39–46, 59–60	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310886 [2013] RRTA 669	19 September 2013	16–19, 60–1, 77–81	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1309622 [2013] RRTA 639	19 September 2013	7–9, 89–94	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310443 [2013] RRTA 668	18 September 2013	15–18, 37	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304132 [2013] RRTA 665	18 September 2013	15–19, 32–44	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303499 [2013] RRTA 654	18 September 2013	37–40	Recognised as refugee so no need to recognise under separate grounds
1214918 [2013] RRTA 650	18 September 2013	18–21, 75–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1309743 [2013] RRTA 647	18 September 2013	19, 23, 32–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214689 [2013] RRTA 644	18 September 2013	7–8, 43, 45	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1309857 [2013] RRTA 656	17 September 2013	16–19, 53–61	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1309891 [2013] RRTA 642	17 September 2013	19–22, 42	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1309788 [2013] RRTA 641	17 September 2013	15–18, 50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1215273 [2013] RRTA 632	17 September 2013	46–51, 67–70	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210493 [2013] RRTA 629	17 September 2013	16–20	Recognised as refugee so no need to recognise under separate grounds
1306021 [2013] RRTA 626	17 September 2013	7–8, 27–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310014 [2013] RRTA 698	16 September 2013	18–21	Recognised as refugee so no need to recognise under separate grounds
1311536 [2013] RRTA 671	16 September 2013	49–53	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305271 [2013] RRTA 667	16 September 2013	47–50	Recognised as refugee so no need to recognise under separate grounds
1215435 [2013] RRTA 651	16 September 2013	16–19, 46–7, 56, 64, 78–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305324 [2013] RRTA 638	16 September 2013	45–53, Attachment 1 (12–15)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212193 [2013] RRTA 630	16 September 2013	35–7, Attachment 1 (12–15)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214585 [2013] RRTA 619	15 September 2013	17–20, 73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303794 [2013] RRTA 664	13 September 2013	6–7, 19	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300468 [2013] RRTA 663	13 September 2013	72–3, Attachment A (3–4)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219337 [2013] RRTA 653	13 September 2013	16–19	Recognised as refugee so no need to recognise under separate grounds
1309778 [2013] RRTA 640	13 September 2013	15–26, 46–56	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1303672 [2013] RRTA 637	13 September 2013	5–6, 62–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214484 [2013] RRTA 631	12 September 2013	16–19, 47–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303760 [2013] RRTA 686	11 September 2013	27–8, 40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311687 [2013] RRTA 628	11 September 2013	59–60, 73–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1311486 [2013] RRTA 627	11 September 2013	41–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210132 [2013] RRTA 617	11 September 2013	7–8, 60	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302577 [2013] RRTA 625	10 September 2013	49–52	Recognised as refugee so no need to recognise under separate grounds
1300853 [2013] RRTA 621	10 September 2013	16–19, 194–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303779 [2013] RRTA 616	10 September 2013	22–3, 35–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300591 [2013] RRTA 615	10 September 2013	11–12, 37–44	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310089 [2013] RRTA 611	10 September 2013	92–4, Attachment A (12–15)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301660 [2013] RRTA 624	9 September 2013	15–19, 152–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212628 [2013] RRTA 618	9 September 2013	29–30, 44–5, Attachment A (3–4)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303713 [2013] RRTA 600	9 September 2013	42–6, Appendix B	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1216952 [2013] RRTA 589	9 September 2013	58–9, Attachment 1 (3–4)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211807 [2013] RRTA 579	9 September 2013	56	Recognised as refugee so no need to recognise under separate grounds
1310869 [2013] RRTA 614	8 September 2013	15	Recognised as refugee so no need to recognise under separate grounds
1309910 [2013] RRTA 610	6 September 2013	11, Attachment 1 (15–16)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303812 [2013] RRTA 601	6 September 2013	16–19	Recognised as refugee so no need to recognise under separate grounds
1219235 [2013] RRTA 595	6 September 2013	7–9	Recognised as refugee so no need to recognise under separate grounds
1216092 [2013] RRTA 586	6 September 2013	48–50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215208 [2013] RRTA 583	6 September 2013	16–19, 44–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310463 [2013] RRTA 896	5 September 2013	34, 36	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217740 [2013] RRTA 592	5 September 2013	20, Attachment A (3–4)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216768 [2013] RRTA 588	5 September 2013	17–20, 68–73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211531 [2013] RRTA 578	5 September 2013	14–19, 32–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214332 [2013] RRTA 582	4 September 2013	7–8, 24–5, 27	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310257 [2013] RRTA 612	3 September 2013	5–6, 49–50, 52	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1305543 [2013] RRTA 605	3 September 2013	16	Recognised as refugee so no need to recognise under separate grounds
1303329 [2013] RRTA 599	3 September 2013	41–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303098 [2013] RRTA 598	3 September 2013	16–19	Recognised as refugee so no need to recognise under separate grounds
1216553 [2013] RRTA 587	3 September 2013	16	Recognised as refugee so no need to recognise under separate grounds
1306599 [2013] RRTA 608	2 September 2013	6, 10	Recognised as refugee so no need to recognise under separate grounds
1306506 [2013] RRTA 607	2 September 2013	31–2, Attachment 1 (12–15)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303834 [2013] RRTA 602	2 September 2013	16–20, 120–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220362 [2013] RRTA 634	30 August 2013	50, 60–3	Recognised as refugee so no need to recognise under separate grounds
1210002 [2013] RRTA 577	30 August 2013	6–7	Recognised as refugee so no need to recognise under separate grounds
1204486 [2013] RRTA 576	29 August 2013	64	Recognised as refugee so no need to recognise under separate grounds
1300054 [2013] RRTA 596	28 August 2013	8–9, 30–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217738 [2013] RRTA 591	28 August 2013	22, Attachment A (3–4)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213309 [2013] RRTA 580	28 August 2013	53–5, Attachment A (3–4)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310409 [2013] RRTA 613	27 August 2013	16–19, 35–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1305890 [2013] RRTA 606	27 August 2013	17–20, 44–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304056 [2013] RRTA 603	27 August 2013	16–19, 49–59	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215504 [2013] RRTA 584	27 August 2013	68, 83–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1309903 [2013] RRTA 609	26 August 2013	27–32, Attachment 1 (12–15)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300060 [2013] RRTA 597	26 August 2013	40–3, Attachment 1 (12–15)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217816 [2013] RRTA 593	26 August 2013	66–70, 76, 87–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217156 [2013] RRTA 590	26 August 2013	17–18, 49–52	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215874 [2013] RRTA 585	26 August 2013	16–19	Recognised as refugee so no need to recognise under separate grounds
1212848 [2013] RRTA 569	26 August 2013	32, Attachment 1 (12–15)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1207280 [2013] RRTA 567	26 August 2013	10–11, 36–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304819 [2013] RRTA 604	23 August 2013	15–18	Recognised as refugee so no need to recognise under separate grounds
1308480 [2013] RRTA 575	23 August 2013	18–21, 136–51	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303035 [2013] RRTA 573	23 August 2013	9–10, 20, 30, 33–6, 38–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302891 [2013] RRTA 572	23 August 2013	16–20, 59–92	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1216814 [2013] RRTA 570	23 August 2013	8–9	Recognised as refugee so no need to recognise under separate grounds
1310357 [2013] RRTA 565	23 August 2013	34–5, 47, 49–50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219146 [2013] RRTA 561	23 August 2013	9–10	Recognised as refugee so no need to recognise under separate grounds
1219221 [2013] RRTA 594	22 August 2013	46–9, 68–71	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214086 [2013] RRTA 581	22 August 2013	104–8	Recognised as refugee so no need to recognise under separate grounds
1212334 [2013] RRTA 566	22 August 2013	42–4, Attachment A (3–4)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305876 [2013] RRTA 564	22 August 2013	16–20, 85, 92–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305188 [2013] RRTA 563	22 August 2013	27–30	Recognised as refugee so no need to recognise under separate grounds
1304958 [2013] RRTA 562	22 August 2013	8–9, 35–40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210798 [2013] RRTA 554	22 August 2013	5–6, 47–51	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305057 [2013] RRTA 574	21 August 2013	6–7, 27–31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220209 [2013] RRTA 557	21 August 2013	7–8	Recognised as refugee so no need to recognise under separate grounds
1219881 [2013] RRTA 556	21 August 2013	25–7, 43–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1207562 [2013] RRTA 568	20 August 2013	7–8, 21	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1302883 [2013] RRTA 571	16 August 2013	95–9, 115–18	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1309683 [2013] RRTA 560	16 August 2013	22–3, 30–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304862 [2013] RRTA 559	16 August 2013	18	Recognised as refugee so no need to recognise under separate grounds
1300099 [2013] RRTA 558	16 August 2013	5–6, 23	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217774 [2013] RRTA 555	16 August 2013	16–19, 68–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211573 [2013] RRTA 542	16 August 2013	94–8	Recognised as refugee so no need to recognise under separate grounds
1304892 [2013] RRTA 552	15 August 2013	37–8	Recognised as refugee so no need to recognise under separate grounds
1304012 [2013] RRTA 551	15 August 2013	7–8, 24, 26	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302574 [2013] RRTA 550	15 August 2013	6–7	Recognised as refugee so no need to recognise under separate grounds
1302325 [2013] RRTA 549	14 August 2013	51–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220701 [2013] RRTA 547	14 August 2013	22–3, 39–42	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1309647 [2013] RRTA 553	13 August 2013	16–20, 46	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216914 [2013] RRTA 544	13 August 2013	7–8, 77–89	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305443 [2013] RRTA 540	13 August 2013	33–4, 50–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1210679 [2013] RRTA 535	13 August 2013	17–20, 58–60	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1308410 [2013] RRTA 894	12 August 2013	23–3, Attachment A (37–8)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211655 [2013] RRTA 543	12 August 2013	48–50, 67–70	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220003 [2013] RRTA 539	12 August 2013	16–19, 75–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219736 [2013] RRTA 538	12 August 2013	11–12, 20	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218481 [2013] RRTA 536	12 August 2013	5–6, 21	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210732 [2013] RRTA 541	9 August 2013	5–6, 78–85	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218995 [2013] RRTA 537	9 August 2013	16–19, 44–52	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1310122 [2013] RRTA 533	9 August 2013	17–19, 22–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303454 [2013] RRTA 527	9 August 2013	7–8, 37	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300994 [2013] RRTA 522	9 August 2013	22–3, 39–42	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216766 [2013] RRTA 516	9 August 2013	4–5	Recognised as refugee so no need to recognise under separate grounds
1219586 [2013] RRTA 546	8 August 2013	15–19, 50–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217448 [2013] RRTA 545	8 August 2013	46–9, 74–80	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1219157 [2013] RRTA 519	8 August 2013	14–18	Recognised as refugee so no need to recognise under separate grounds
1218868 [2013] RRTA 518	8 August 2013	32, 42, 52, 62–7, 83–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217565 [2013] RRTA 517	8 August 2013	10–11, 55–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302424 [2013] RRTA 525	7 August 2013	6–7, 110–17	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215947 [2013] RRTA 515	7 August 2013	4	Recognised as refugee so no need to recognise under separate grounds
1306485 [2013] RRTA 531	6 August 2013	16–20, 66	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302016 [2013] RRTA 524	6 August 2013	8, 12	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300954 [2013] RRTA 548	5 August 2013	49–51, Attachment A (3–4)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1308491 [2013] RRTA 532	5 August 2013	8–9	Recognised as refugee so no need to recognise under separate grounds
1305566 [2013] RRTA 530	5 August 2013	12–13, 24–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305328 [2013] RRTA 529	5 August 2013	8–9, 18, 20	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219681 [2013] RRTA 520	5 August 2013	11–12	Recognised as refugee so no need to recognise under separate grounds
1213578 [2013] RRTA 513	5 August 2013	37–8, 62	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302567 [2013] RRTA 526	2 August 2013	17–21	Recognised as refugee so no need to recognise under separate grounds

1215760 [2013] RRTA 514	2 August 2013	15–18, 49, 51, 55	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212489 [2013] RRTA 511	2 August 2013	74–93	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304785 [2013] RRTA 528	1 August 2013	6–7, 34–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219701 [2013] RRTA 521	1 August 2013	14–17, 96–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302433 [2013] RRTA 534	31 July 2013	7–8, 34, 37, 43, 48, 59–75	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301911 [2013] RRTA 523	31 July 2013	47–53, 59, 68–70	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213177 [2013] RRTA 512	31 July 2013	4, 18–20, 64	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1306924 [2013] RRTA 510	31 July 2013	16–19	Recognised as refugee so no need to recognise under separate grounds
1304477 [2013] RRTA 509	31 July 2013	34, 45–7	Recognised as refugee so no need to recognise under separate grounds
1304390 [2013] RRTA 508	31 July 2013	15–18, 45–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301776 [2013] RRTA 507	31 July 2013	16–25	Recognised as refugee so no need to recognise under separate grounds
1210662 [2013] RRTA 506	31 July 2013	36–7	Recognised as refugee so no need to recognise under separate grounds
1304208 [2013] RRTA 505	30 July 2013	17–20, 61–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300454 [2013] RRTA 504	30 July 2013	6–7, 17	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1219162 [2013] RRTA 503	30 July 2013	14–17, 31–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218636 [2013] RRTA 502	30 July 2013	16–20, 141–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217393 [2013] RRTA 501	30 July 2013	7, 9, 58	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217242 [2013] RRTA 500	30 July 2013	16–20, 45	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216812 [2013] RRTA 499	30 July 2013	6–7, 27	Recognised as refugee so no need to recognise under separate grounds
1306092 [2013] RRTA 498	29 July 2013	6, 10	Recognised as refugee so no need to recognise under separate grounds
1305308 [2013] RRTA 497	29 July 2013	5–6, 18–24	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210945 [2013] RRTA 492	29 July 2013	5–6, 64–72	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219555 [2013] RRTA 496	26 July 2013	64	Recognised as refugee so no need to recognise under separate grounds
1215554 [2013] RRTA 495	26 July 2013	13–14	Recognised as refugee so no need to recognise under separate grounds
1300138 [2013] RRTA 775	25 July 2013	16–20, 44–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214036 [2013] RRTA 494	25 July 2013	16–19, 94, 97, 104, 107–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203475 [2013] RRTA 493	25 July 2013	71, 73	Recognised as refugee so no need to recognise under separate grounds
1305959 [2013] RRTA 491	25 July 2013	7–8, 18–19	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1304714 [2013] RRTA 490	25 July 2013	11–12, 44–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216131 [2013] RRTA 487	25 July 2013	29, 45, 48	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300349 [2013] RRTA 489	24 July 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1219871 [2013] RRTA 488	24 July 2013	12–13, 64–73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300283 [2013] RRTA 479	24 July 2013	15–18	Recognised as refugee so no need to recognise under separate grounds
1210674 [2013] RRTA 473	23 July 2013	17–20, 47–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305791 [2013] RRTA 485	22 July 2013	14, Attachment 1 (12–15)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305473 [2013] RRTA 484	22 July 2013	6, 10	Recognised as refugee so no need to recognise under separate grounds
1302130 [2013] RRTA 480	22 July 2013	16–19, 104–12	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211352 [2013] RRTA 474	22 July 2013	5–7, 31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305362 [2013] RRTA 483	19 July 2013	6–7, 40–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302966 [2013] RRTA 481	19 July 2013	16–19	Recognised as refugee so no need to recognise under separate grounds
1219049 [2013] RRTA 478	19 July 2013	16–19, 93–133	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218571 [2013] RRTA 477	19 July 2013	17–20, 44	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1213017 [2013] RRTA 476	19 July 2013	15–18	Recognised as refugee so no need to recognise under separate grounds
1212389 [2013] RRTA 475	19 July 2013	8	Recognised as refugee so no need to recognise under separate grounds
1305253 [2013] RRTA 470	18 July 2013	7–8	Recognised as refugee so no need to recognise under separate grounds
1302660 [2013] RRTA 468	18 July 2013	9	Recognised as refugee so no need to recognise under separate grounds
1301476 [2013] RRTA 466	18 July 2013	33–6, 51	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301214 [2013] RRTA 465	18 July 2013	18–21, 34–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215745 [2013] RRTA 459	17 July 2013	17–21, 146–58	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215541 [2013] RRTA 458	17 July 2013	24	Recognised as refugee so no need to recognise under separate grounds
1305081 [2013] RRTA 482	16 July 2013	6–7, 16, 18	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209385 [2013] RRTA 472	16 July 2013	16–18, 20, 55–78	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302004 [2013] RRTA 467	16 July 2013	18, 22, 31–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305255 [2013] RRTA 471	15 July 2013	7–8	Recognised as refugee so no need to recognise under separate grounds
1301023 [2013] RRTA 464	15 July 2013	43–6, 50, 61–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219474 [2013] RRTA 462	15 July 2013	13, 28–32	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1218876 [2013] RRTA 461	15 July 2013	9–10, 29–30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214101 [2013] RRTA 456	15 July 2013	14–16, 18–19, 58, 74	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211868 [2013] RRTA 454	15 July 2013	14–16, 28–31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211078 [2013] RRTA 486	11 July 2013	7–8	Recognised as refugee so no need to recognise under separate grounds
1303910 [2013] RRTA 448	11 July 2013	7–8	Recognised as refugee so no need to recognise under separate grounds
1303899 [2013] RRTA 447	11 July 2013	9–10, 37–8, 54–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218871 [2013] RRTA 764	10 July 2013	6, 10	Recognised as refugee so no need to recognise under separate grounds
1305341 [2013] RRTA 453	10 July 2013	15–17, 19, 55, 63, 68, 74	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214360 [2013] RRTA 457	9 July 2013	16–19, 54, 63	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304294 [2013] RRTA 449	9 July 2013	15–18, 95–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304798 [2013] RRTA 451	8 July 2013	7–9, 25, 30, 46, 48, 71–81, 83	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302765 [2013] RRTA 446	8 July 2013	12, 30–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218421 [2013] RRTA 443	8 July 2013	10–11	Recognised as refugee so no need to recognise under separate grounds
1217876 [2013] RRTA 442	8 July 2013	5–6, 23, 25	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1212704 [2013] RRTA 455	5 July 2013	17–19, 54, 56	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220094 [2013] RRTA 463	4 July 2013	15–19, 61, 63	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218445 [2013] RRTA 460	4 July 2013	14–17	Recognised as refugee so no need to recognise under separate grounds
1209797 [2013] RRTA 440	4 July 2013	10, 45–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305333 [2013] RRTA 452	3 July 2013	18–21, 42–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220347 [2013] RRTA 445	3 July 2013	8–9	Recognised as refugee so no need to recognise under separate grounds
1214266 [2013] RRTA 441	3 July 2013	18–21, 79–81	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219418 [2013] RRTA 444	2 July 2013	101–12, 125–38	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304279 [2013] RRTA 420	2 July 2013	15–17, 102–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112213 [2013] RRTA 439	1 July 2013	10, 13	Recognised as refugee so no need to recognise under separate grounds
1303923 [2013] RRTA 437	1 July 2013	16–19, 74–83	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204193 [2013] RRTA 435	1 July 2013	10–11, 30–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300475 [2013] RRTA 430	30 June 2013	7–8	Recognised as refugee so no need to recognise under separate grounds
1211421 [2013] RRTA 436	28 June 2013	27–30	Recognised as refugee so no need to recognise under separate grounds

1302962 [2013] RRTA 433	27 June 2013	16–19	Recognised as refugee so no need to recognise under separate grounds
1302422 [2013] RRTA 432	27 June 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1218826 [2013] RRTA 429	27 June 2013	13–15, 27–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303843 [2013] RRTA 375	27 June 2013	19–21, 79–86	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218512 [2013] RRTA 428	21 June 2013	4, 14, 16	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215790 [2013] RRTA 424	21 June 2013	16–18, 66–9, 84–97	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217904 [2013] RRTA 426	20 June 2013	16–18, 55–65	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216708 [2013] RRTA 425	20 June 2013	20, 36–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212204 [2013] RRTA 423	20 June 2013	37–42, 55–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213052 [2013] RRTA 415	20 June 2013	15–17, 76–85	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213811 [2013] RRTA 403	20 June 2013	31–6, 49–51	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214643 [2013] RRTA 620	19 June 2013	38	Recognised as a member of the same family unit as a person who holds a protection visa
1304171 [2013] RRTA 434	19 June 2013	10	Recognised as refugee so no need to recognise under separate grounds
1301805 [2013] RRTA 431	19 June 2013	15–17, 64–74	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1218318 [2013] RRTA 427	19 June 2013	19–21, 34–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304182 [2013] RRTA 412	19 June 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1218928 [2013] RRTA 406	19 June 2013	10, 24–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216062 [2013] RRTA 416	14 June 2013	15–17, 121–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300770 [2013] RRTA 409	14 June 2013	44–7, 63–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219655 [2013] RRTA 407	14 June 2013	17–19, 40–53	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212611 [2013] RRTA 402	14 June 2013	8, 19	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208727 [2013] RRTA 401	14 June 2013	41–2, 57–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303141 [2013] RRTA 411	13 June 2013	10, 24–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300938 [2013] RRTA 410	13 June 2013	8, 130–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218823 [2013] RRTA 405	13 June 2013	17–19, 49–51	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218705 [2013] RRTA 404	13 June 2013	6, 40–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305931 [2013] RRTA 413	12 June 2013	7–8, 21–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301466 [2013] RRTA 396	12 June 2013	51–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1218262 [2013] RRTA 394	12 June 2013	24–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304378 [2013] RRTA 450	11 June 2013	15–17, 64–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300430 [2013] RRTA 395	11 June 2013	19–21, 51	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212651 [2013] RRTA 391	11 June 2013	14–16,	Recognised as refugee so no need to recognise under separate grounds
1209972 [2013] RRTA 388	11 June 2013	7, 78	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304039 [2013] RRTA 438	7 June 2013	8–9, 39–41, 46	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304796 [2013] RRTA 422	7 June 2013	9, 29, 31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1305063 [2013] RRTA 400	7 June 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1301659 [2013] RRTA 397	7 June 2013	34–45	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302137 [2013] RRTA 419	6 June 2013	7, 15	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300826 [2013] RRTA 418	4 June 2013	15–17, 52–62	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217438 [2013] RRTA 417	4 June 2013	6, 70	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204744 [2013] RRTA 414	4 June 2013	9, 29–30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301761 [2013] RRTA 398	4 June 2013	37–44	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1212555 [2013] RRTA 390	31 May 2013	43–50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303307 [2013] RRTA 385	31 May 2013	20	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220440 [2013] RRTA 384	31 May 2013	17	Recognised as refugee so no need to recognise under separate grounds
1206768 [2013] RRTA 379	31 May 2013	7, 27	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302093 [2013] RRTA 399	30 May 2013	33, 100–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211879 [2013] RRTA 389	30 May 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1211796 [2013] RRTA 364	30 May 2013	14	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218076 [2013] RRTA 382	29 May 2013	47–50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214969 [2013] RRTA 381	29 May 2013	40–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215644 [2013] RRTA 377	29 May 2013	27–31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214156 [2013] RRTA 376	29 May 2013	15–17, 87–96	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220715 [2013] RRTA 365	29 May 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1305269 [2013] RRTA 386	28 May 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1209168 [2013] RRTA 380	28 May 2013	16–18, 54–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1217149 [2013] RRTA 372	28 May 2013	34–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210784 [2013] RRTA 369	28 May 2013	22–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218287 [2013] RRTA 383	27 May 2013	7	Recognised as refugee so no need to recognise under separate grounds
1111562 [2013] RRTA 378	25 May 2013	N/A	Recognised as refugee so no need to recognise under separate grounds
1213306 [2013] RRTA 392	24 May 2013	16–18, 109–12	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212212 [2013] RRTA 371	24 May 2013	N/A	Recognised as refugee so no need to recognise under separate grounds
1304464 [2013] RRTA 367	23 May 2013	7, 61–70	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210767 [2013] RRTA 356	23 May 2013	56–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303118 [2013] RRTA 355	23 May 2013	14	Recognised as refugee so no need to recognise under separate grounds
1303749 [2013] RRTA 373	22 May 2013	16–18, 103–19	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was a citizen of Albania, with a right to enter and reside in Italy (para 68). The Tribunal found that he did not face a real risk of significant harm in Albania. The Tribunal also found that the applicant had not taken all possible steps to avail himself of the right to enter and reside Italy (para 77), where the applicant also did not face a real risk of significant harm:</p> <ul style="list-style-type: none"> • <i>Criminals</i>: The Tribunal did not accept that there

			<p>was a real risk of significant harm to the applicant from Albanian or Italian criminals (paras 106–8).</p> <ul style="list-style-type: none"> • <i>Homosexual identity</i>: On the basis of country information, the Tribunal did not accept that the applicant would face harm because he was gay in Italy or Albania (para 110). Although there was some difficulty from particular sectors of the community, including the Catholic Church, the Tribunal found that there were ‘openly homosexual communities that would allow the applicant to express his sexual identity without fear of harm’ (para 110). The Tribunal also noted that the political leadership in Albania had supported anti-discrimination legislation (paras 111). The Tribunal held that it believed that the tolerant attitude of the applicant’s family ‘would reflect other attitudes in the Albanian community in Italy’ (para 111). Hence, the Tribunal considered that there was no real risk of significant harm to the applicant arising from his homosexuality in Italy or Albania (para 113). • <i>Mental illness</i>: The applicant provided evidence of a mental health disorder that required treatment (para 114). The Tribunal found that the Italian health system was ‘appropriately supported’ for such ailments, and that the applicant would be provided with such assistance if he sought or required it (para 115). Although the health system in Albania was not as well-resourced, the Tribunal noted that support for mental health treatment was ‘weak but improving’ and found that the applicant would be able to be provided with such assistance if he sought
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			or required it (para 116). Hence, the Tribunal considered that there was no real risk of significant harm arising from degrading treatment or punishment in relation to the applicant's mental health treatment in Italy or Albania (para 117).
1211168 [2013] RRTA 370	22 May 2013	14–16, 98–101	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of 'significant harm' <p>The applicants were Coptic Christians from Egypt.</p> <p>The Tribunal accepted that the first applicant might have to seek another job when she returned to Egypt, given the period of time that she had been out of the country (para 100). However, the Tribunal did not accept that this constituted significant harm (para 100).</p> <p>The second applicant claimed that he would not be able to study when he returned to Egypt because at the universities, Christians were called sinners and infidel (para 99). The Tribunal accepted that he might face comments at university on the basis of his religion in the future (para 100). However, the Tribunal found that he would be able to return to university and study without being significantly harmed (para 100).</p>
1215913 [2013] RRTA 347	22 May 2013	37	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210091 [2013] RRTA 344	22 May 2013	16–24, 116–18	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1304959 [2013] RRTA 368	20 May 2013	14–15, 39–40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1206537 [2013] RRTA 363	20 May 2013	32	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300696 [2013] RRTA 360	20 May 2013	6	Recognised as refugee so no need to recognise under separate grounds
1301068 [2013] RRTA 354	20 May 2013	16–18, 39	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209651 [2013] RRTA 352	20 May 2013	N/A	Recognised as refugee so no need to recognise under separate grounds
1302753 [2013] RRTA 366	17 May 2013	N/A	Recognised as refugee so no need to recognise under separate grounds
1303809 [2013] RRTA 362	17 May 2013	7, 67	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217265 [2013] RRTA 393	15 May 2013	73–82	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicants (husband and wife) were from China.</p> <p><i>Social compensation fee</i></p> <p>The applicants had a child out of wedlock. In assessing their complementary protection claim, the Tribunal held:</p> <p>‘76. The Tribunal has accepted that a social compensation fee may be imposed on the first named applicant. The Tribunal accepts also that the imposition of such a fee may cause financial hardship. The Tribunal considers, however, that in the circumstances of this case, the imposition of such a fee on the first named applicant and resulting financial hardship, would not constitute ‘significant’ harm as defined in ss.36(2A) and</p>

		<p>5(1) of the Act. It would not constitute the arbitrary deprivation of life and has no association with a death penalty. The evidence before the Tribunal indicates, and the Tribunal finds, that it would not constitute 'torture' as it would not involve severe pain or suffering of the type contemplated in the definition: s.5(1). While a fine may be considered punishment, the Tribunal does not consider, on the information before it, that the imposition of a fine would be intended to cause extreme humiliation which is unreasonable (as stipulated by the definition of degrading treatment or punishment in s.5(1)) or that the imposition of a fine would cause (or was intended to cause) severe pain or suffering or that the imposition of a fine in these circumstances could be regarded as cruel or inhuman (within the meaning of the definition of 'cruel or inhuman treatment or punishment' in s.5(1)).</p> <p>77. As discussed above, the Tribunal is not satisfied that the mother and father applicants are unable to pay the social compensation fee for the child applicant to be registered. The Tribunal is satisfied that if the child applicant was to be registered [the child] would have access to the benefits associated with household registration (including education and healthcare) and that in the meantime [the child] would have access to private education and healthcare. Therefore, there are no substantial grounds for believing that, as a necessary and foreseeable consequence of [the child] being removed from Australia to China, there is a real risk that [the child] will suffer significant harm on this basis.'</p>
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			<p><i>Discrimination for having a child out of wedlock</i> The Tribunal held:</p> <p>‘78. The Tribunal has accepted that it is possible that the applicants may face some societal discrimination as a result of the child applicant being born outside of marriage. However, the Tribunal is not satisfied that such bullying, teasing, pity and disdain would constitute ‘significant’ harm as defined in ss.36(2A) and 5(1) of the Act. It would not constitute the arbitrary deprivation of life and has no association with a death penalty. The evidence before the Tribunal indicates, and the Tribunal finds, that it would not constitute ‘torture’ as it would not involve severe pain or suffering of the type contemplated in the definition: s.5(1). The Tribunal does not consider, on the information before it, that such discrimination would be intended to cause extreme humiliation (as stipulated by the definition of degrading treatment or punishment in s.5(1)) or would cause (or was intended to cause) severe pain or suffering (within the meaning of the definition of ‘cruel or inhuman treatment or punishment’ in s.5(1)).’</p> <p><i>Abortion or sterilisation</i> On the basis of country information, the Tribunal did not accept that there was a real risk of the mother applicant being forced to undergo an abortion or sterilisation in China as a result of her current pregnancy (para 79).</p> <p><i>Disowning by families</i></p>
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			<p>The Tribunal did not accept that the applicants' families would disown them in China (para 80). However, the Tribunal held that even if their families did disown them, the harm that the applicants would suffer would not be sufficient to constitute significant harm (para 80). In reaching this conclusion, the Tribunal noted that the applicants had been living in Australia for many years as adults without their parents (para 80).</p> <p><i>Financial difficulties</i> Although the Tribunal accepted that the applicants might suffer some financial difficulties in China, it did not accept that this would be sufficient to constitute significant harm (para 81).</p>
1204333 [2013] RRTA 387	15 May 2013	151	Recognised as refugee so no need to recognise under separate grounds
1303684 [2013] RRTA 341	15 May 2013	9, 27, 29	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217215 [2013] RRTA 353	14 May 2013	7, 50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303828 [2013] RRTA 350	14 May 2013	8	Recognised as refugee so no need to recognise under separate grounds
1203617 [2013] RRTA 351	13 May 2013	17–19, 63–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1302398 [2013] RRTA 349	13 May 2013	19–21, 35	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211453 [2013] RRTA 345	13 May 2013	3	Recognised as refugee so no need to recognise under separate grounds
1219359 [2013] RRTA 335	13 May 2013	7	Recognised as refugee so no need to recognise under separate grounds

1305299 [2013] RRTA 343	10 May 2013	15–17, 27–9	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was from the Republic of Korea. She claimed to fear pressure from her family to join their religion (para 21). The Tribunal did not accept that the applicant would be targeted by her family in this manner (para 28). In any event, the Tribunal did not accept that family pressure to join a religion that the applicant had no intention of joining would amount to significant harm (para 28).</p>
1304507 [2013] RRTA 342	9 May 2013	4	Recognised as refugee so no need to recognise under separate grounds
1217008 [2013] RRTA 333	9 May 2013	5, 12	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213753 [2013] RRTA 330	9 May 2013	5, 27	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1207663 [2013] RRTA 327	9 May 2013	9, 23–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216825 [2013] RRTA 348	8 May 2013	6, 55–7	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ the meaning of ‘real risk’ <p>The applicant was from Sri Lanka. In assessing his complementary protection claim, the Tribunal held:</p> <p>‘56. ... I accept that he would likely face questioning at the airport on return as a failed asylum seeker. I also accept that, at the airport, he would be questioned and probably arrested on charges of leaving the country illegally, that he could well be placed in remand in</p>

			overcrowded and possibly unsanitary conditions for a relatively brief period while awaiting a bail hearing, and that he would later be fined if found guilty, I am not satisfied that, considered individually or cumulatively, this would involve treatment that could reasonably be said to amount either to serious harm in a Convention sense or to significant harm under the provisions of Australia's complementary protection arrangements. Nor am I satisfied there is a real risk that he would be exposed to harm amounting to significant harm for any other reason.'
1302329 [2013] RRTA 340	8 May 2013	7	Recognised as refugee so no need to recognise under separate grounds
1211013 [2013] RRTA 306	8 May 2013	N/A	Recognised as refugee so no need to recognise under separate grounds
1302736 [2013] RRTA 361	7 May 2013	N/A	Recognised as refugee so no need to recognise under separate grounds
1219589 [2013] RRTA 336	7 May 2013	22-4, 46-7, 51-3, 80-3	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'significant harm' • the meaning of 'real risk' • risk faced by the population generally <p>The applicants were from Fujian Province, China. The Tribunal assessed each of their claims against the complementary protection criterion:</p> <ul style="list-style-type: none"> • <i>Christianity</i>: The country information indicated that Fujian province generally had a reasonably tolerant attitude towards Protestant churches and their adherents (although this tolerance did not extend to 'evil cults') (para 47). On this basis, the Tribunal found that there was no real risk that the applicants

			<p>would suffer significant harm because of their religious practice if returned to China (para 47).</p> <ul style="list-style-type: none"> • <i>Dissident political views</i>: The Tribunal found that the male applicant had not engaged in any political activity in the past and was unlikely to engage in any political activity if returned to China (para 52). Hence, the Tribunal did not have substantial grounds for believing that there was a real risk to the applicant because of his political opinion or activity if he returned to China (para 53). • <i>Penalties for breach of family planning regulations</i>: In relation to this claim, the Tribunal held: <p>‘80. The Tribunal has accepted that the applicants are likely to incur penalties as a result of breaching family planning laws in China. It has accepted that the fines are onerous, and that the applicants are unlikely to be able to pay them without substantial assistance from their families, assistance which may not be able to be provided, despite the families’ willingness to support the applicants. The Tribunal has further accepted that there are substantial grounds for believing that there is a real risk that as a result of failure to pay the social compensation fees the applicants’ child may be an unregistered or “black” child. It has not accepted that the applicants would be subjected to any further penalties as a result of their contravention of family planning policy, but it does accept that having a “black” child would be a source of great distress to the applicants.</p> <p>81. The Tribunal accepts that the penalties faced by the</p>
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			<p>applicants may well amount to harm, although it does not accept on the evidence that this harm amounts to “significant harm” according to the definition set out in the legislation at s36(2A):s5(1). However, even if it were to accept that the penalty constituted significant harm within the meaning of the legislation, s36(2B) of the Act states that “there is taken not to be a real risk that a non-citizen will suffer significant harm in a country if the Minister is satisfied that: ...(c) the real risk is one faced by the population of the country generally and is not faced by the non-citizen personally”.</p> <p>82. As discussed above in relation to the Refugees Convention, the Tribunal has found that any penalty incurred by the applicants for breaching the family planning regulations would be imposed on them as a result of the administration of a law of general application. There is no evidence before the Tribunal that the applicants would be treated differently in this respect from other Chinese nationals. It has made this finding having taken into account that the male applicant is a practising Christian... The real risk faced by the applicants is therefore one faced by the population of the country generally, and for this reason the Tribunal is not satisfied that there is a real risk that the applicants will suffer significant harm if they are returned to China.’</p>
1219292 [2013] RRTA 334	7 May 2013	11–13	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ <p>The applicant was from China. She claimed that she did</p>

			<p>not wish to be separated from her family in Australia (her daughter, son-in-law and grandchildren), that her children in China could not look after her, and that she did not want to return to china as she had integrated into Australian life (para 12). However, the Tribunal was satisfied that these did not amount to significant harm (para 12):</p> <p>‘12. ... Specifically, I am satisfied that she will not be arbitrarily deprived of her life, that the death penalty will be carried out or that she will be subject to torture. In relation to “cruel or inhuman treatment or punishment” and “degrading treatment or punishment” an element of intention is required by the law. I am satisfied based on her claims that no person or persons has the intention of causing the applicant any harm.’</p>
1303312 [2013] RRTA 322	7 May 2013	N/A	Recognised as refugee so no need to recognise under separate grounds
1216445 [2013] RRTA 331	6 May 2013	10	Recognised as refugee so no need to recognise under separate grounds
1210225 [2013] RRTA 329	6 May 2013	N/A	No protection obligations, since applicant not in Australia
1201230 [2013] RRTA 326	3 May 2013	115	Recognised as refugee so no need to recognise under separate grounds
1217300 [2013] RRTA 315	3 May 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1220445 [2013] RRTA 318	2 May 2013	27–32	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Sri Lanka. Although the</p>

			<p>Tribunal accepted that he might face a penalty for departing Sri Lanka illegally, the Tribunal did not accept that there was a real risk of significant harm to the applicant on this basis (para 30).</p> <p>The Tribunal accepted that the applicant might be subjected to a process of questioning by the authorities on his arrival in Sri Lanka, because he was a failed asylum seeker (para 31). However, on the basis of country information, the Tribunal did not accept that the process of questioning would amount to significant harm (para 31). Hence, the Tribunal did not accept that there was a real risk that the applicant would suffer significant harm on this basis (para 31).</p>
1300485 [2013] RRTA 408	1 May 2013	6, 28	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215024 [2013] RRTA 310	1 May 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1216897 [2013] RRTA 332	30 April 2013	43–9	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from China. If removed from Australia, she would be separated from her boyfriend. The Tribunal held:</p> <p>‘47. While I accept that the applicant is distressed at the prospect being separated from her boyfriend, I do not accept that the harm she fears is of sufficient gravity to amount to significant harm for the purposes of the complementary protection criteria and nor do I consider the ‘mental suffering’ the applicant claims she will</p>

			<p>experience as a result of being separated her boyfriend would be intentionally inflicted upon her or intended to cause her extreme humiliation that is unreasonable.</p> <p>48. Although the applicant did not specifically identify the act or omission that was said to intentionally inflict ‘mental suffering’ upon her, I note that in <i>SZRSN v MIAC</i> [2013] FMCA 78 Driver FM confirmed that the act of removal resulting in ‘forced separation’ (in this case from children residing in Australia from their parents) does not meet the definitions of “significant harm” and, particularly, degrading treatment or punishment [60]-[65].’</p> <p>The Tribunal did not accept that the applicant’s parents would force her to marry another man, or otherwise harm the applicant (including by restricting her freedom of movement or preventing her from contacting her Australian boyfriend) (para 46). Hence, the Tribunal did not accept that there was a real risk that she would face significant harm for any reasons relating to her parents’ claimed disapproval of her relationship with her boyfriend (para 46). However, in any event, the Tribunal was not satisfied that any ‘mental suffering’ that the applicant claimed that she would experience because of any pressure that she claimed would be placed upon her by her parents would amount to significant harm (para 49).</p>
1300932 [2013] RRTA 321	30 April 2013	17	Recognised as refugee so no need to recognise under separate grounds
1300903 [2013] RRTA 320	30 April 2013	43–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1219733 [2013] RRTA 316	30 April 2013	8	Recognised as refugee so no need to recognise under separate grounds
1300947 [2013] RRTA 337	29 April 2013	19–21	Recognised as refugee so no need to recognise under separate grounds
1110713 [2013] RRTA 324	29 April 2013	143	Recognised as refugee so no need to recognise under separate grounds
1219740 [2013] RRTA 317	29 April 2013	15–17, 64, 67–8, 77–9	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Sri Lanka. On the basis of country information and due to concerns about the credibility of the applicant’s evidence, the Tribunal was not satisfied that there was a real risk of significant harm to the applicant at the hands of Sinhalese fishermen, the Sri Lankan CID, the Sri Lankan army, or because he was a Tamil who had formerly resided in a predominantly Tamil region (para 64). In relation to his other claims, the Tribunal made the following findings:</p> <ul style="list-style-type: none"> • <i>Fishing passes</i>: The applicant and his family made a living from fishing (para 66), and the Tribunal accepted that Tamils in the applicant’s village required fishing passes issued by the army and navy (para 65). However, the Tribunal was not satisfied that there was a real risk that the applicant would suffer significant harm because he was a Tamil fisherman who required a pass to go fishing (para 67). • <i>Greasemen attacks</i>: On the basis of country information and the applicant’s own evidence, the Tribunal found that there was no real risk of

			<p>significant harm to the applicant from a greaseman or greasemen.</p> <ul style="list-style-type: none"> • <i>Illegal departure from Sri Lanka/Failed asylum seeker</i>: The Tribunal accepted that the applicant might be questioned at the airport, arrested and charged, held in police custody during the investigation period (which could last up to 24 hours), and then produced before a magistrate to determine bail (or, if the applicant arrived during a public holiday or weekend, being briefly detained in the remand section of the Negombo Prison until the Magistrates Court was in session) (paras 70, 77). However, the Tribunal did not accept that those processes, singly or cumulatively, amounted to significant harm (para 78).
1216359 [2013] RRTA 313	26 April 2013	16–18, 67–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209917 [2013] RRTA 328	24 April 2013	85–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210916 [2013] RRTA 358	23 April 2013	16–18, 61–6	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Nepal. The Tribunal assessed each of his claims against the complementary protection criterion:</p> <ul style="list-style-type: none"> • <i>Maoists</i>: The Tribunal did not accept that the applicant or his family had been harmed in any way by Maoists or people associated with them (para 63). On the evidence, the Tribunal did not accept that there was a real risk of significant harm from

			<p>the Maoists or people associated with them (para 63).</p> <ul style="list-style-type: none"> • <i>Effect of corruption on infrastructure:</i> The applicant claimed that infrastructure building and maintenance costs in Nepal were high because of the money kept by corrupt individuals, and that the quality of the work was less than that in Australia (para 64). However, the Tribunal did not consider that the poor quality or lack of infrastructure in Nepal amounted to significant harm (para 65). Hence, there was no real risk of significant harm to the applicant for this reason (para 65).
1301971 [2013] RRTA 339	23 April 2013	16–18, 75–8	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ <p>The applicant was from Sri Lanka. He was concerned, inter alia, about his return to Sri Lanka as a failed asylum seeker who departed the country illegally. The Tribunal accepted that the applicant would be questioned by authorities upon return and most likely detained for up to a few days pending a bail hearing, and that he would be held in conditions that ‘may well be cramped and uncomfortable’ (para 70). The Tribunal also accepted that he might be fined between 50,000 and 100,000 rupees (para 70). However, the Tribunal did not accept that these consequences – being questioned, being detained in cramped conditions pending bail and being fined – were ‘singularly or collectively of the type or seriousness as could be considered as significant harm’ (para 77). (In assessing the impact of the fine against the refugee criterion, the Tribunal noted that the applicant had access to funds in</p>

			Sri Lanka, as he had a relative who had offered him assistance in the past and his mother was able to obtain a loan to finance his trip to Australia (para 70).)
1301914 [2013] RRTA 338	23 April 2013	18–20	Recognised as refugee so no need to recognise under separate grounds
1213467 [2013] RRTA 308	23 April 2013	7, 24, 29–31, 38–9	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicants were nationals of China, with a right to reside in Hong Kong. The Tribunal assessed each of their claims against the complementary protection criterion:</p> <p><i>Applicant 1</i></p> <ul style="list-style-type: none"> • <i>Religion</i>: The Tribunal accepted that the applicant was Catholic (para 20). However, on the basis of country information about religious freedom in Hong Kong, the Tribunal found that she would be able to manifest her faith in the same manner and to the same degree as she did in Australia (para 23). The Tribunal found that she would not be harmed for reasons relating to her Catholic faith (para 23). Hence, there was no real risk of significant harm to the applicant on the basis of her religion (para 24). • <i>Long absence from Hong Kong</i>: The Tribunal was not satisfied that the hardship feared by the applicant would amount to significant harm (para 30). Hence, there was no real risk of significant harm to the applicant (para 30). <p><i>Applicant 2</i></p>

			<ul style="list-style-type: none"> • <i>Discrimination</i>: Applicant 2 was born in HK, but travelled to Australia in 1987 and grew up in Australia (para 33). He claimed that he would face discrimination in employment and society due to his limited Cantonese language skills and lack of familiarity with local culture and customs. However, the Tribunal found that this did not constitute significant harm (para 38). In reaching this conclusion, the Tribunal noted that the applicant could work and was able to receive support from family members (para 38).
1209639 [2013] RRTA 305	23 April 2013	96	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112502 [2013] RRTA 325	22 April 2013	16–18, 68	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1303803 [2013] RRTA 323	21 April 2013	6	Recognised as refugee so no need to recognise under separate grounds
1203723 [2013] RRTA 304	19 April 2013	5, 43–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213001 [2013] RRTA 295	19 April 2013	7, 36–45	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Vietnam. The Tribunal addressed each of her claims against the complementary protection criterion:</p> <ul style="list-style-type: none"> • <i>Single mother and/or woman who has abandoned her marriage and had a child out of wedlock</i>: Although the Tribunal accepted that the applicant would experience ‘a degree of social disapprobation’ as a single mother with a child out

			<p>of wedlock, the Tribunal did not accept that there was a real risk of significant harm to the applicant (para 36).</p> <ul style="list-style-type: none"> • <i>Medical condition:</i> The applicant had contracted [Condition 1]. The Tribunal found no evidence indicating that [Condition 1] sufferers were ill-treated or had any difficulties obtaining treatment in Vietnam (para 40). The Tribunal found that it would be unlikely that the general community would know that the applicant had [Condition 1], but even if they did, there was no real risk that she would suffer significant harm (para 43). • <i>Risk of future domestic violence:</i> The applicant did not claim that she had been the victim of domestic violence in the past in Vietnam, and she was not currently in a relationship with anyone in Vietnam (para 44). Hence, to assume that she was at risk of future domestic violence was ‘mere speculation’ (para 44). There was no real risk of significant harm to the applicant in the form of domestic violence (para 44).
1214363 [2013] RRTA 309	18 April 2013	N/A	Recognised as refugee so no need to recognise under separate grounds
1212883 [2013] RRTA 307	18 April 2013	12, 50–65, 86–94	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • risk faced by the population generally <p>The applicant was from Peru. The Tribunal addressed each of her claims against the complementary protection criterion:</p> <ul style="list-style-type: none"> • <i>General violence:</i> The Tribunal found that the harm

			<p>feared by the applicant from criminals in Peru was a risk faced by the population generally, and not by the applicant personally (paras 51–2).</p> <ul style="list-style-type: none"> • <i>Assault</i>: The Tribunal rejected the applicant’s claim that single mothers were targeted in particular for harm (assault) in Peru, and hence found that there was no real risk of the applicant suffering significant harm on this basis (paras 54–5). • <i>Scorn from community as a single mother</i>: Although the Tribunal accepted that the applicant might feel that she was scorned as a single mother, the Tribunal found that this would not constitute significant harm, and there was not a real risk that the applicant would suffer significant harm in Peru (para 56). • <i>Violence against women</i>: The Tribunal found that there was no real risk of significant harm to the applicant on this basis, for the same reasons that there would be no real risk of significant harm to the applicant due to general crime or being looked down on as a single mother (paras 57–8). • <i>Discrimination against women</i>: The Tribunal found that if the applicant were to experience discrimination – in the form of a patriarchal society, societal prejudice and inequality – it would not constitute significant harm, and there would be no real risk of significant harm to the applicant on this basis (para 59). • <i>Inadequacy of health care</i>: The Tribunal held that even if the health system in Peru was of a lower standard than that in Australia, this was faced by the population generally, and not by the applicant
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			<p>personally (paras 60–1).</p> <ul style="list-style-type: none"> • <i>Harm from the church or for religious reasons:</i> The Tribunal found no evidence that the applicant would be harmed through, or by, the Church or on the basis of religion. There was no real risk of significant harm to the applicant on this basis (paras 62–3).
1302222 [2013] RRTA 303	18 April 2013	17–19, 52–6	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Sri Lanka. The Tribunal considered that the applicant would likely be questioned and detained for a short period upon his return because he had left Sri Lanka illegally (para 54). However, the Tribunal did not accept that being questioned and detained for up to a number of days amounted to torture, cruel and inhuman treatment or punishment, or degrading treatment or punishment (para 54).</p> <p>Moreover, on the basis of country information, the Tribunal did not accept that an ordinary Tamil or Hindu would face a real risk of significant harm (para 55). Even considered cumulatively with his return as someone who departed Sri Lanka illegally, the Tribunal did not accept that a Hindu Tamil with no connection to the LTTE would face a real risk of suffering significant harm (para 55).</p>
1213774 [2013] RRTA 300	17 April 2013	16–18, 115	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209119 [2013] RRTA 299	17 April 2013	16–18, 71	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’

			<p>The applicant was from Egypt. The Tribunal found that the applicant had a low political profile in Egypt and that he was not of any interest to the Muslim Brotherhood, Salafists, Islamist groups, the authorities or thugs in Egypt (para 71). Hence, the Tribunal found that there was no real risk that the applicant would suffer significant harm if he returned to Egypt (para 71).</p>
1216207 [2013] RRTA 312	16 April 2013	16–18, 65–74	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ <p>The applicant was from India. The Tribunal accepted that the applicant’s family and local community would know or become aware that the applicant did not complete his planned studies in Australia and did not have the job prospects or status that was expected of him when he came to Australia (para 71). The Tribunal further accepted that he would find questions and criticism from his family and local community about his study history and future job prospects embarrassing and that his family, who financed his studies, might be angry that he had not obtained the expected qualifications (para 71). The Tribunal accepted that the applicant might not be able to obtain the high paying or prestigious employment that he had hoped to obtain as a result of his studies in Australia and that [Mr A] might visit the applicant’s home seeking repayment of the money that he had lent to the applicant if he did not repay it (para 71).</p> <p>However, the Tribunal did not accept that the questions and criticism that the applicant feared from his family,</p>

			<p>friends and community was of a degree that would inflict on him ‘severe pain or suffering’ or ‘extreme humiliation which is unreasonable’ (para 73). Further the Tribunal did not accept that [Mr A]’s actions in attending the applicant’s home seeking to recover his money would inflict on him ‘severe pain or suffering’ or ‘extreme humiliation which is unreasonable’ (para 73). The Tribunal did not accept that high paying or prestigious employment would be intentionally withheld from the applicant by any person, nor that his failure to obtain such employment would cause the applicant ‘severe pain or suffering’ and/ or ‘extreme humiliation which is unreasonable’ (para 73). The Tribunal did not accept that any of these things, separately or together, constituted an act or an omission by which pain or suffering, whether physical or mental, was intentionally inflicted upon the applicant in circumstances that could reasonably be regarded as cruel or inhuman in nature (para 73). Hence, the Tribunal did not accept that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm if he returned to India (para 74).</p>
1300757 [2013] RRTA 319	15 April 2013	7	Recognised as refugee so no need to recognise under separate grounds
1216382 [2013] RRTA 314	15 April 2013	N/A	Recognised as refugee so no need to recognise under separate grounds
1301450 [2013] RRTA 302	15 April 2013	17–19, 60	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209398 [2013] RRTA 357	12 April 2013	16–18, 41–85	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’

			<ul style="list-style-type: none"> • risk faced by the population generally <p>The applicants (primary applicant and his wife) were from Pakistan. No individual claims were advanced for the applicant’s wife (para 83). The Tribunal found that there were no substantial grounds for believing that there was a real risk that either of them would suffer significant harm if returned to Pakistan.</p> <p><i>Events in January 2012</i></p> <p>The applicant described three events that had occurred during his last visit to [District 1] in Pakistan: a man had entered a mosque and was behaving strangely, and although he did not do anything, he aroused the suspicions of everyone there and caused the applicant apprehension and fear; there had been an attack at a girl’s school (the applicant’s uncle had told him about this event); and the applicant had visited the Station House Officer (SHO), who had told the applicant that the area had a very high number of suicide bombings (paras 45–7). The applicant provided an article referring to the attack and wounding of the SHO in [District 1] in January 2012 by a suicide bomber (para 47) and also an article on a suicide bomber attack which killed a police official and his driver in Risalpur (para 49).</p> <p>The Tribunal accepted that these events left the applicants fearing for the safety of themselves and, now, their child (para 50). However, the Tribunal found that no harm came to the applicants from any of these events, other than to make them fearful (para 50). The country information indicated that Khyber</p>
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		<p>Pakhtunkhwa was a dangerous place, racked by militant fighting, but that rates of attacks and casualties from those attacks had been steadily declining since 2009 (para 51). The country information also indicated that extremist groups targeted police and security forces, anti-Taliban militia, members of political parties, and Shia and other minorities (para 51). There was no link between these events and the situation of the applicants: they were not associated with the police force, they were not involved in girls' education and the Tribunal did not accept that suspicious activity by one individual in a mosque could constitute harm of any kind (para 52). Hence, these events did not indicate of themselves that there was a real chance of serious harm, or a real risk of significant harm, to the applicants (para 52).</p> <p><i>Applicant's uncle</i></p> <p>The Tribunal accepted that the applicant's uncle, his brother-law and cousins were injured in August 2012 in relation to the uncle's involvement in resolving a land dispute; that the applicant's uncle may have been attacked and injured in 2008, along with the applicant's younger cousin; and that the applicant's uncle and father had been in partnership, they shared properties and his family home was close to that of the applicant (para 60). However, the Tribunal did not accept that there was a real chance or real risk that the applicant or his family would be targeted by the Taliban or militants due to his association with his uncle (para 61). The association did not appear to be particularly close, with the applicant displaying little knowledge of his uncle's political role or his role as a member of the Jirga, and</p>
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			<p>the applicant had not been harmed or threatened in the past due to his claimed association with his uncle (para 61). As to whether the applicant might face harm from those involved in land disputes adjudicated by his uncle, the Tribunal found that this was far too tenuous a link, and that there was no real chance or real risk that the applicant would be harmed by anyone due to his association with his uncle (para 62).</p> <p><i>Applicant's religion</i></p> <p>The applicant said that he had become more religious and had grown a beard since being in Australia and that this would put him at risk of harm (para 63). He claimed that he was part of the Deobandi sect, a minority in the Sunni community, and that militants were from the Barelvi sect (para 64). The Tribunal found that most militant groups operating in Khyber Pakhtunkhwa were of the Deobandi sect, as was the applicant (para 67). The Tribunal found that Deobandi militant groups would not target Deobandi mosques or funerals, nor would they target the applicant for growing his beard and becoming more religious (para 67). On the basis of country information, the Tribunal found that funerals had been attacked in remote parts of Khyber Pakhtunkhwa, where tribes people were actively resisting the incursions of insurgents into their areas, and that large funerals attended by prominent anti-Taliban politicians had been attacked (para 68). Similarly, attacks on mosques appeared to be targeted at mosques attended by leaders of the security forces (para 68). In the recent past, there had only been two attacks on mosques in [District 1]: in 2009 and 2011 (para 68).</p>
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			<p>On this basis, the Tribunal found that the applicant would not be individually targeted for harm on the basis of his religion (para 68). The Tribunal found that the chance of him being caught in an attack on a mosque or funeral in [District 1] and that region of Khyber Pakhtunkhwa was remote (para 68).</p> <p><i>Claims in relation to applicant's son</i> The applicant claimed that he was concerned for his son, as he had to give his son the proper teachings of Islam, his son might grow up to become a suicide bomber if he was not properly instructed, and there were suspicious youths from his village and anything could happen (para 70). The Tribunal found the applicant's speculation about his son was so far in the future that it did not form a necessary and foreseeable consequence of the applicant being removed from Australia (para 73). The Tribunal sympathised with the applicant's concerns that he did not wish his son to be raised in an environment where there were threats everywhere, but held that without more, this did not lead to a claim of protection being made out (para 74).</p> <p><i>Kidnapping</i> The applicant claimed that he might be kidnapped as the son of a prominent businessman (para 75). However, the Tribunal found that there was no real chance or real risk that the applicant would be kidnapped (para 76). The country information indicated that the risk of kidnapping was remote, and the applicant had not claimed that his family had been targeted for kidnapping in the past (para 76).</p>
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			<p><i>Having spent considerable time in Australia</i> The Tribunal rejected the applicant’s claim that he would be harmed for being perceived to be Western, or targeted for kidnapping or harm on the basis of perceptions about his time in Australia (para 79). There was no country information indicating that merely spending time in Australia, or the West, would place a person at a greater risk of harm in Pakistan (para 79). Moreover, the applicant indicated that he had become more religious, rather than less, since he had departed Pakistan (para 79). The Tribunal also did not accept that there would be increased chances of the applicant being kidnapped, given the low rates of kidnapping reported, and the fact that his family had not been targeted in the past (para 80).</p> <p><i>Generalised violence and views on women</i> The applicant claimed that he did not feel safe anywhere, even in the marketplace or any place where large gatherings could draw the attention of militant groups (para 81). The Tribunal accepted that the applicant might feel unsafe in these contexts (para 81). The country information indicated that there were attacks in these places, but the Tribunal did not accept that the number of incidents was such that there was a real chance that the applicant, a Sunni Muslim, would be targeted (para 81). The Tribunal also did not accept that there was a real chance or real risk that the applicant would be harmed in an indiscriminate attack, given the number of incidents (para 81). The Tribunal considered the applicant’s circumstances, his</p>
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			<p>association with his uncle and father, his time spent in Australia, and his propensity to attend mosques and funerals, but did not consider that these factors would mean that he was more likely to suffer targeted harm or indiscriminate harm than the rest of the Sunni population (para 81). Hence, there was no real chance or real risk of him being harmed from generalised violence (para 81).</p> <p>The applicant also claimed that he wanted equal rights and opportunity for girls (para 82). He expressed this in the context of the possibility that his child would be a girl (para 82). However, the applicant did not provide any evidence that he had acted on this view in a way that would bring him to the attention of anyone who resisted equal rights and opportunities for girls (para 82). The Tribunal did not accept that there was a real chance or real risk that the applicant would be harmed for this reason (para 82).</p> <p>The Tribunal found that there was no real chance of the applicants being harmed on return to Pakistan for any Convention reason, nor substantial grounds for believing that there was a real risk that the applicants would suffer significant harm (paras 84–5).</p>
1216046 [2013] RRTA 311	12 April 2013	6	Recognised as refugee so no need to recognise under separate grounds
1218931 [2013] RRTA 301	12 April 2013	15–17, 100	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216351 [2013] RRTA 298	11 April 2013	16–18	Recognised as refugee so no need to recognise under separate grounds

1211253 [2013] RRTA 268	11 April 2013	32–9	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • risk faced by the population generally • relocation (reasonableness) <p><i>Refugee claim</i> (paras 11–31)</p> <p>The applicant was from Peru. His family lived in a gated community in Lurigancho in Lima for approximately 35 years (para 5). His parents were originally from Apurimac, where he lived in his teens and early twenties (para 6).</p> <p>The Tribunal considered whether the applicant had a well-founded fear of persecution from criminals or criminal gangs in Lima (paras 11–21). The Tribunal noted that the applicant’s family lived close to the Lurigancho jail, which was one of the most dangerous jails in the world, built to hold 1500 people, but in fact holding 15,000 people (para 14). However, on the basis of country information, the Tribunal found that crime, while present, appeared to be random in Lima and that anyone could be targeted, not for any particular reason (para 18). The Tribunal noted that the country information did not indicate that those recently returned from overseas were particular targeted and it would be difficult to identify someone who had recently returned (para 18). The Tribunal was not satisfied that these crimes involved systematic and discriminatory conduct (para 1). Moreover, if the applicant were to be a victim of crime in Peru, the Tribunal was not satisfied that an essential and significant reason for the harm would be a Convention reason (para 20).</p>
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			<p>The Tribunal found that there was not a real chance that the applicant would be harmed by the Shining Path or other guerilla groups in Lima (paras 22–3). In reaching this conclusion, the Tribunal noted that there had not been a Shining Path attack in Lima since 2002 and there did not appear to be a risk of being harmed by the Shining Path in Lima (para 22).</p> <p>The applicant claimed that he had previously been at threat from the Shining Path and other guerillas, including the military, in Apurimac when he was 17 to 19 years old (para 24). On the basis of the applicant’s evidence and the country information that the numbers of Shining Path operatives have reduced significantly since the applicant’s teenage years, the Tribunal was not satisfied that there would be a real chance that the applicant would suffer serious harm from the Shining Path or the military if he were to return to Apurimac (para 27). Moreover, as the applicant would be returning to Lima, not Apurimac, the Tribunal found that there was not a real chance that the applicant would face harm from the Shining Path, other guerilla groups or the military in Apurimac (para 29). Alternatively, the Tribunal found that it would be reasonable for the applicant to relocate to Lima to avoid any perceived harm from the Shining Path or the military in Apurimac (para 30). The applicant’s family had lived in Lima for 35 years and that was where the family’s businesses were located (para 30).</p> <p><i>Complementary protection claim</i> (paras 32–9)</p>
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			<p>The Tribunal considered whether the applicant would suffer significant harm in Lima from criminals or criminal gangs if he returned to Peru. However, the Tribunal found that the harm feared from criminals and criminal gangs in Lima was random violence to which anyone in Peru might be subjected (para 34). Hence, the Tribunal was satisfied that any risk that the applicant might face on this basis was not a real risk, since it was faced by the population of Peru generally, and not the applicant personally (para 34).</p> <p>For the same reasons that the Tribunal found that the applicant would not be persecuted by the Shining Path in Lima, the Tribunal was satisfied that there was not a real risk that the applicant would face significant harm from the Shining Path in Lima (para 35).</p> <p>For the same reasons that the Tribunal found that there was not a real chance of persecution from the Shining Path or the military in Apurimac, the Tribunal found that there was not a real risk of significant harm in Apurimac (para 36). Alternatively, and for the same reasons as the Tribunal found that it would be reasonable to relocate to Lima with respect to the refugee criterion, the Tribunal found that it would be reasonable for the applicant to relocate to Lima, where there would not be a real risk that he would suffer significant harm from the Shining Path or the military (para 37).</p>
1205793 [2013] RRTA 264	11 April 2013	16–18, 58	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1206788 [2013] RRTA 297	10 April 2013	16–18, 124–5	This case relates to:

			<ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p><i>Refugee claim</i> (paras 102–23)</p> <p>The applicant was a UNP supporter from Sri Lanka. The Tribunal accepted that the applicant’s father held meetings at his home and supported Fonseka in the presidential campaign, and that the applicant went to political meetings with his father and helped his father to campaign during the 2004 and 2005 elections (para 121). However, the Tribunal noted that the applicant had not experienced any serious harm as a result of his relatively minor political parties in the past, and the applicant’s father had also not experienced any serious harm in the past, despite being involved in politics at a higher level than the applicant (para 121). Based on his and his father’s past experiences, the Tribunal found that there was only a remote possibility that the applicant would be seriously harmed in the reasonably foreseeable future on account of his relatively minor involvement in political activities (para 121). The chance of the applicant being harmed was further reduced by the fact that he had been in Australia since October 2007 and did not take part in the 2010 presidential or parliamentary election campaigns (para 121). As the applicant’s father had not been seriously harmed on account of his involvement in these campaigns, the Tribunal found that there was no real chance that the applicant would be harmed on account of his father’s involvement (para 121). Further, Fonseka obtained over 40% of the vote and would therefore have lots of supporters and the country information did not</p>
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		<p>indicate that lower level supporters were being targeted three years after the election (para 121).</p> <p>The applicant also claimed that he faced serious harm in Sri Lanka because he had applied for asylum in Australia (para 122). The Tribunal noted that the applicant had left Sri Lanka legally, and there was no reason why the authorities in Sri Lanka would know that he had applied for protection (para 122). Further, even if the authorities in Sri Lanka had somehow become aware of his claim for asylum in Australia, the Tribunal found that the applicant did not fall within any of the risk categories outlined in the country information (para 122). Hence, the Tribunal found that there was no real chance that the applicant would be seriously harmed on account of applying for asylum in Australia (para 122).</p> <p><i>Complementary protection claim (paras 124–5)</i> Although the Tribunal acknowledged that the applicant could be subjected to threats and harassment as a result of his future political activities, the Tribunal did not accept, based on his and his father’s past experiences and the earlier reasons, that these would amount to cruel or inhumane treatment or punishment or degrading treatment or punishment or other significant harm (para 124). Hence, the Tribunal found that there were no substantial grounds for believing that there was a real risk that he would be subjected to significant harm as a result of his limited political activities (para 124).</p> <p>For the same reason that the Tribunal found that the</p>
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			applicant would not face serious harm on account of having applied for asylum in Australia, the Tribunal did not accept that there were substantial grounds for believing that there was a real risk that he would be subjected to significant harm (para 125). The Tribunal held that the authorities in Sri Lanka were unlikely to know that he had applied for asylum and even if they did, he did not fall within the categories of persons who faced a risk of harm on return (para 125).
1217311 [2013] RRTA 275	10 April 2013	15–17, 33	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200398 [2013] RRTA 296	9 April 2013	17–19	Recognised as refugee so no need to recognise under separate grounds
1207042 [2013] RRTA 294	9 April 2013	16–18, 52	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220110 [2013] RRTA 281	9 April 2013	16–18, 49–56	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicants (primary applicant and her daughter) were from Indonesia. The primary applicant claimed that her daughter was autistic. Although no medical evidence was presented regarding the child’s condition, the Tribunal accepted that the child was ‘disabled in some way’, on the basis of the behaviour observed at the hearing (para 38). The two key claims made by the primary applicant were that her disabled daughter would suffer harm because adequate health care for children in Indonesia was limited or expensive; and that her daughter would not be accepted by some people (para 39).</p>

		<p><i>Adequate mental health care</i></p> <p>The Tribunal held that in order for the harm feared to amount to torture, cruel or inhuman treatment or punishment, or degrading treatment or punishment, it must be an act or omission <i>intended</i> to cause that harm (para 49). The Tribunal found that any real risk that the applicant’s daughter would suffer harm because of a lack of access to adequate mental health care in Indonesia would not be due to any act or omission that would intentionally cause that harm, either by the government or any other person (para 50). Hence, the harm would not be significant harm (para 50).</p> <p>Likewise the Tribunal found that any harm that the applicant might suffer as a result of her daughter not receiving the care that she would like in Indonesia, would not be due to any act or omission that would intentionally cause that harm, either by the government or any other person (para 51). Hence, the harm would not be significant harm (para 51).</p> <p><i>Not being accepted by people</i></p> <p>The Tribunal found that there was no probative evidence indicating that the applicant’s child would suffer severe physical or mental pain and suffering or extreme humiliation from people (para 53). Hence, any harm that the applicant’s daughter might suffer would not meet the definitions for torture, or cruel or inhuman treatment or punishment, or degrading treatment or punishment (para 53). Arbitrary deprivation of life and the death penalty were not relevant to this claim (para 53).</p>
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1200894 [2013] RRTA 285	8 April 2013	16–18, 126–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220489 [2013] RRTA 292	5 April 2013	16–18, 136–45	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was a Hazara Shia from Kabul, Afghanistan. In 1981, he departed Afghanistan and had resided in Quetta, Pakistan for the past 30 years. He claimed that he would face a real risk of significant harm arising out of physical violence and denial of social and economic rights.</p> <p><i>Physical violence</i></p> <p>The Tribunal considered information describing generalised violence that had occurred in locations such as Kabul (para 139). The Tribunal found that attacks by the Taliban and other insurgent groups had occurred, although a common link between the attacks had been that they had targeted government and security personnel and the locations where they worked (para 139). The Tribunal found that the applicant was not associated with the government or security systems within Afghanistan, and would not be targeted by insurgent groups for harm (para 139).</p> <p>The Tribunal noted that the applicant was a Shia Muslim and observed the practice, mostly at home, but occasionally at a Shia mosque (para 140). The Tribunal noted that in 2011, there were targeted attacks in Kabul on Shia mosques, conducted by the Lashkar-e-Jhangvi (LeJ) (para 140). The Tribunal considered the Taliban</p>

		<p>response to these attacks to be relevant, as they condemned the attack and did not seek to develop a sectarian division in Afghanistan (para 140). Apart from the 2011 bombings, the LeJ had not been active in Afghanistan and the Shia population had been able to continue their religious practices in Afghanistan without harm (para 140). The Tribunal held that this demonstrated that the applicant did not face a real risk of significant harm when observing his religious practices (para 140).</p> <p>The Tribunal did not accept that there was a real risk that the applicant would be caught up in an indiscriminate attack on Kabul (para 141).</p> <p>Hence, the Tribunal found that the applicant did not face a real risk of significant harm arising from physical violence (para 141).</p> <p><i>Denial of social and economic rights</i></p> <p>The applicant claimed that his family would find it difficult to settle in Afghanistan, due to their language differences, different education, length of time away, lack of acceptance from the Hazara community and other cultural factors (para 141). The Tribunal acknowledged that there would be some difficulties, though noted that there were a number of factors that would ameliorate the difficulties that the family would face, including the fact that the family had grown up in the Hazara neighbourhoods of Quetta, spoke Hazaragi and had cultural practices akin to what they would find in Kabul (para 142).</p>
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			Moreover, the applicant had shown himself to be a resourceful and hardworking man (para 143). From humble beginnings, he had become successful in a business in Quetta (para 142). The Tribunal found that the applicant was capable of establishing himself in a different set of circumstances, and the Tribunal considered that the applicant would be able to establish himself on return to Kabul: he would be able to utilise his abilities to support himself in housing, food and other needs; and he would be able to access health care and accommodation, and other services, given his capacity to earn an income (para 143–4). The Tribunal found that the applicant would be able to support himself and his family and would therefore not be denied social and economic rights in Kabul (para 143).
1220730 [2013] RRTA 284	5 April 2013	78	Recognised as refugee so no need to recognise under separate grounds
1218066 [2013] RRTA 278	5 April 2013	17–19	Recognised as refugee so no need to recognise under separate grounds
1216489 [2013] RRTA 274	5 April 2013	16	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113669 [2013] RRTA 260	5 April 2013	16–18, 39–48	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215660 [2013] RRTA 272	3 April 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1215320 [2013] RRTA 271	3 April 2013	13–15, 23–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215201 [2013] RRTA 270	3 April 2013	11, 52–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

<p>1218580 [2013] RRTA 279</p>	<p>2 April 2013</p>	<p>18–20, 66–76</p>	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p><i>Bidoon ethnicity</i></p> <p>The applicant was a Bidoon and Sunni from Nasiriya, Iraq. The Tribunal accepted that the applicant experienced discrimination in Iraq as a Bidoon (para 71). However, the Tribunal did not consider that verbal abuse amounted to cruel or inhuman treatment or punishment, or degrading treatment or punishment (para 71). The Tribunal also considered whether the restrictions on owning his own home and his liability for payment for some services amounted to significant harm for the applicant as a Bidoon. However, the Tribunal did not find that the restrictions and hardships experienced by the applicant amounted to significant harm (para 71). The applicant did not claim, nor did the country information suggest, that the situation for Bidoons in Iraq was likely to change for the worse in the foreseeable future (para 71). Hence, the Tribunal found that there was not a real risk that the applicant would suffer significant harm for reason of his ethnicity as a Bidoon if he returned to Iraq (para 71).</p> <p><i>Sunni religion</i></p> <p>The Tribunal accepted that there was increasing sectarian violence in Iraq, and that the applicant’s nephews may have been kidnapped by a Shi’a militia (para 72). However, the Tribunal found that the applicant himself had not experienced anything more serious than verbal abuse or a restriction on his access</p>
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			<p>to Sunni mosques (since some mosques in his local area had been closed by Shi'as) (para 72). The Tribunal found that there was not a real risk that the applicant would suffer significant harm for reason of his religion if he returned to Iraq because, despite sectarian violence in that country, the applicant himself had lived in the same house for most of the 20 years that he had spent in Iraq without encountering violence (para 72). This was despite the fact that his city of Nasiriya was dominated by Shi'as (para 72). In making this finding, the Tribunal also took account of the fact that the applicant's brother lived some considerable distance away from him in Iraq, and had received threatening letters prior to the disappearance of his sons (para 72). The Tribunal found that there was not a real risk that the Shi'a militia who threatened the applicant's brother would connect him with the applicant (para 72).</p> <p><i>Failed asylum seeker/Returnee from the West</i> The Tribunal found that the applicant had no profile as a political dissident and would therefore be of no interest to the authorities for that reason if he returned to Iraq (para 73). Although the applicant might be liable to a penalty for leaving Iraq on a false passport, any such penalty would arise pursuant to lawful sanctions not inconsistent with the Articles of the ICCPR (para 73). There was no information before the Tribunal which might indicate that the applicant, because of his religion and ethnicity or for any other reason, would be subject to a level of suffering that went beyond that "inevitable element of suffering or humiliation connected with a given form of legitimate treatment or</p>
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			<p>punishment”, as held in <i>Labita v Italy</i>, European Court of Human Rights, Application No 26772/95 (6 April 2000) (para 73). http://www.austlii.edu.au/au/cases/cth/RRTA/2013/279.html - fn16 Hence, the Tribunal found that there was not a real risk that the applicant would suffer significant harm for reason of being a failed asylum seeker or a returnee from the West if he returned to Iraq (para 73).</p>
1217623 [2013] RRTA 276	2 April 2013	9	Recognised as refugee so no need to recognise under separate grounds
1215860 [2013] RRTA 273	2 April 2013	8–40	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • relocation (reasonableness) <p><i>Targeting by local police</i></p> <p>The applicant was from [Village 1] in the north-west of Sri Lanka. The Tribunal took the view that if the applicant returned to [Village 1], it was neither a remote nor insubstantial possibility that the local police would continue to target the applicant for bribes as they had done in the past (para 10). The Tribunal found that the consequences of him resisting such demands or being unable to satisfy them gave rise to a real chance that he might be taken in again, detained and mistreated, including being physically assaulted (para 10). The Tribunal held that such treatment amounted to serious harm and would be systematic and discriminatory (para 11). The Tribunal was satisfied that the applicant was a member of the particular social group of ‘wealthy Tamils in [Village 1]’ and that the applicant had a well-</p>

			<p>founded fear of persecution for the essential and significant reason of his membership of this particular social group (paras 18–19).</p> <p>The Tribunal found that the applicant’s well-founded fear of persecution was confined to his village and its immediate environs, because the agents of the harm were [Village 1] local police (para 20). The Tribunal did not accept that there was any appreciable risk of persecution occurring in Colombo (para 21). In relation to complementary protection, the Tribunal also did not accept that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm in Colombo (para 21).</p> <p>The Tribunal found that it would be reasonable for the applicant to relocate to Colombo, since he had somewhere to live there (he had stayed with relatives in Colombo in the past) and he would in due course be able to obtain employment and carry on his life there successfully (paras 22, 26). The Tribunal did not accept the applicant’s claims that he would be required to register in Colombo and that he would be forced to obtain a clearance from the local police in [Village 1] for the purposes of such registration (paras 23–5).</p> <p><i>Tamil ethnicity</i></p> <p>The Tribunal reviewed country information indicating a generally improved situation for Tamils since the end of the war, and noted that the UNHCR eligibility guidelines stated that there was no longer a presumption of eligibility for protection simply for being of Tamil</p>
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		<p>ethnicity (paras 27–8). On the basis of this country information, the Tribunal did not accept that there was a real risk that the applicant would experience serious harm for reason of his Tamil ethnicity alone (para 29). The Tribunal also did not accept that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm by reason of his ethnicity (para 29).</p> <p><i>Tamil returnee/Failed asylum seeker</i></p> <p>The applicant did not depart Sri Lanka illegally (para 30). Hence, the Tribunal found that unlike the majority of Sri Lankan asylum seekers who departed that country via irregular means in breach of the <i>Immigrants and Emigrants Act No. 31 of 2006</i> (Sri Lanka), the applicant would not be charged for breaching that Act (para 31).</p> <p>On the basis of country information (paras 34–8), the Tribunal found that on arrival at the airport in Colombo, the applicant would be questioned by Sri Lankan immigration authorities, the Criminal Investigations Division, and potentially, the State Intelligence Service (para 39). He would then be released after clearing customs (para 39). The Tribunal did not accept that there was a real chance that the applicant would suffer serious harm or significant harm during the initial interviews that he would be subjected to at the airport (para 39).</p> <p>The Tribunal acknowledged that the UNHCR guidelines indicated that there was a likelihood that refugee returnees would subsequently be visited by Sri</p>
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			Lankan authorities once they had resettled (para 40). The Tribunal accepted that this might occur, but did not accept that there would be a real chance that the applicant would experience any form of serious or significant harm if he were visited by the police or any other Sri Lankan agency in Colombo (para 40). This was because the applicant did not have any profile that the country information indicated might bring him to the adverse attention of the authorities of Sri Lanka, leaving aside the localised problem that he faced in his village from corrupt police (para 40).
1209724 [2013] RRTA 265	1 April 2013	39–41	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208330 [2013] RRTA 286	29 March 2013	16–18, 115–24	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • relocation (reasonableness) <p>The applicant was a Sunni Muslim from [District 2] in Khyber Pakhtunkhwa (KPK), Pakistan. The Tribunal considered the applicant’s health issues and claims that he would not be able to access adequate health care in Pakistan, and that the burning of wood fires in [District 2] would exacerbate his asthma (para 116). However, the Tribunal did not accept that the applicant’s medical condition provided substantial grounds for believing that there was a real risk that he would suffer significant harm (para 118). The Tribunal held that the applicant’s condition was treatable and manageable with medication (para 118). Basic medical services were available in KPK, and the applicant could travel to regional cities for more specialised treatment if it was</p>

		<p>required (para 118). There was no evidence before the Tribunal that he would be denied access to the necessary health care for any reason (para 118).</p> <p>The Tribunal considered the general security situation in [District 2]. The Tribunal accepted that the applicant's home was destroyed in fighting in 2009 (para 119). However, the Tribunal noted that security in KPK had improved considerably since then (para 119). The Tribunal noted that the applicant's family returned to [District 2] in 2010 and had not suffered any harm since then (para 119). The Tribunal accepted that militant groups continued to have a presence in KPK (para 119). However, as the applicant did not have a profile which would make him a target, and the Tribunal had not located any information indicating that militant groups had perpetrated sectarian attacks on other Sunni groups in [District 2], the Tribunal was satisfied that there were no substantial grounds for believing he would be at real risk of significant harm if he was removed from Australia to [District 2] (para 119).</p> <p>In any case, the Tribunal was satisfied that the applicant could relocate to Karachi without a real chance of serious harm or a real risk of significant harm (para 122). In reaching this conclusion, the Tribunal noted that the applicant had never been an active member of the ANP or involved in political activity, and the Tribunal was satisfied that he was unlikely to become an activist or involved in political altercations in the future (para 122). The Tribunal accepted that there was</p>
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		<p>ongoing sectarian violence in Karachi but this violence was being directed by Sunni militant groups to Shia and other religious minority groups (para 122). The Tribunal accepted that the Taliban was active in Karachi and had the power to target perceived opponents, including those who may have relocated to Karachi from KPK or elsewhere (para 122). The Tribunal was satisfied that the applicant did not have a profile of interest to the Taliban and that he would not be targeted by the Taliban or any other militant group in Karachi (para 122).</p> <p>The Tribunal was satisfied that it was not unreasonable for the applicant to relocate to Karachi (para 123). In reaching this conclusion, the Tribunal noted that the country information indicated that there was a growing Pashtun population in Karachi; his uncle and other family members and his wife's family lived there, and there was no evidence that they had suffered any harm in Karachi; the applicant was a relatively young man with experience of living overseas and with a range of employment experience; and his family was not without financial resources to assist him to establish himself and his family in Karachi (para 123).</p> <p>The Tribunal was also satisfied that the applicant could relocate to Lahore (para 124). The Tribunal noted that the Pashtun population in Lahore was estimated to be more than 1 million people or 15% of the population; the ANP had a Punjab branch and according to its website, had held rallies there without attracting any violence or harm; and neither the Human Rights</p>
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			Commission of Pakistan nor the South Asia Terrorism Portal reported any targeting of ANP members or activists by any political or religious party in Punjab in 2011 (para 124).
1215351 [2013] RRTA 289	28 March 2013	N/A	No protection obligations, since applicant not in Australia
1220469 [2013] RRTA 282	28 March 2013	5	Recognised as refugee so no need to recognise under separate grounds
1219376 [2013] RRTA 280	28 March 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1211087 [2013] RRTA 267	28 March 2013	16–18, 112–13, 115	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was from Pakistan. The Tribunal found that the applicant had indirectly received phoned death threats in relation to a property dispute in an attempt to ensure that he did not continue to encourage his father to take further legal action (para 108). The applicant did not have direct knowledge of the calls and only had what his brother had reported to him as being their nature (para 104). The Tribunal did not accept that the calls were continuing to the present, as claimed (para 111). The Tribunal found that there was no risk that these calls would be made in the reasonably foreseeable future (para 111). In any event, the Tribunal found that the only harm suffered was receiving threatening and abusive phone calls and that this did not constitute significant harm (para 112).</p>
1205253 [2013] RRTA 263	28 March 2013	16–18, 84	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ the meaning of ‘real risk’

			<p>On the basis of country information, the Tribunal found that while there was some risk that the applicant might be caught up in the general violence of Zimbabwe, such a risk did not amount to substantial grounds for believing that as a necessary and foreseeable consequence of him being removed from Australia to Zimbabwe, there was a real risk of the applicant suffering significant harm (para 84).</p> <p>The Tribunal had regard to the fact that the applicant had been absent from Zimbabwe for over 10 years and that he might face some challenges in re-establishing himself there (para 84). However, the Tribunal noted that even though his own parents were not in Zimbabwe, the applicant was not without any family support as his grandparents lived there (para 84). Having regard to all the evidence before it, the Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (para 84).</p>
1302931 [2013] RRTA 258	28 March 2013	12–14, 25	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was a Malitan from Honiara, Guadalcanal Island, Solomon Islands. The Tribunal accepted that in 1998, his parents’ car was stolen from them at gunpoint (para 21). The Tribunal considered country information indicating that there was significant ethnic tension between Malitans and the Guadalcanalians at this period of time, but that ethnic conflict had subsided and</p>

			<p>there was currently no conflict of note, although underlying tensions remained (para 21). The applicant indicated that he had no political affiliations and was not a member of any ethnic based political or other group (para 22). As such, the Tribunal held that he had no discernible profile that could make him a target or of adverse interest to either the authorities or others on his return to the Solomon Islands (par 22). In light of the country information and given that the applicant had not experienced ethnic based harm in the past and had no profile that might give rise to such harm, the Tribunal was not satisfied that the applicant would face serious harm by reason of his ethnicity on his return to the Solomon Islands (para 23). The Tribunal also found that there were no substantial grounds for believing that there was a real risk of significant harm to the applicant (para 25).</p>
1219981 [2013] RRTA 256	28 March 2013	7, 36–9, 56–8	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Iraq. He resided in [Location 1] of Al Nasariya in Dhi Qar Governorate, Iraq. The Tribunal noted the concerning reports of increased civilian deaths in Dhi Qar governorate in 2012 (para 37). However, the Tribunal was also mindful that the perpetrators of those reported attacks were Sunni militants (para 37). The Tribunal accepted that this type of generalised violence and the ongoing risks of sectarian violence created a genuine subjective fear in the applicant, but the Tribunal was also mindful that the applicant and his family had lived in the same area of</p>

			<p>[Location 1], including during the most violent years of the war, and had been unharmed directly, and that the applicant had access to housing in areas close by where he could take shelter from generalised violence if it arose; namely, in the mud huts his family resided in during the winter months (para 37). The Tribunal was satisfied that, if returned to Iraq, the applicant would continue to reside in [Location 1] with his extensive family and would continue to take shelter at the mud houses nearby during the winter and if generalised violence arose close to his rented home (para 37). On the cumulative evidence before it, the Tribunal was not satisfied that the applicant faced a real risk of being arbitrarily deprived of his life if he returned to Iraq (para 37).</p> <p>While the applicant's evidence revealed financial difficulties and hardships in Iraq in the past, and the Tribunal was satisfied that that the applicant would face similar financial hardships in the future, the applicant's evidence also revealed an ability to provide for his own and his family's basic needs, including shelter, medication and education (para 38). On the evidence before it, the Tribunal was not satisfied that any hardship that he might face would be intentionally inflicted upon him for any reason (para 38). Without the presence of intention, the Tribunal was not satisfied that the applicant faced a real risk of being subjected to torture or cruel or inhuman treatment or punishment. Similarly, the evidence before the Tribunal did not indicate that any harm or hardship feared by the applicant would be 'intended to cause' extreme</p>
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			humiliation which was unreasonable (para 38). Accordingly, the Tribunal was not satisfied that the applicant would be subjected to degrading treatment or punishment in Iraq (para 38).
1213203 [2013] RRTA 232	28 March 2013	16–18, 59–61	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301595 [2013] RRTA 205	28 March 2013	17–19, 23–4, 27	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219457 [2013] RRTA 291	27 March 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1216578 [2013] RRTA 290	27 March 2013	18, 45–7	This case relates to: <ul style="list-style-type: none"> the meaning of ‘real risk’ <p>The applicant was from Indonesia. The Tribunal found that there was not a real chance that he would face violence or physical harm on the basis of his Chinese ethnicity (para 47). On the basis of this finding and having regard to the definition of ‘significant harm’, the Tribunal was not satisfied that there was a real risk that the applicant would suffer significant harm in Indonesia (para 47).</p>
1217716 [2013] RRTA 277	27 March 2013	16–18, 91–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204280 [2013] RRTA 262	27 March 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1204279 [2013] RRTA 261	27 March 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1219380 [2013] RRTA 254	27 March 2013	47	Recognised as refugee so no need to recognise under separate grounds

1218853 [2013] RRTA 251	27 March 2013	4	Recognised as refugee so no need to recognise under separate grounds
1202476 [2013] RRTA 227	27 March 2013	16–18, 93–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211387 [2013] RRTA 269	26 March 2013	16–18, 108–10	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicants were from Mauritius. They claimed, inter alia, that if they returned, they would have nowhere to live in Mauritius and life would be difficult with two small children (para 109). Although the Tribunal could not discount the possibility that they might face some difficulty in re-establishing themselves and their family in Mauritius, the Tribunal did not accept that this amounted to ‘significant harm’ (para 109). On the material before it, and in light of its findings as to the credibility of the applicants, the Tribunal did not accept that there were substantial grounds for believing that there was a real risk of significant harm (para 109).</p>
1210122 [2013] RRTA 266	26 March 2013	16–17	Recognised as refugee so no need to recognise under separate grounds
1219158 [2013] RRTA 253	26 March 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1217618 [2013] RRTA 249	26 March 2013	16–18, 50–72	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ the meaning of ‘real risk’ <p>The applicant was a Sunni Tajek from Kabul, Afghanistan. The Tribunal accepted that there was a family dispute with the applicant’s cousin about 25–30</p>

		<p>years ago, that the cousin lived in Kabul and there was a continuing dispute amongst the family with the cousin (para 63). However, the applicant had lived and worked in the same city as his cousin for many years, and when asked about other incidents involving his cousin, he described only one other specific incident (many years ago, his cousin beat up his brother) (para 63). The Tribunal did not accept that there was a real chance or real risk of serious harm or significant harm from his cousin if the applicant returned to Afghanistan (para 63).</p> <p>Although the Tribunal accepted that the applicant was Sunni Muslim and Tajek and that there had been conflict and violence between the Taliban and other anti-Tajek groups against the Tajeks in the past in Afghanistan and in Kabul, the Tribunal did not accept that there was a real chance or real risk that the applicant would be targeted for harm because he was Tajek and/or Sunni Muslim on his return to Kabul/Afghanistan (para 65). The Tribunal noted that the applicant had lived there with his family and worked there for many years and his family members were still doing so according to his evidence (para 65).</p> <p>Although the Tribunal accepted that there was some country information which supported the claim that some returned asylum seekers from the West who left their country illegally were targeted for harm in Afghanistan/Kabul, the Tribunal did not accept that there was a real chance that the applicant would suffer harm amounting to serious harm, or that there were</p>
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			substantial grounds for believing that there was a real risk that he would suffer significant harm there, for these reasons (para 66).
1214582 [2013] RRTA 235	26 March 2013	16–18, 31–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213483 [2013] RRTA 233	26 March 2013	16–18, 82–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212681 [2013] RRTA 231	26 March 2013	16–18, 44	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216546 [2013] RRTA 244	25 March 2013	16–18, 78–80	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215029 [2013] RRTA 237	25 March 2013	16–18, 66–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214714 [2013] RRTA 236	25 March 2013	13–14, 83	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204166 [2013] RRTA 259	20 March 2013	16–18, 61–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301174 [2013] RRTA 257	20 March 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1217128 [2013] RRTA 247	20 March 2013	16–18, 122–8	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was a Hazara Shia from Malistan District, Ghazni Province, Afghanistan. The Tribunal accepted that the applicant might experience difficulties in resettling in his village in Malistan, but did not accept that this amounted to significant harm (para 125).</p> <p>In relation to the risk of harm to the applicant from</p>

		<p>travelling on roads in Afghanistan, the Tribunal held:</p> <p>‘126. The Tribunal does not accept that if the applicant returns to his home in Malistan district of Ghazni province, there is a real risk he will suffer significant harm because he is a Hazara or a Shia Muslim. The Tribunal accepts the applicant would face some degree of danger travelling from Kabul to Malistan given some routes or parts of routes may be unsafe or insecure. However, the Tribunal notes the advice from DFAT, cited above, that no particular ethnic group is being targeted on roads in Afghanistan and that the main targets on the roads in Ghazni, and nationally, are people employed by or with direct links to the Afghan Government or the international community regardless of ethnicity or those carrying documentations which pointed to a connection with the government. In light of the independent information which was put to the applicant in the hearing and consideration of his particular profile, the Tribunal does not accept that there are substantial grounds for believing that as a necessary and foreseeable consequence of the applicant being removed from Australia to Afghanistan, that there is real risk he will suffer significant harm travelling on roads in Afghanistan.’</p> <p>The Tribunal also considered the situation for failed asylum seekers in Afghanistan. However, on the basis of country information, the Tribunal did not accept that there were substantial rounds for believing that there was a real risk that the applicant would suffer significant harm as a failed asylum seeker or returnee</p>
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			(para 127).
1216598 [2013] RRTA 245	20 March 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1216361 [2013] RRTA 243	20 March 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1215343 [2013] RRTA 240	20 March 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1212668 [2013] RRTA 230	20 March 2013	17–19, 80	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213853 [2013] RRTA 225	20 March 2013	16–17, 55	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218911 [2013] RRTA 222	20 March 2013	16–18, 73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211285 [2013] RRTA 220	20 March 2013	16–18, 65	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219529 [2013] RRTA 255	19 March 2013	16–18, 102	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217481 [2013] RRTA 248	19 March 2013	16–18, 35	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215537 [2013] RRTA 242	19 March 2013	16–18, 80	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215417 [2013] RRTA 241	19 March 2013	16–18, 110–11	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213918 [2013] RRTA 226	19 March 2013	16–18, 44	No protection obligations, since applicant had not taken all possible steps to avail himself of a right to enter and reside in another country.
1218266 [2013] RRTA 250	18 March 2013	16–18, 25–6	This case relates to: <ul style="list-style-type: none"> the meaning of ‘significant harm’

			<ul style="list-style-type: none"> the meaning of ‘real risk’ <p>The applicant was from Tonga. She claimed that she suffered harassment and bullying at school because she was academically poor (para 20). However, the Tribunal did not accept that the schoolyard harassment that she experienced two decades ago was indicative of anything other than normal adolescent behaviour and was not satisfied that there were any substantial grounds for believing that there was a real risk that the applicant would suffer significant harm on the basis of these claims (para 25).</p>
1215111 [2013] RRTA 239	18 March 2013	16–18, 125–8	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’ risk faced by the population generally <p>The applicant was from Fiji. The Tribunal recognised that the applicant had been the subject of crime in Fiji and that the information indicated that there was a risk of generalised robbery and possible violence against persons in Fiji (para 126). However, the Tribunal found that the difficulties that the applicant had faced and that she claimed she would face in Fiji were the result of random acts of crime of opportunity or generalised crime (para 126). The Tribunal found that any harm faced by the applicant was as a result of general crime and was faced by the population of the country generally and not by her personally (para 126).</p>
1215067 [2013] RRTA 238	18 March 2013	16–18, 60–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203960 [2013] RRTA 228	18 March 2013	16–18, 87	<p>This case relates to:</p> <ul style="list-style-type: none"> relocation (reasonableness)

			<p><i>Refugee claim</i> (paras 60–86) The applicant was from Hyderabad, Andhra Pradesh, India. The Tribunal found that the applicant did not face a real chance of serious harm as claimed (para 80). In the alternative, the Tribunal found that the applicant would not face harm as claimed if he were to relocate to another part of India, and that it would be reasonable for the applicant to relocate to another part of India (para 86). In reaching this conclusion, the Tribunal noted that the applicant – as a young male who could speak, read and write English and Hindi, had a tertiary qualification obtained in India, had an employment history in India and Australia, and had lived in Australia without family support – was likely to be able to obtain an income for himself so that he could adequately subsist if he were to relocate to another part of India (para 86).</p> <p><i>Complementary protection claim</i> (para 87) The Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (para 87). The Tribunal further considered that it would be reasonable for the applicant to relocate (para 87).</p>
1214823 [2013] RRTA 221	18 March 2013	16–18, 67	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214097 [2013] RRTA 234	15 March 2013	16–18, 61	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215893 [2013] RRTA 212	14 March 2013	16–18, 33–4, 37–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1219960 [2013] RRTA 223	13 March 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1219039 [2013] RRTA 218	13 March 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1217661 [2013] RRTA 215	13 March 2013	14–16, 53	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216383 [2013] RRTA 214	13 March 2013	9–11	Recognised as refugee so no need to recognise under separate grounds
1218370 [2013] RRTA 203	13 March 2013	16–18, 93–5	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • risk faced by population generally <p>The applicant was from Iraq. The Tribunal acknowledged that there was ‘an unacceptable level of general violence in Iraq, as well as a degree of economic hardship’ (para 94). However, the Tribunal was satisfied that the real risk was one faced by the population generally and therefore caught by the exception under s 36(2B) of the Act (para 94).</p>
1205089 [2013] RRTA 195	13 March 2013	16–18, 40–42	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219643 [2013] RRTA 217	12 March 2013	16–18, 106–11	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • risk faced by the population generally <p><i>Refugee claim</i> (paras 83–105) The applicant was a Hazara Shia from Jaghori District, Ghazni Province, Afghanistan. He had lived in Quetta, Pakistan since 1990 (para 93). He claimed to fear harm from the Taliban because of his race and religion as a</p>

		<p>Hazara Shia (para 85). However, on the basis of independent information, the Tribunal was not satisfied that the applicant faced a real chance of persecution or would be killed by the Taliban simply because he was a Hazara Shia, whether on the basis of his ethnicity, religion or imputed political opinion (para 94).</p> <p>The Tribunal recognised that this did not mean that a Hazara Shia could not be found to be a refugee on the basis of the person’s individual circumstances (para 95). The Tribunal considered the applicant’s claim to fear harm from his father’s enemies, including Shi’a mullahs or the Hezb-e-Wahdat (para 95). However, due to concerns about the credibility of this claim, the Tribunal was not satisfied that the applicant faced a real chance of persecution (paras 95–105).</p> <p><i>Complementary protection claim</i> (paras 106–11) Having regard to its findings of fact above, the Tribunal did not accept that there was a real risk that the applicant would be arbitrarily deprived of his life or that he would otherwise suffer significant harm at the hands of the Taliban, the Pashtuns, or other ethnic groups if he returned to his home in the Jaghori district of Ghazni province (para 106). The Tribunal also did not accept that, if the applicant returned to his home in the Jaghori district of Ghazni province (which was almost entirely inhabited by Hazaras), there was a real risk that he would suffer significant harm because he was a Hazara or because he was a Shia Muslim (para 106). The Tribunal did not accept that there was a real risk that the applicant would be arbitrarily deprived of his life or that</p>
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			<p>he would otherwise suffer significant harm at the hands of Shi'a mullahs or members of the Hezb-e-Wahdat if he returned to his home in the Jaghori district of Ghazni province (para 106).</p> <p>The Tribunal accepted that, in common with other travellers, the applicant would face some degree of danger (amounting to a real risk of harm) in relation to possible attacks by insurgents or others while travelling on insecure roads (para 108). However, the Tribunal was satisfied that the real risk was one faced by the population of the country generally and not one faced by the applicant personally (para 108).</p> <p>The Tribunal was not satisfied that the applicant would suffer significant harm, in particular cruel or inhuman treatment and degrading treatment through physical harm or the denial of social and economic rights in Afghanistan (para 109). The applicant had transferrable skills and although he may have been out of Afghanistan for many years, he had demonstrated his adaptability, able to protect himself and to subsist while travelling through Europe and living overseas for 5 months (para 109).</p>
1213850 [2013] RRTA 210	12 March 2013	16–18, 71–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219972 [2013] RRTA 204	12 March 2013	16–18, 108–9	<p>This case relates to:</p> <ul style="list-style-type: none"> relocation (reasonableness) <p>The applicant was from Ghana. The Tribunal found that there were no substantial grounds for believing that there was a real risk that he would suffer significant</p>

			harm as claimed (para 108). In any event, the Tribunal found that the applicant could reasonably relocate to Accra, where there was no real risk of significant harm (para 109). In reaching this conclusion, the Tribunal noted that the applicant had a medical degree; could expect to find employment in any city, including Accra; was single, young and in good health; and had lived in other countries in the past (para 109). The Tribunal also noted that in the applicant's evidence, he expressed a desire to remain in Australia (e.g. to contribute his part well and in full as well to the Australian community and humanity) indicating that he considered himself reasonably capable of relocating to a different country (para 109).
1213050 [2013] RRTA 197	12 March 2013	12	Recognised as a 'member of the same family unit' as a refugee (s 36(2)(b)), so no need to recognise under separate grounds
1209155 [2013] RRTA 209	11 March 2013	21–32	Recognised as refugee so no need to recognise under separate grounds
1214546 [2013] RRTA 198	11 March 2013	10, 44	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208936 [2013] RRTA 229	8 March 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1219152 [2013] RRTA 219	8 March 2013	N/A	Recognised as refugee so no need to recognise under separate grounds
1219293 [2013] RRTA 216	8 March 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1215210 [2013] RRTA 200	8 March 2013	16–18, 32–43	This case relates to: <ul style="list-style-type: none"> • the meaning of 'significant harm' • the meaning of 'real risk'

			<p>The applicant was from Indonesia. The Tribunal accepted that she married her present husband in Australia in 2008 (para 35). The Tribunal accepted that the applicant would be separated from her husband if she returned to Indonesia and that unless he joined her in Indonesia or visited her there, he would have no one to care for him in Australia and that she would have no partner to provide for her in Indonesia (para 39). However, the Tribunal found that this did not amount to serious harm or significant harm (para 39).</p> <p>The applicant also claimed that there was once a riot in Indonesia and she was scared that that would happen again (para 40). Although the Tribunal accepted that there had been riots at times in Indonesia, it found that there was not a real chance or a real risk that the applicant would suffer harm in Indonesia amounting to serious or significant harm because of a possible future riot there (para 40).</p>
1215066 [2013] RRTA 199	8 March 2013	14–16, 32	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1300888 [2013] RRTA 224	7 March 2013	16–18, 56–9	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Tonga. He referred to being poor, not having food on the table, not having anyone to live with, since his family were all in Australia, and that it was hard in Tonga (para 57). The Tribunal accepted that the applicant might find difficulty in obtaining employment and accommodation in Tonga (para 57). The Tribunal also accepted that he might well encounter</p>

			<p>financial hardship (para 57). However, the Tribunal was not satisfied that there was anything in the information before the Tribunal to suggest that it would reflect more than the economic realities of a small, developing island state (para 57). Although the Tribunal did not seek to downplay the extent of the real difficulties the applicant would most likely face in this situation, the Tribunal considered that they would be the same difficulties shared by other members of Tongan society (para 57). The Tribunal did not accept on the evidence before it that there was a real risk that the applicant would be subjected to torture, cruel or inhuman treatment or punishment or degrading treatment or punishment if he returned to Tonga (para 57).</p> <p>The applicant also feared social discrimination, social exclusion and slavery if he returned to Tonga (para 58). However, based on the evidence before it, the Tribunal did not accept that there is a real risk that the applicant will suffer significant harm for these reasons if he returned to Tonga (para 58).</p>
1216090 [2013] RRTA 213	7 March 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1214904 [2013] RRTA 211	7 March 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1209016 [2013] RRTA 208	7 March 2013	16–18, 106	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200852 [2013] RRTA 207	7 March 2013	16–18, 110–17	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217434 [2013] RRTA 201	7 March 2013	16–18, 58	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1217737 [2013] RRTA 202	6 March 2013	14–16	Recognised as refugee so no need to recognise under separate grounds
1220214 [2013] RRTA 193	6 March 2013	19	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219066 [2013] RRTA 252	5 March 2013	16–18, 83–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219189 [2013] RRTA 192	5 March 2013	16–18, 62, 72	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216396 [2013] RRTA 189	5 March 2013	16–18, 106–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210064 [2013] RRTA 186	4 March 2013	16–18, 43–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200261 [2013] RRTA 194	3 March 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1216540 [2013] RRTA 191	1 March 2013	14, 19	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216539 [2013] RRTA 190	1 March 2013	16, 21	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219744 [2013] RRTA 185	1 March 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1219319 [2013] RRTA 184	1 March 2013	16–18, 134–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213846 [2013] RRTA 181	1 March 2013	16–18, 36–43	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216990 [2013] RRTA 246	28 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1211943 [2013] RRTA 196	28 February 2013	16–18, 84–6	This case relates to: <ul style="list-style-type: none"> the meaning of ‘significant harm’

			<p>The applicant was from Fiji. She divorced her husband in 2008 (para 38). The Tribunal accepted that it was possible that the applicant's immediate family were unhappy about her divorce and that she did not want to hear what they had to say about her marital circumstances (para 85). The applicant indicated that she had no contact with her immediate family so that she would not have to endure any criticism they might make (para 85). However, in assessing whether the harm that she feared amounted to degrading treatment or punishment, the Tribunal held that even if the applicant did have contact with her family and had to endure their criticism, the Tribunal was not satisfied that this would result in extreme humiliation, although accepted that it might be upsetting (para 85).</p> <p>The Tribunal accepted that the applicant might face some financial hardship if she returned to Fiji, although was not satisfied that there was a real risk that she would suffer significant harm for this reason (para 85).</p>
1218182 [2013] RRTA 183	28 February 2013	16–18, 116–8	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'real risk' • risk faced by the population generally <p>The applicant was from Iraq. In relation to the general insecurity and ongoing violence in Iraq, the Tribunal was not satisfied that there were substantial grounds for believing that the applicant faced a real risk of significant harm that was not faced by the population generally (para 118).</p>
1214970 [2013] RRTA 182	28 February 2013	16–18, 81–4	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'real risk'

			<ul style="list-style-type: none"> • risk faced by the population generally <p>The applicant was from Iraq and of the Sunni religion. In assessing his complementary protection claim, the Tribunal held:</p> <p>‘82. I am ... conscious that the security situation in Iraq generally is very poor. The UNHCR reports that armed groups opposed to the Iraqi Government remain active and capable of disrupting the security environment with mass casualty attacks, often directed at Shi’a civilians and aiming to reinvigorate sectarian violence. While Shi’a civilians are the most affected, the UNHCR reports that civilian casualties from mass casualty attacks continue to number in the thousands. The UNHCR reports that all Iraqi civilians face significant risks in light of these casualty figures. I have had regard to this information.’ (footnotes omitted)</p> <p>‘83. I am conscious however that paragraph 36(2B)(c) of the Act provides that there is taken not to be a real risk that a non-citizen will suffer significant harm in a country if the real risk is one faced by the population of the country generally and is not faced by the non-citizen personally. In this regard, I am satisfied that the risk of harm faced by the applicant due to the generally poor security situation in Iraq is not a risk the applicant faces personally, rather it is a risk faced by the entire Iraqi population.’</p>
1213090 [2013] RRTA 148	28 February 2013	6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1212764 [2013] RRTA 147	28 February 2013	16–18, 28	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1207538 [2013] RRTA 141	28 February 2013	16–18, 44	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216767 [2013] RRTA 179	27 February 2013	16–17	Recognised as refugee so no need to recognise under separate grounds
1212633 [2013] RRTA 152	27 February 2013	57–9, 61	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was from Fujian province in China. The Tribunal accepted that she was of Catholic faith and worshipped in an underground church in China (para 54). The Tribunal was also satisfied that the applicant attended church in Australia, and that this was otherwise than for the purpose of strengthening her refugee claim (paras 33–4). However, the Tribunal found that there was no real chance that the applicant would face serious harm in China (para 56). In assessing her complementary protection claim, the Tribunal noted that it would be likely that Chinese authorities would interview failed asylum seekers and might keep them under surveillance and detain them for a short period (para 59). However, the Tribunal was not satisfied that if this were to occur, it would amount to significant harm (para 59). The Tribunal held that returnees with a higher profile in Australia might be treated more severely by the authorities (para 59). However, there was no information suggesting that the applicant’s activities in Australia, or as a practising Catholic attending an underground church in China, were such that she faces a risk of significant harm on</p>

			return to China (para 59).
1211110 [2013] RRTA 150	27 February 2013	16–18, 49	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219618 [2013] RRTA 149	27 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1215466 [2013] RRTA 144	27 February 2013	16–18, 42	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213190 [2013] RRTA 143	27 February 2013	16–18, 77–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210862 [2013] RRTA 128	26 February 2013	16–18, 38	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209480 [2013] RRTA 127	26 February 2013	16–18, 90–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214267 [2013] RRTA 168	25 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1210117 [2013] RRTA 166	25 February 2013	17–19	Recognised as refugee so no need to recognise under separate grounds
1204223 [2013] RRTA 164	25 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1215986 [2013] RRTA 161	25 February 2013	16–18, 76–82, 85–9	<p>This case relates to:</p> <ul style="list-style-type: none"> relocation (reasonableness) <p>The applicant was from the Punjab, India. She claimed that she had married [Mr A], a Sikh of Jat caste, that his parents initially did not approve of the marriage, that the applicant was of a lower Sikh caste, that she unsuccessfully applied for a visa for him to accompany her to Australia, that he contributed at least \$4400 AUD towards her study and stay in Australia, that he and/or</p>

		<p>his family members grew disillusioned with the union and demanded that she or her family repay funds which had been provided by his family (para 69). The applicant claimed that [Mr A] and his family had filed a first information report with the police, alleging that she and her family defrauded him of 600,000 rupees by making him believe that she could obtain for him a visa to Australia (para 70). She claimed that those allegations were false (para 70).</p> <p>The Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm in any location in India, including her home region (paras 77–82, 84). In reaching this conclusion, the Tribunal found that the applicant did not face the prospect of arrest or incarceration while the law suit was ongoing, and that the law suit would not be decided against the applicant, since the allegations were false (paras 77–9).</p> <p>However, even assuming that the law suit was decided against the applicant, therefore subjecting her to arrest and incarceration (which the Tribunal rejected), the Tribunal found that the harm feared by the applicant was confined to the Punjab (para 88). The law suit would be conducted in the Punjab (para 88). Even if the judgment went against her, the Tribunal found that if she did not return to the Punjab, she would neither be arrested nor jailed by the Punjabi authorities (para 88). The Tribunal found that the applicant would not be arrested or jailed by authorities outside the Punjab (para 88).</p>
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			<p>The Tribunal found that it would be reasonable for the applicant to relocate to an area of India outside the Punjab where there would not be a real risk of significant harm (paras 85–9). In reaching this conclusion, the Tribunal noted that Sikhs did not face a threat of harm in India on the basis of their religion or identity, they had indiscriminate access to employment and had communities throughout India (para 86). The Tribunal also noted that the applicant conceded that she would be able to find a job in a place like Delhi, Bombay or Bangalore (para 86). The Tribunal found that the fact that the applicant was a woman did not render her relocation within India unreasonable (para 87).</p>
1214851 [2013] RRTA 1	25 February 2013	16–18, 154–6	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • risk faced by the population generally <p>The applicant was a Hazara Shia from Jaghori in Afghanistan. In assessing his complementary protection claim, the Tribunal held:</p> <p>‘155. The Tribunal appreciates that routes or parts of routes from Kabul to Jaghori may be unsafe or insecure for all travellers. However, the mere fact that the applicant may travel from Kabul to Jaghori in order to go back to his home district of Jaghori upon his return to Afghanistan or travels to Kabul to make arrangements to visit his family in Pakistan does not mean, and the Tribunal does not accept, that there is a</p>

			<p>real risk that he will suffer significant harm. Even if the Tribunal were to accept, which it does not, that the applicant is likely to travel on these routes on a more regular basis, the Tribunal is cognisant of DFAT's advice, cited above,[43] that no particular ethnic group is being targeted on roads in Afghanistan. As noted above, the main targets on the roads in Ghazni, and nationally, are people employed by or with direct links to the Afghan Government or international community, regardless of ethnicity; or those carrying documentation which pointed to a connection with the government. Speeding, poor road conditions, criminality and IEDs caused or contributed to insecurity on roads The Tribunal finds that any harm faced by the applicant on the roads in Afghanistan is faced by the population of the country generally and not by him personally. The Tribunal finds that there is taken not to be a real risk that the applicant will suffer significant harm in Afghanistan as a result of lack of security on roads or general violence.'</p>
1213210 [2013] RRTA 176	22 February 2013	16–18, 249–54	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214842 [2013] RRTA 158	22 February 2013	16–18, 71–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211418 [2013] RRTA 151	22 February 2013	16–18, 38	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217809 [2013] RRTA 140	22 February 2013	16–18, 58–64	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'significant harm' • the meaning of 'real risk' • relocation (reasonableness)

		<p><i>Refugee claim</i> (paras 44–57)</p> <p>The applicant was a Hazara Shia from Baghlan province in Afghanistan. The Tribunal accepted that the applicant engaged in premarital sexual relations with a girl in his village in Baghlan province, that she became pregnant, and that his father sent him away to live with a relative in Kabul to avoid reprisals from her family members (para 52). The Tribunal also accepted that if the applicant returned to live in his village, there was a real chance that he would suffer serious harm from the girl’s family members (para 53).</p> <p>Having regard to the country information, and considering that the applicant was involved in premarital sexual relations with a non-Hazara girl, the Tribunal considered that if the applicant returned to his village in Afghanistan, he could not get protection from the harm he feared from the girl’s family (para 54). The Tribunal found that the reason for this failure of protection would be for a Convention reason; namely, because he was a Hazara Shia (para 54).</p> <p>The Tribunal found that there was not a real chance or a real risk that the applicant would suffer harm in Kabul (para 56). The Tribunal did not accept that there was a real chance or real risk that the girl’s family would locate and harm the applicant, or cause him to be harmed, if he returned to Kabul to live with his family and work there (para 56).</p> <p>Having regard to the country information, the Tribunal accepted that employment prospects, particularly for</p>
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		<p>Hazaras, were limited in Kabul, that living standards, the economy and infrastructure in Kabul were poor, that there were sometimes incidents of violence and insecurity in Kabul (including sometimes against Hazaras Shias), and that that there was uncertainty surrounding the future of Afghanistan, in particular after the withdrawal of the international forces who were presently there (para 57). Nevertheless, the Tribunal found that it would be reasonable for the applicant to relocate safely within Afghanistan to Kabul. In reaching this conclusion, the Tribunal considered the applicant’s Hazara ethnicity, his Shia religion, his education in his village, his age, his work experience for about three years in the family business in his village, the fact that he had all of his close family members for support in Kabul, and the fact that he had a relative who had lived in Kabul since childhood and who had a business there and who was presently supporting his family financially and providing them with accommodation there (para 57). The Tribunal did not consider that the applicant would have difficulty adjusting to life in his country because of his time in the West or his Western appearance (para 57). The Tribunal noted that the applicant had lived in Afghanistan for many years and had only been in Australia for a relatively short time, since arriving in May 2012 (para 57).</p> <p><i>Complementary protection claim</i> (paras 58–64) The Tribunal found that the harm that the applicant would suffer from the family of the girl in his village in Baghlan province amounted to significant harm (para</p>
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			<p>58). However, for the reasons above, the Tribunal found that it was reasonable for the applicant to relocate to Kabul, where there was not a real risk that the applicant would suffer significant harm (para 59).</p> <p>Although the Tribunal accepted that there was country information supporting the claim that some returned asylum seekers from the West and those with western appearances were targeted for harm in Afghanistan/Kabul, including Hazara Shias, the Tribunal did not accept that there was a real chance that the applicant would suffer serious harm, or that there were substantial grounds for believing that there was a real risk that he would suffer significant harm, for these reasons (para 61).</p> <p>To the extent that the applicant would suffer harm because his actions would bring humiliation on him and his family and people would look down on him and his family, the Tribunal found that this was not harm amounting to serious harm or significant harm (para 62).</p>
1213564 [2013] RRTA 135	22 February 2013	16–18, 67–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213480 [2013] RRTA 167	21 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1212871 [2013] RRTA 156	21 February 2013	16–18, 80–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217178 [2013] RRTA 137	21 February 2013	16–18, 102–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1217771 [2013] RRTA 130	21 February 2013	16–18, 60–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214418 [2013] RRTA 177	20 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1212556 [2013] RRTA 134	20 February 2013	16–18, 100	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212463 [2013] RRTA 133	20 February 2013	16–18, 104–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208218 [2013] RRTA 126	20 February 2013	16–18, 97–103	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216660 [2013] RRTA 120	20 February 2013	16–18, 91–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216253 [2013] RRTA 170	19 February 2013	16–18, 87–9	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was a male of Tamil ethnicity from Sri Lanka. The Tribunal did not have evidence before it to support a finding that the applicant was of interest to the Sri Lankan authorities prior to his leaving Sri Lanka to travel to Australia, or that he had any outstanding criminal matters in Sri Lanka (para 87). The Tribunal found that the applicant left Sri Lanka through illegal channels to travel to Australia, and that he might be delayed on re-entry into Sri Lanka to enable processing and criminal checks (para 87). However, the Tribunal did not consider either the process of questioning the applicant, or the delay associated with questioning and criminal checks, to amount to significant harm (para 87).</p>
1209520 [2013] RRTA 165	19 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds

1207757 [2013] RRTA 131	19 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1210413 [2013] RRTA 172	18 February 2013	16–18, 128–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215016 [2013] RRTA 169	18 February 2013	15–17	Recognised as refugee so no need to recognise under separate grounds
1210000 [2013] RRTA 154	18 February 2013	16–18, 63–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211247 [2013] RRTA 132	18 February 2013	16–18, 86–7	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • degrading treatment or punishment • the meaning of ‘real risk’ • risk faced by the population generally <p>The applicant was from Fiji. The Tribunal accepted that she was sexually assaulted by three or four men in January 2011 and that this assault was the consequence of an opportunistic crime (paras 77–8). The Tribunal accepted, given the level of sexual and indecent assault in Fiji, that it was possible that the applicant might be the victim of such a crime in the future and that this would amount to degrading treatment (para 87). However, the Tribunal took the view that this risk was one faced by the population generally and not by the applicant personally (para 87).</p> <p>With respect to the other harm feared by the applicant – gossip, stigmatisation, reduced marriage prospects and damage to family reputation, if people found out about the assault in 2011 – the Tribunal found that only the applicant’s family knew about the assault and it was</p>

			highly unlikely that anyone in her family would disclose the information (para 87). The Tribunal was not satisfied that the information would become publicly known (para 87). However, even if it did become known and the harm feared by the applicant eventuated, the Tribunal was not satisfied that it would result in extreme humiliation, although it might be distressing and upsetting (para 87). The Tribunal was not satisfied that it amounted to degrading treatment or punishment (para 87).
1213654 [2013] RRTA 114	18 February 2013	16–18, 33	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113288 [2013] RRTA 180	15 February 2013	18–20	Recognised as refugee so no need to recognise under separate grounds
1213171 [2013] RRTA 157	15 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1216703 [2013] RRTA 153	15 February 2013	18–20	Recognised as refugee so no need to recognise under separate grounds
1214113 [2013] RRTA 129	15 February 2013	13, 66	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214443 [2013] RRTA 124	15 February 2013	9, 67	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217788 [2013] RRTA 162	14 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1209126 [2013] RRTA 109	14 February 2013	16–18, 53–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215727 [2013] RRTA 178	13 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1216108 [2013] RRTA 145	13 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds

<p>1218461 [2013] RRTA 121</p>	<p>13 February 2013</p>	<p>17–20, 58–65</p>	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from the United States of America. The Tribunal accepted that she had been seriously abused, physically and emotionally, while living with her husband in the past, up to 2011 (para 55). The Tribunal accepted that this amounted to significant harm: both degrading treatment and cruel or inhuman treatment (para 58). The Tribunal also accepted that she feared similar treatment in the future and also feared being arbitrarily deprived of her life (para 58). However, the Tribunal did not consider that there were substantial grounds for believing that there was a real risk that she would suffer significant harm if she returned to the US (para 64). In reaching this conclusion, the Tribunal noted:</p> <ul style="list-style-type: none"> • there was very little information about her husband’s current intentions; she had had no contact with him for over two years; and she had not claimed, despite his visiting her sister several months ago, that he had made any recent threats against her (para 61) • so far as she knew, her husband (who worked in the US military) was still based on [Place 1] and his next posting would be to a place which might be anywhere in the world, and hence, even if the applicant returned to her mother’s or sister’s home in [City 2], his opportunities to harm or harass her would be limited (para 62) • even if her husband could find out that she had re-
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			entered the US, it had not been claimed that he could readily locate her; his ability to know whether she had re-entered the country remained uncertain and it was also unclear whether he was motivated to get this information (para 63)
1213201 [2013] RRTA 113	13 February 2013	16–18, 54–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212047 [2013] RRTA 111	13 February 2013	16–18, 64–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201441 [2013] RRTA 175	12 February 2013	19–21, 147–55	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • relocation (reasonableness) • risk faced by the population generally <p><i>Refugee claim</i> (paras 97–146) The applicant was from [Village 1] in Swat, Pakistan. He claimed to fear harm from the Taliban. The Tribunal accepted that the applicant’s family had considerable property interests in and around [Village 1]; that his father was a successful businessman and opposed to the Taliban; that the applicant’s father would be well-known in and around [Village 1]; that the applicant too did not support the Taliban; and that once in 2007, the applicant had been assaulted by the Taliban, during which he was told to stop shaving and listening to music, and his mobile phone was taken (paras 117, 121). The Tribunal noted that in Swat, Taliban-style groups had in the past successfully taken control of a number of areas, and that the area remained very unsettled because of the continued violent activity of</p>

		<p>the militants (para 122). The Tribunal considered that the chance that the Taliban and like militants might return again to try to win Swat could not be discounted, and that they would remain in the area and continue to have influence (para 122). The Tribunal noted that when the Taliban took, or attempted to take, control of an area, it used violence and public punishments to impose codes of conduct on the population based on extreme interpretations of Islam (para 123). Government officials and tribal elders, as well as ordinary people, who were against the Taliban had been killed or intimidated in the past (para 123). Moreover, terror attacks continued to occur in Khyber Pakhtunkhwa with disturbing frequency despite a high level of military presence (para 123). Against this background, the Tribunal considered that the applicant faced a real chance of serious harm in the event that he were to return to Swat, on the basis of his political opinion (actual, that is against the Taliban, or imputed, on account of his enthusiasm for Western ways) or his membership of the particular social group described as his family (para 124). The Tribunal did not consider that the level of state protection available could counter the degree of risk faced by the applicant (para 124).</p> <p>The Tribunal considered whether there would remain a real chance that the applicant would be persecuted if he were to live elsewhere, such as Lahore or the twin cities of Islamabad and Rawalpindi (para 129), and found that there was not more than a remote chance (para 140). In reaching this conclusion, the Tribunal noted that the applicant's profile was not of a kind which would bring</p>
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		<p>him to the notice of the Taliban or like extremists elsewhere, away from Swat and Khyber Pakhtunkhwa, and FATA, and that the local profile of the applicant's family, perhaps significant in [Village 1], would not have any impact on him in the rest of the country (para 139). The Tribunal also noted that the applicant was a Sunni Muslim, the dominant religious group which had not been targeted in terror attacks (para 137).</p> <p>The Tribunal considered that it would be reasonable for the applicant to relocate and live in an area of Pakistan outside Khyber Pakhtunkhwa, such as Lahore or the twin cities of Islamabad and Rawalpindi (paras 141–6). In reaching this conclusion, the Tribunal noted that the applicant could speak, read and write English and Urdu and spoke Pashto; he was a Sunni Muslim, the dominant religious group which had not been targeted in terror attacks; he had been to Islamabad a few times with his mother and brother and said that he had also been to Peshawar (i.e. he had been away from his home area); he had come to and lived in Australia for nearly two years, and for some time had lived in Australia without a family member (paras 143–4). Although the applicant had never worked or lived away from family for long, the Tribunal considered that he could reasonably do so, although it might be challenging and an unwelcome inconvenience (para 144). The Tribunal did not consider that the poor security situation prevailing in Pakistan made it unreasonable for the applicant to return and live in a place other than his home area, such as Lahore or Islamabad or Rawalpindi (para 145).</p>
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			<p><i>Complementary protection claim</i> (paras 147–55) The Tribunal accepted that there was a real risk that the applicant could suffer significant harm in his home area in Pakistan: namely, Swat and the larger Khyber Pakhtunkhwa area (para 151).</p> <p>However, the Tribunal held that its assessment about the question of relocation under the refugee criterion was ‘equally applicable’ to the assessment under the complementary protection criterion (para 152). The Tribunal held that, in Lahore, Islamabad or Rawalpindi, the applicant would not face a real risk of significant harm (para 152). The Tribunal held that the difficulties that the applicant might have in settling to live in an area away from home, looked at separately and together, could not reasonably be construed as amounting to significant harm (para 152). The Tribunal considered that what the applicant might face upon his return to Pakistan would, at most, be unwelcome and inconvenient for him (para 152). Hence, the Tribunal found that it would be reasonable for the applicant to relocate to an area of Pakistan where there would not be a real risk that he would suffer significant harm (para 152). In relation to the applicant’s concern about the security situation in Pakistan, the Tribunal did not consider that was anything about the applicant and his circumstances that gave rise to a real risk that he would personally face significant harm in, say, Lahore or Islamabad or Rawalpindi (para 153). The Tribunal considered that what the applicant might face in this regard was a risk faced by the population generally and</p>
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			not by him personally (para 153).
1218240 [2013] RRTA 163	12 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1215666 [2013] RRTA 160	12 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1210725 [2013] RRTA 142	11 February 2013	16–18, 109, 111, 113	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216158 [2013] RRTA 118	11 February 2013	16–18, 41–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213178 [2013] RRTA 112	11 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1218175 [2013] RRTA 106	11 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1110889 [2013] RRTA 293	10 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1112221 [2013] RRTA 146	8 February 2013	17–19, 132–7	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims) <p><i>Refugee claim</i> (paras 105–131) The applicant was from Ethiopia. She claimed to fear harm, inter alia, because she was perceived to be an opponent of the Ethiopian government. However, due to concerns about her credibility, the Tribunal found that the applicant was never a member or supporter of any opposition group, including Ginbot7 in Ethiopia (para 111). The Tribunal was prepared to accept that the applicant may have become a member of Ginbot7 since arriving in Australia and that she may have engaged in</p>

			<p>some conduct in Australia, such as attending protests and vigils or telling people about her political affiliation or membership (para 115). However, the Tribunal found that her choice to join Ginbot7 and participate in such conduct in Australia was conduct engaged in solely to strengthen her refugee claim (paras 116–7). Hence, the Tribunal disregarded this conduct in determining her refugee claim, in accordance with section 91R(3) of the Act (para 117). The Tribunal was not satisfied that the applicant faced a real chance of persecution for her political opinion in Ethiopia (para 118).</p> <p><i>Complementary protection claim</i> (paras 132–7) The Tribunal noted that there was no statutory basis similar to section 91R(3) that required it to disregard the applicant’s conduct in Australia for the purpose of determining her complementary protection claim (para 134). The Tribunal considered the conduct and activity in which the applicant may have engaged in Australia, but was not satisfied that they had been of such a nature as to lead to her being personally identified in Australia or in Ethiopia as an anti-government activist, or high profile opponent of the Ethiopian government (para 135). The Tribunal was also not satisfied that there were substantial grounds for believing that the nature of her involvement in any activities or conduct in Australia would even be known in Ethiopia, and the Tribunal was not satisfied that her activities had been or would be identified and reported on by persons in Australia to authorities in Ethiopia (para 135). Hence, the Tribunal found that there was no real risk that the applicant</p>
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			would suffer significant harm (para 135).
1209792 [2013] RRTA 110	8 February 2013	16–18, 78, 81	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216280 [2013] RRTA 136	7 February 2013	16–18, 122–30	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • relocation (reasonableness) <p><i>Refugee claim</i> (paras 90–121) The applicant was a Hazara Shia from Khas Uruzgan, Afghanistan. The Tribunal accepted that it was not a remote possibility that the applicant would be seriously harmed in Khas Uruzgan by the Taliban or allied groups for reasons of being a Hazara Shia (and/or physically identifiable Hazara) and that his fear of persecution in this area was well-founded and for a Convention reason (para 97).</p> <p>The Tribunal also accepted that it was not a remote or far-fetched possibility that the applicant would be seriously harmed in Khas Uruzghan because it was an area controlled by armed insurgents and the applicant had lived overseas in a country that was part of the coalition of foreign forces supporting the government and fighting against the Taliban (para 102). The Tribunal found that the applicant could be regarded as westernised and possibly be accused of spying and would have a well-founded fear of persecution on this basis (para 102).</p> <p>However, the Tribunal found that it would be</p>

		<p>reasonable for the applicant to relocate to Kabul. On the basis of country information, the Tribunal found that there was no real chance that the applicant would be persecuted for reasons of being a Hazara Shia (and/or physically identifiable Hazara) in Kabul (para 113). The Tribunal also found that there was no real chance that the applicant would be persecuted in Kabul for reasons of being a failed asylum seeker or Hazara returnee or failed asylum seeker from Australia or from a Western country (para 115).</p> <p>In finding that it would be reasonable for the applicant to relocate to Kabul, the Tribunal noted that the applicant had lived in Kabul for over two years between 2008 and the end of 2011 in private rented accommodation and had worked in the construction industry; the applicant had stated that he had no difficulty gaining employment in Kabul; although this accommodation was no longer available to the applicant, his siblings were living at [Relative B]’s home in Kabul; and [Relative B] had lived in Kabul for 10 years and worked in the construction industry (para 118). Although the country information referred to the necessity for people to have ties or family members in Kabul and the difficult employment prospects there, the Tribunal found that the applicant had been employed in the past, had skills that were apparently in demand, had family ties in Kabul and had found accommodation in the past (para 119). The Tribunal found that, even if the applicant could not find his own private accommodation, he could live with [Relative B] until he did (para 119).</p>
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			<p><i>Complementary protection claim</i> (paras 122–30) The Tribunal accepted that Hazaras were discriminated against (para 127). However, based on the evidence before it, the Tribunal was not satisfied that the applicant would be subjected to significant harm in Kabul (para 127). The Tribunal noted that the applicant had only spent one year of his life outside of Afghanistan before coming to Australia and was therefore not at risk for spending almost his entire life outside of Afghanistan (para 127). The applicant had indicated that he had been stopped on many occasions when travelling in Afghanistan at Taliban checkpoints and that he had been verbally taunted and slapped (para 127). However, the Tribunal did not regard this treatment as significant harm and found no reason why the applicant would be treated more harshly on his return (para 127). The Tribunal was not satisfied that there were substantial grounds for believing that there was a real risk that the applicant would be subjected to significant harm (para 127).</p>
1219047 [2013] RRTA 122	7 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1215798 [2013] RRTA 116	7 February 2013	17–20, 101–2	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • relocation (reasonableness) <p><i>Refugee claim</i> (paras 87–100) The applicant was from the Punjab, India. She was a Sikh and her de facto partner, [Mr A] was a Muslim (para 90). She claimed to fear that her brother would</p>

		<p>kill her if she returned to the Punjab because she was in a relationship that her family considered unacceptable, with a man who was not only not a Sikh but a Muslim (para 93). On the basis of country information, the Tribunal accepted that honour killings took place in the Punjab and that the applicant's brother had made such a threat (para 94). The Tribunal accepted that the applicant was part of the particular social group "Sikh women perceived to have brought dishonour on their family" (para 95). The Tribunal also accepted that the applicant had a well-founded fear of being persecuted in the Punjab because of her membership of this group, which would motivate both the harm by her brother and the failure of the police to provide protection (para 95).</p> <p>The applicant also claimed to fear being seriously harmed by [Mr A]'s family, who were in Haryana (bordering Punjab) (para 96). On the basis of country information, the Tribunal accepted that Haryana was another state where honour killings took place and that [Mr A]'s family might well intend to harm her and [Mr A] for bringing shame on the family (para 96).</p> <p>However, the Tribunal noted that the evidence indicated that couples in mixed marriages moved from conservative rural areas to the cities for protection because urban areas were more liberal (para 97). The Tribunal considered the applicant's fear that, if she moved to an urban area outside the Punjab, she might be seen by a person who knew her history and that this might put her at risk (para 97). However, the Tribunal found, given India's size and population, that it was</p>
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			<p>highly unlikely that this would occur (para 97). The Tribunal was satisfied that there was a remote chance that the applicant would face any serious harm by members of the local community (para 98).</p> <p>The Tribunal found that it would be reasonable for the applicant to relocate within India (para 99). In reaching this conclusion, the Tribunal noted that the applicant had a university degree; she could speak, read and write English and Punjabi and had studied another language as part of her degree; she had shown independence and determination in leaving her marriage and establishing a new relationship under difficult circumstances and had done so in a new country; and she would be settling in a new region of India as a married woman and would therefore not suffer the hardships that the independent evidence indicated were experienced by divorced women (para 99).</p> <p><i>Complementary protection claim</i> (paras 101–2) For the reasons given above, the Tribunal was satisfied there was a real risk that the applicant might suffer significant harm if she returned to Punjab or travelled to Haryana state (para 102). However, for the reasons given above, the Tribunal was satisfied that it would be reasonable for her to relocate to an area of the country where there would not be a real risk that she would suffer significant harm (para 102).</p>
1206636 [2013] RRTA 108	7 February 2013	16–18, 91	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1220187 [2013] RRTA 107	7 February 2013	16–18, 77–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1214877 [2013] RRTA 159	6 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1211167 [2013] RRTA 155	6 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1216866 [2013] RRTA 139	6 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1215726 [2013] RRTA 138	6 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1215801 [2013] RRTA 117	6 February 2013	16–18, 34	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215627 [2013] RRTA 115	6 February 2013	16–18, 112–5	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was a Tamil male from Sri Lanka. The Tribunal did not accept that there were substantial grounds for believing that there was a real risk that he would suffer significant harm. Although the Tribunal found that the applicant’s father may have been included in the general ‘round ups’ during the Civil War, the Tribunal also found that neither the applicant, his uncle, his father or his family had been of interest to the Sri Lankan authorities since the Civil War ended in May 2009, including since the applicant travelled to Australia (para 112). The Tribunal found that the applicant was kidnapped by unknown people, and that his father paid to secure his release (para 112).</p> <p>The Tribunal accepted that the applicant might have been pressured to loan his bike to people, including possible criminals with or without links to political</p>

			<p>parties (para 113). However, the Tribunal noted that the applicant did not believe that the threat was so great as to prevent his retrieving the bike without their instructions and/or for him to dispose of or sell the bike (para 113). In addition, the applicant refused to lend the bike on a further occasion, despite his claims that both he and his family were threatened (para 113). On this basis, the Tribunal found that the applicant did not believe that he was under threat due to his retrieving the bike and/or refusing to loan the bike again (para 113). The Tribunal also found that the applicant was not at risk of significant harm in relation to his owning the bike, retrieving the bike and/or refusing to loan it again (para 114).</p> <p>On the basis of country information, the Tribunal found that he might face questioning and a delay to enable checking and processing upon arrival in Sri Lanka, and he might be fined, but that he would not be detained on any longer term basis (para 114). The Tribunal did not accept that the questioning process and/or the delay constituted significant harm (para 114).</p>
1212445 [2013] RRTA 104	6 February 2013	15, 95	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1206440 [2013] RRTA 102	6 February 2013	16–18, 41	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1301051 [2013] RRTA 123	5 February 2013	18–20	Recognised as refugee so no need to recognise under separate grounds
1210591 [2013] RRTA 103	5 February 2013	16–18, 69–73	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’

		<ul style="list-style-type: none"> • section 91R(3) ('contrived' refugee claims) <p>The applicants (first applicant and her child) were from China.</p> <p><i>Social compensation fee</i></p> <p>The Tribunal accepted that the applicant had had children out of wedlock (para 54). The Tribunal accepted that family planning fines might be imposed on the applicant and that the imposition of fines might cause some financial hardship (para 70). However, the Tribunal considered that in the circumstances of this case, the imposition of a family planning fine on the applicant and resulting financial hardship would not constitute significant harm (para 70). It would not constitute the arbitrary deprivation of life and had no association with a death penalty (para 70). It would also not constitute torture, since it would not involve severe pain or suffering or the type contemplated in the definition in section 5(1) (para 70). Although a fine might be considered punishment, the Tribunal did not consider, on the information before it, that the imposition of a fine would be intended to cause extreme humiliation which was unreasonable (as stipulated by the definition of degrading treatment or punishment) or that the imposition of a fine would cause, or be intended to cause, severe pain or suffering or that the imposition of a fine in these circumstances could be regarded as cruel or inhuman (within the meaning of the definition of cruel or inhuman treatment or punishment) (para 70).</p> <p><i>Local Church</i></p>
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			<p>Although the Tribunal accepted that the applicant had attended the local Church in Australia since January 2012, the Tribunal found that she was not a genuine Christian (para 71). The applicant's conduct in Australia was disregarded for the purpose of assessing her refugee claim, in accordance with section 91R(3) of the Act, since the Tribunal found that it was engaged in for the sole purpose of strengthening the applicant's refugee claim (para 57). In assessing the applicant's complementary protection claim, the Tribunal was not satisfied the authorities had associated the applicant with the Local Church at any stage (para 71). Given this, the Tribunal did not consider that the authorities would know that the applicant had attended the Local Church in Australia (para 71). Hence, the Tribunal was not satisfied that there was a real risk that she would suffer significant harm (para 71).</p> <p><i>Child outside marriage</i></p> <p>The Tribunal accepted that the applicant might face some societal discrimination if people knew that the applicant had had children outside marriage (para 72). The Tribunal also accepted that the applicant might face mental strain, misery and some financial difficulties if she returned, but considered that such difficulties would not be unlike any other young person returning back to China after time overseas (para 72). The Tribunal found that the secondary applicant might also face some societal discrimination if people knew that she was born outside marriage, but the Tribunal was not satisfied that she would face societal discrimination that would constitute significant harm (para 72).</p>
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1216496 [2013] RRTA 119	4 February 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1208024 [2013] RRTA 90	4 February 2013	14, 79	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214815 [2013] RRTA 105	1 February 2013	16–18, 98–101	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicants (first applicant and her child) were from China. The Tribunal rejected the first applicant’s claims to fear harm because she was a Christian, due to concerns about her credibility (paras 98–9). The first applicant claimed on behalf of her child (the second applicant) that her child might not be happy growing up without a father (para 100). The Tribunal accepted that the father of the child no longer played a paternal role in the child’s life and that he might not do so in the future (para 100). In relation to the fine or fee that the first applicant would have to pay to have her child registered, the Tribunal found that the applicant’s parents would help her in meeting that cost, whether through the taking out of a loan or otherwise, and that the amount would be met, and the child would be registered before becoming of school age (para 100). The Tribunal found that paying or servicing a fine or fee of 35000 RMB, while onerous, would not occasion to the applicant either serious or significant harm, and that in the interim, while unregistered, the child would not experience serious or significant harm (para 100). The Tribunal found that there was less than a real chance that either the applicant or the second applicant would suffer serious harm associated with the</p>

			<p>registration status of the second applicant (para 101). Similarly, the Tribunal found that there were no substantial grounds for believing that the applicant or second applicant would suffer significant harm on this basis (para 101).</p>
1218582 [2013] RRTA 101	1 February 2013	16–18, 51–62	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Sri Lanka. He claimed to fear harm for a number of reasons:</p> <ul style="list-style-type: none"> • <i>Imputed anti-government, pro-LTTE political opinion</i>: The Tribunal noted that the UNHCR had clearly stated that there existed substantial mistreatment of those suspected of having links with the LTTE (para 55). However, the Tribunal did not accept that the applicant was of any interest to the authorities now or in the reasonably foreseeable future (para 55). In reaching this conclusion, the Tribunal noted that the applicant had been able to obtain a passport without difficulties in April 2012 (para 55). Although the applicant had been mistreated on one occasion whilst in a camp and accused of being involved with the LTTE, the Tribunal noted that this incident occurred a number of years ago, that the applicant was released from the camp and was not subjected to any further interrogation or mistreatment whilst in the camp (para 55). The Tribunal accepted that the applicant was again physically mistreated in November 2011, but he was let go by the soldiers and was not the subject of further attention for the remaining period

			<p>that he remained in Sri Lanka (para 55). Although the applicant claimed that he did not go out often, he continued to work and was able to travel to Colombo and was not the subject of any adverse attention (para 55). The applicant was also never involved in the LTTE (para 55). Based on these factors, the Tribunal found that the applicant did not face a real chance of persecution on account of an imputed anti-government, pro-LTTE political opinion at the hands of the authorities or pro-government paramilitary groups (para 55). For the same reasons, the Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (para 55).</p> <ul style="list-style-type: none"> • <i>Tamil</i>: The Tribunal noted that the country information indicated a generally improved situation for Tamils since the ending of the war (para 56). The Tribunal accepted that there was some level of discrimination against Tamils, but did not accept that the applicant would be denied a livelihood of any kind that threatened his capacity to subsist or otherwise subjected to serious harm (para 56). The Tribunal noted that the applicant was able to be gainfully employed and was able to complete Year 10 (para 56). Based on the country information and the applicant’s individual circumstances, the Tribunal did not accept that he would face a real chance of serious harm because he was a Tamil or due to his membership of a particular social group of young, male Tamils from the North or any other variant of these characteristics (such as “Tamils
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			<p>from the North or East” or “Sri Lankan Tamils”) or because of any imputed political opinion as a LTTE supporter (para 57). The Tribunal also did not accept that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm for these same reasons (para 57).</p> <ul style="list-style-type: none"> • <i>Failed asylum seekers/illegal departure:</i> On the basis of the overall weight and authority of the country information and the applicant’s individual circumstances (including the Tribunal’s finding that there was no real chance that the applicant would be imputed with a political opinion as a supporter of the LTTE), the Tribunal found that the applicant might be subjected to short term questioning upon his return, but that this would not constitute serious harm or significant harm (para 60). In relation to the applicant’s claim to fear harm because of his illegal departure from Sri Lanka, the Tribunal noted that although there was evidence that people who left the country illegally and with no documentation upon their return were selected for screening, they would be ‘safe’ if they were not connected to any government-opposed activities (para 61). The Tribunal also noted that there was evidence indicating that persons under the Immigration and Emigration Act could be given prison sentences from one to five years and fined between 50,000 rupees to 200,000 rupees, but that recent and authoritative information from DFAT stated that this was seldom enforced and that in the post’s experience, no failed asylum seekers who had
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			<p>returned from Australia had been charged for offences related to their irregular departure from Australia on their arrival back in Sri Lanka (para 61). Given this information, the Tribunal found that the applicant did not face a real chance of persecution (para 61). The Tribunal also found that there was no real risk of significant harm to the applicant for this reason (para 61).</p> <p>Even considering the applicant's claims cumulatively, the Tribunal found that the applicant did not face a real chance of persecution, nor a real risk of significant harm (para 62).</p>
1216992 [2013] RRTA 99	31 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1215134 [2013] RRTA 93	31 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1217854 [2013] RRTA 68	31 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1216862 [2013] RRTA 65	31 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1215983 [2013] RRTA 60	31 January 2013	16–18, 49	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210943 [2013] RRTA 38	31 January 2013	16–18, 48	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210818 [2013] RRTA 37	31 January 2013	14, 65	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217187 [2013] RRTA 66	30 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds

1216265 [2013] RRTA 63	30 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1216160 [2013] RRTA 62	30 January 2013	16–18, 40–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214498 [2013] RRTA 49	30 January 2013	16–18, 71	This case relates to: <ul style="list-style-type: none"> the meaning of ‘real risk’ <p>The applicant was from Uruguay. The Tribunal found that the applicant was involved in local street gangs in the late 1990s, had some violent altercations with rival gang members and the police, and managed to avoid apprehension by the police, but that he was no longer of interest to any of these persons or groups, due in particular to the passage of time and the applicant’s own family priorities (para 71). On the evidence before it, the Tribunal was not satisfied that there were substantial grounds for believing that there was a real risk that he would suffer significant harm (para 71).</p>
1211486 [2013] RRTA 40	30 January 2013	16–18, 40, 43	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208608 [2013] RRTA 33	30 January 2013	14, 73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1205080 [2013] RRTA 32	30 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1215739 [2013] RRTA 78	29 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1209130 [2013] RRTA 73	29 January 2013	16–18, 144	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215858 [2013] RRTA 59	29 January 2013	16–18, 84–91	This case relates to: <ul style="list-style-type: none"> the meaning of ‘real risk’

			<p>The applicant was from Pakistan. He claimed, inter alia, to fear the Taliban, stating that every terrorist group in Pakistan was working with the Pakistani intelligence services (para 90). The Tribunal accepted that the security situation in many parts of Pakistan was extremely poor (para 90). However, it considered the risk that the applicant would be harmed in such violence to be remote, and not real (para 90). The Tribunal did not accept that there is a real risk that the applicant will suffer significant harm from the Taliban or the Pakistani Intelligence Services as a necessary and foreseeable consequence of being returned to Pakistan (para 90).</p>
1211945 [2013] RRTA 42	29 January 2013	16–18, 41	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1106507 [2013] RRTA 30	29 January 2013	19–21, 86–91	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims) <p>The applicant was from China. She claimed to fear harm because she was a Falun Gong practitioner. However, the Tribunal found that the applicant had no involvement with Falun Gong when she was in China (para 79). The Tribunal did accept that the applicant had been to [Bookshop 1] and had been assisted by people there, that the applicant may have attended some Falun Gong events, and that she knew how to do Falun Gong exercises and knew its guiding principles (para 82). However, the Tribunal considered that the applicant’s conduct in Australia was engaged in for the sole</p>

			<p>purpose of strengthening her refugee claim (para 83). Hence, the Tribunal disregarded this conduct for the purpose of assessing her refugee claim, in accordance with section 91R(3) of the Act (para 83).</p> <p>In assessing the applicant's complementary protection claim, the Tribunal noted that section 91R(3) of the Act did not apply to the complementary protection criterion (para 87). However, the Tribunal did not accept that going to [Bookshop 1], attending some Falun Gong events and knowing the Falun Gong exercises and guiding principles would lead the applicant to come to the adverse interest of the authorities upon her return (para 88). The Tribunal did not consider that the authorities in China would believe the applicant to be a Falun Gong member because the evidence indicated that she was not such a member, and the Tribunal did not consider it likely that she would be perceived otherwise (para 88). The Tribunal held that it followed that the applicant would not be subjected to the kind of treatment which could occur when a person was believed to be an active Falun Gong member, such as being interviewed repeatedly, subject to surveillance or, if the person remained active in Falun Gong or was believed to remain in contact with overseas groups, detained (para 88). The Tribunal accepted that some Falun Gong practitioners were, and continued to be, subjected to treatment which could constitute significant harm but found that there was not a real risk that the applicant would face such harm (para 89).</p>
1214891 [2013] RRTA 100	25 January 2013	15–17	Recognised as refugee so no need to recognise under separate grounds

1213297 [2013] RRTA 91	25 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1214195 [2013] RRTA 47	25 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1215593 [2013] RRTA 28	25 January 2013	16–18, 31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213561 [2013] RRTA 26	25 January 2013	16–18, 39	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217096 [2013] RRTA 80	24 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1214277 [2013] RRTA 27	24 January 2013	16–18, 34	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213214 [2013] RRTA 25	24 January 2013	16–18, 37, 40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216937 [2013] RRTA 95	23 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1219350 [2013] RRTA 89	23 January 2013	17–19	Recognised as refugee so no need to recognise under separate grounds
1215501 [2013] RRTA 88	23 January 2013	16–18, 107–9	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was a single Tamil male from east Sri Lanka. The Tribunal found that the applicant was likely to be subjected to security checks and processing upon returning to Sri Lanka (para 108). The Tribunal found that a custodial sentence was rarely enforced for people leaving Sri Lanka illegally, but that a fine might be imposed (para 108). The Tribunal noted the Sri Lankan government’s right to patrol and control its own borders and found that this did not constitute significant harm</p>

			(para 108).
1215173 [2013] RRTA 87	23 January 2013	16–18, 94–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1110823 [2013] RRTA 83	22 January 2013	17–19, 112–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211281 [2013] RRTA 39	22 January 2013	9–11, 107–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210417 [2013] RRTA 23	22 January 2013	16–18, 38–41	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209264 [2013] RRTA 20	22 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1211076 [2013] RRTA 86	21 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1214568 [2013] RRTA 50	21 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1213637 [2013] RRTA 44	21 January 2013	14, 69	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213135 [2013] RRTA 75	18 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1213051 [2013] RRTA 74	18 January 2013	16–18, 89–91	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims) <p>The applicant was from China. He claimed to fear harm for a number of reasons. However, the Tribunal found that there was no real chance of serious harm, nor any real risk of significant harm, to the applicant.</p> <p><i>Falun Gong</i></p>

			<p>The Tribunal rejected the applicant’s claims that he was involved in Falun Gong in China (paras 79–80). The Tribunal found that the applicant’s claimed Falun Gong activities in Australia were engaged in solely for the purpose of strengthening his refugee claim (para 84). Hence, the Tribunal disregarded this conduct for the purpose of assessing his refugee claim, in accordance with section 91R(3) of the Act (para 84). The Tribunal found that the applicant would not continue to engage in any Falun Gong related activities in Australia or China, and that there was no chance that the applicant would meet with any form of harm in China (para 88).</p> <p>In assessing the applicant’s complementary protection claim, the Tribunal noted that the applicant had claimed to be involved in Falun Gong activities at the Chinese embassy (para 91). However, the Tribunal held that that fact alone did not establish that the Chinese authorities had, could or would identify him personally as a Falun Gong practitioner (para 91). The Tribunal was not satisfied that the applicant was known to Chinese authorities as associated with Falun Gong, and found that none of his claimed Falun Gong activities were or would become known to Chinese authorities (para 91).</p> <p><i>Political opinion</i></p> <p>The Tribunal rejected the applicant’s claim to wish to tell others about the treatment of Falun Gong members or other persons by the Communist Party or the Chinese government (para 86). In reaching this conclusion, the Tribunal noted that it had rejected the applicant’s claim to be a genuine Falun Gong practitioner (para 86). The</p>
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		<p>Tribunal also noted that the applicant had not claimed to have expressed any opinions critical of the Chinese government in Australia, despite having lived in Australia since 2007, claiming to have the freedom to practise Falun Gong openly in Australia and not claiming to fear any harm in Australia (para 86).</p> <p>To the extent that the applicant claimed to hold opinions critical of the Communist Party or the Chinese government which he had not communicated to anyone, the Tribunal found, for the reasons above, that he had no desire to express them, and for that reason, would not express them, and that this situation would not change in the reasonably foreseeable future (para 86). The Tribunal found that the authorities were not aware of any political opinion of the applicant and had not imputed to him any political opinions critical of the government, and would not do so now or in the reasonably foreseeable future (para 86).</p> <p>In assessing the applicant's complementary protection claim, the Tribunal found that, whether or not the applicant held opinions critical of the Chinese government, he had not expressed them since 2007 in Australia, despite not claiming to fear harm in Australia (para 91). The Tribunal found that this was because the applicant had no desire or wish to express matters critical of the Communist Party or the Chinese government (para 91). The Tribunal found that the Chinese government was not aware of any political opinions held by the applicant, and for the reasons above, would not become aware of any such opinions,</p>
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			<p>nor impute to him any political opinions (para 91).</p> <p><i>Claimed arrest and detention of applicant's father</i> The Tribunal was prepared to accept the applicant's claim that his father was accused of an unknown crime by police because they ate and drank at his shop for free and his father confronted them because they caused a mess and scared away other customers, and that as a result, his father was detained and lost his shop (para 87). However, the Tribunal found that the argument between his father and the police officers had come to an end, his father having been detained and also having lost his shop (para 87). The Tribunal found that there was no real chance that the applicant would be mistreated by police, or otherwise meet with serious harm, out of an event that involved only his father (para 87).</p> <p>For the same reasons, the Tribunal found that there was no real risk that the applicant would suffer significant harm out of these events (paras 87, 91).</p>
1209185 [2013] RRTA 35	18 January 2013	16–18, 65	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209436 [2013] RRTA 21	18 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1207642 [2013] RRTA 19	18 January 2013	16–18, 137	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1218976 [2013] RRTA 69	17 January 2013	14–16, 60–72	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214306 [2013] RRTA 48	17 January 2013	16–18, 47	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1209399 [2013] RRTA 85	16 January 2013	16–18, 78	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216379 [2013] RRTA 64	16 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1215179 [2013] RRTA 54	16 January 2013	16–18, 66	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214729 [2013] RRTA 51	16 January 2013	16–18, 106–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210209 [2013] RRTA 22	16 January 2013	15–17, 35	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208231 [2013] RRTA 84	15 January 2013	16–18, 119–20	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • risk faced by the population generally <p>The applicant was from the Democratic Republic of the Congo. The Tribunal accepted that the DRC was a country with significant social and other problems, and a country which suffered instability and violence (para 120). However, the Tribunal found that the risks associated with these circumstances were risks faced by the population of the country generally and not by the applicant personally (para 120). The Tribunal accepted the country information which pointed to human rights abuses and State forces operating with impunity (para 120). However, on all the evidence before it, the Tribunal did not find that there was a real risk, in contrast to a mere risk, that the applicant would suffer significant harm (para 120).</p> <p>The Tribunal accepted that the applicant had lived</p>

			outside of the DRC for a substantial period of time and that he might face some challenges re-establishing himself there (para 120). However, the Tribunal noted that the applicant had been resourceful and had been able to establish himself in Zambia and South Africa in the past (para 120). Although the Tribunal accepted that this was not without its hardships, the Tribunal was satisfied that the applicant had the capacity to resettle in the DRC (para 120).
1214133 [2013] RRTA 45	15 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1203370 [2013] RRTA 31	15 January 2013	16–18, 111–2	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims) <p><i>Refugee claim</i> (paras 92–110)</p> <p>The applicant was from China. He claimed to fear harm because he was a Christian. However, the Tribunal found that the applicant was not a Christian in China and was not involved with a Local Church Group, as claimed (para 108). The Tribunal accepted that he had attended Local Church gatherings in Australia (para 106). However, the Tribunal was not satisfied that the applicant’s engagement in religious activities in Australia was otherwise than for the purpose of strengthening his claim to be a refugee (para 106). Hence, the Tribunal disregarded the applicant’s conduct in Australia in determining the applicant’s refugee claim, in accordance with section 91R(3) of the Act (para 106). The Tribunal did not accept that the applicant had a well-founded fear of persecution for a Convention reason (para 110).</p>

			<p><i>Complementary protection claim</i> (paras 111–12) The Tribunal did not accept that the applicant was a Christian or adherent of the Local Church in China and found that the applicant would not attend Christian, including Local Church, worship on return to China (para 111). The Tribunal accepted that the applicant had attended the Local Church in Sydney on one or a small number of occasions, but did not accept on the evidence before it that there was a real risk that the applicant would suffer significant harm as a result of that attendance on return to China (para 111).</p>
1213528 [2013] RRTA 13	15 January 2013	16–18, 32	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215754 [2013] RRTA 79	14 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1215102 [2013] RRTA 52	14 January 2013	16–18, 88–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212451 [2013] RRTA 24	14 January 2013	16–18, 42	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215577 [2013] RRTA 77	11 January 2013	16–18, 98–100	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was from Sri Lanka. The Tribunal found that the applicant might face a short period of detention at the airport, and possibly be fined in relation to his illegal departure from Sri Lanka (para 99). However, the Tribunal found that this did not constitute significant harm (para 99).</p>
1214034 [2013] RRTA 76	11 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds

1215631 [2013] RRTA 58	11 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1215595 [2013] RRTA 57	11 January 2013	16–18, 42, 45–51	<p>This case relates to:</p> <ul style="list-style-type: none"> • relocation (reasonableness) <p>The applicant was from the Punjab, India. He claimed to fear harm at the hands of his family or Sikh extremists. However, the Tribunal found that there was no real risk of significant harm to the applicant in any location in India, including his home location (para 45).</p> <p>However, even if the applicant’s claims of past harm were to be accepted (which the Tribunal did not), the Tribunal found that it would be reasonable for the applicant to relocate to an area of India, such as Delhi, Bombay or Bangalore, where there would not be a real risk that he would suffer significant harm (paras 45–51).</p> <p>In reaching this conclusion, the Tribunal noted that freedom of movement was guaranteed by Indian law; Indians could move around India without being hindered; the police did not conduct background checks of Indians moving from place to place; there was no national registration system for Indians; there were Sikhs in all parts of India; Sikhs were free to practice their religion without restriction in every state of India; Sikhs would have indiscriminate access to employment outside the Punjab; and Hindi was the majority language in a number of northern states and was understood by around 40% of the entire population (para 47).</p>

			<p>The Tribunal found that if the applicant were to return to India and reside in an area outside the Punjab, he will neither be sought nor found by members of his own family, or by Sikh extremists (para 48).</p> <p>The Tribunal also noted that the applicant had indicated that he was of Sikh religion, that he could speak, read and write English, Hindi and Punjabi, that he had completed 12 years' of education and had previously worked in 2011 (para 49).</p>
1214025 [2013] RRTA 15	11 January 2013	N/A	No protection obligations, since applicant not in Australia
1105622 [2013] RRTA 72	10 January 2013	21–3, 145–53	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'significant harm' • the meaning of 'real risk' <p>The applicant was from Bogota, Colombia. She was fearful that she would, in the event of her return, become a victim of the violence perpetrated by armed gangs and guerrilla groups, including sexual violence (para 148). In assessing whether there was a real risk that the applicant could face such treatment, the Tribunal considered the UNHCR Guidelines and noted that the applicant's circumstances were not included in the list of groups assessed as being at risk (para 149). Moreover, the Tribunal held that the adoption of several security measures, common in Colombia and as the applicant had done in the past, limited the risk that the applicant would face, as it had done in the past (para 149).</p>

			<p>The Tribunal acknowledged that the applicant might have trouble finding a job in her professional area upon her return, but did not consider that the evidence indicated that she could find no employment (para 150). In reaching this conclusion, the Tribunal noted that the applicant worked in a professional capacity for many years for a number of different employers and had a qualification in the field in which she worked (para 150). Moreover, the applicant was close to her family and lived in an apartment in Bogota where there were family members living (para 150). The Tribunal did not consider that the difficulty in settling back in Bogota gave rise to a real risk of significant harm (para 150).</p>
1214190 [2013] RRTA 46	10 January 2013	16–18, 89–92	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • risk faced by the population generally <p><i>Refugee claim</i> (paras 64–88)</p> <p>The applicant was from [City 1] in Iraq. He claimed to fear harm for a number of reasons:</p> <ul style="list-style-type: none"> • <i>Association with US or the West</i>: The applicant claimed to fear harm from the Mahdi Army because he used to work at a US base (para 67). However, the Tribunal was not satisfied that the evidence established that low-level former employees of companies which (up to late 2011) were providing support services to US forces – which had since left Iraq – remained at real risk of serious harm, whether as a member of a particular social group or for imputed political opinion (para 80). • <i>Family in Australia</i>: The Tribunal was not satisfied that that the applicant had a well-founded fear of

			<p>persecution in Iraq (whether as a member of a particular social group or for imputed political opinion) because of the presence of himself and/or some family members in Australia (para 85). The applicant had brothers in Iraq and did not claim that they had been harassed or threatened because of the presence of himself and other family members in the West (para 84).</p> <ul style="list-style-type: none"> • <i>Shia</i>: The applicant feared being targeted as a Shia (para 67). However, the Tribunal found that [City 1] was overwhelmingly Shia, and so the applicant was a Shia in a strongly Shia community, the capital of an overwhelmingly Shia province (para 88). The Tribunal accepted that there had been an attack on Shias near [City 1] going on a pilgrimage (para 88). However, the Tribunal was satisfied that, given the number of Shias in [City 1], reported incidents of attacks on Shias in this area did not amount to a real chance (para 88). <p><i>Complementary protection claim</i> (paras 89–92) The Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm. In reaching this conclusion, the Tribunal found that section 36(2B) of the Act operated to exclude the real risk faced by the population of Iraq generally in relation to general violence and lawlessness (paras 18, 90).</p> <p>The Tribunal was not satisfied that there were substantial grounds for believing that the applicant’s former employment and/or the presence of his family in</p>
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			<p>Australia gave rise to a real risk that he would suffer significant harm (para 91).</p> <p>The Tribunal was also not satisfied that there were substantial grounds for believing that, as a Shia living in [City 1] in [Province 2], the applicant faced a real risk of significant harm that was not faced by the population generally (para 92).</p>
1210730 [2013] RRTA 36	10 January 2013	16–18, 43	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1217355 [2013] RRTA 29	10 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1212872 [2013] RRTA 173	9 January 2013	16–18, 107–12	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • the meaning of ‘as a necessary and foreseeable consequence’ <p>The applicant was from Sri Lanka. The Tribunal accepted that he owed money to unspecified persons and that it was possible that his creditors might take action to recover the monies owing (para 107). The Tribunal accepted that, were the applicant’s children to be harmed by his creditors as punishment for not repaying his debts or to intimidate him into paying, this would constitute cruel or inhuman treatment amounting to significant harm to the applicant (para 108). However, having been unable to locate country information about the targeting of children in response to the non-payment of debts, and noting concerns about the credibility of the applicant’s evidence, the Tribunal was not satisfied that there were substantial grounds for</p>

			<p>believing that such harm would occur or that the risk of such harm was more than theoretical or speculative (para 109).</p> <p>In addition, the Tribunal considered that any risk of the applicant's children being harmed as a result of his outstanding debts would exist regardless of his location and could not therefore be said to arise as a necessary and foreseeable consequence of his removal from Australia (para 110).</p> <p>In relation to the applicant's claim to fear harm as a failed asylum seeker returning to Sri Lanka, the Tribunal found that being questioned on arrival in Sri Lanka did not on its own give rise to a real risk of significant harm (para 111).</p>
1213599 [2013] RRTA 14	9 January 2013	16–18, 46–51	<p>This case relates to:</p> <ul style="list-style-type: none"> • relocation (reasonableness) <p>The applicant was from Amritsar in the Punjab, India. He claimed to fear harm at the hands of [Ms A]'s family or persons acting at their behest. However, the Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm in any location in India, including his home location (para 45).</p> <p>However, even if the Tribunal were to accept the applicant's claims to have suffered past harm (which the Tribunal did not), the Tribunal found that it was reasonable for the applicant to relocate to an area of India, such as Delhi, Bombay or Bangalore, where there</p>

			<p>would not be a real risk that he would suffer significant harm (paras 46–51).</p> <p>In reaching this conclusion, the Tribunal noted that freedom of movement was guaranteed by Indian law; Indians could move around India without being hindered; the police did not conduct background checks of Indians moving from place to place; there was no national registration system for Indians; Hindus lived in all parts of India and comprised more than 80% of the population; and Hindi was the majority language in a number of northern states and was understood by around 40% of the entire population (para 47).</p> <p>Based on the evidence before it, the Tribunal found that [Ms A]’s family would be unable to locate the applicant in an area outside the state of Punjab (para 48). Hence, the Tribunal found that if the applicant were to return to India and reside in an area outside his home district in the Punjab, he would neither be sought nor found by members of [Ms A]’s family or any person acting at their behest (para 48).</p> <p>The Tribunal also noted that the applicant had indicated that he was of Hindu religion, that he could speak, read and write English, Hindi and Punjabi, that he had completed 12 years’ of education, and that he was well-educated (para 49).</p>
1210036 [2013] RRTA 8	9 January 2013	16–18, 71–5	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’

			<p>The applicant was from Lebanon. The Tribunal found that the applicant’s estranged husband divorced the applicant in 2011 (para 72). The applicant claimed that he would be motivated to harm her if she returned to Lebanon because he knew that, as a divorced woman or a woman suffering family violence, she would not be protected in that country (para 72). However, the Tribunal found that the risk that the applicant would suffer significant harm at the hands of her former husband or any family member was ‘low and less than real’, given that the marriage had broken down and given that the estranged husband had not made any attempt to contact the applicant in the intervening 12 month period (para 72).</p> <p>The Tribunal accepted that the applicant might find it awkward and difficult to return to her area as a divorced woman, having left there to enter into a marriage overseas (para 73). The Tribunal accepted that there might exist in her community the stigma attached to her marital status and her failed marriage (para 73). However, the Tribunal did not accept that such treatment would amount to cruel or inhuman treatment or punishment or degrading treatment or punishment (para 73). Further, the Tribunal found that the applicant had family members who would support her in Lebanon (para 73). She was well-educated and had previously engaged in employment in Lebanon prior to coming to Australia in 2011 (para 73).</p>
1205511 [2013] RRTA 4	9 January 2013	16–18, 129–32	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’

			<p>The applicant was from Bosnia and Herzegovina. The Tribunal was not satisfied that there were substantial grounds for believing that there was a real risk that she would suffer significant harm because she was of Serbian ethnicity, a Muslim or because she was a young woman (para 130). The Tribunal accepted that individuals of Serbian ethnicity might face a degree of harassment and discrimination in Bosnia but did not accept that this harassment and discrimination would amount to significant harm (para 130).</p> <p>The Tribunal also considered whether the applicant faced a real risk of suffering significant harm at the hands of her father or her ex-boyfriend because she had married against their wishes. The Tribunal found that the applicant's father had not physically harmed her, or acted on any threats to physically harm her since she stopped living with him almost 10 years ago (para 131). The Tribunal also found that the applicant's ex-boyfriend did not harm her during the approximately four months between when she ended their relationship and when she left Bosnia (para 131). Accordingly, the Tribunal found that the risk to the applicant of being harmed by her father or ex-boyfriend was 'extremely low and much less than a real risk' (para 131). The Tribunal accepted that the applicant might face further threats of harm from her father, as she had done in the past, but did not accept that these threats would themselves amount to significant harm (para 131).</p>
1216008 [2013] RRTA 61	8 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds

1209163 [2013] RRTA 34	8 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1214820 [2013] RRTA 18	8 January 2013	16–18, 54	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215128 [2013] RRTA 53	7 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds
1213298 [2013] RRTA 43	7 January 2013	15–17	Recognised as refugee so no need to recognise under separate grounds
1214356 [2013] RRTA 16	7 January 2013	16–18, 34	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213491 [2013] RRTA 12	7 January 2013	16–18, 94	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212612 [2013] RRTA 10	7 January 2013	16–18, 33	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1219123 [2013] RRTA 70	4 January 2013	18–20	Recognised as refugee so no need to recognise under separate grounds
1206091 [2013] RRTA 5	4 January 2013	13, 62	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1114181 [2013] RRTA 2	4 January 2013	22–6	Recognised as refugee so no need to recognise under separate grounds
1208271 [2013] RRTA 7	3 January 2013	16–18, 73	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p><i>Refugee claim</i> (paras 55–71) The applicant was from Malaysia. He was of Chinese ethnicity. He claimed that he and his family would face economic difficulties if he returned to Malaysia (para 64). On the basis of country information, the Tribunal accepted the applicant’s claim that he could not matriculate in a good school although he studied hard,</p>

		<p>because of the Malaysian government's policies that were biased against ethnic Chinese (paras 60–3).</p> <p>The applicant claimed that he had tried to do his own business, but later found that the Malaysian government offered economic privileges to the locals, which led him to leave Malaysia in 1995 and to go to [Country 2] to work (para 64). However, on the basis of country information, the Tribunal held that there was no evidence that ethnic Chinese in Malaysia suffered employment and wage discrimination, with the possible exception of employment in the public service (para 65). The Tribunal was not satisfied that the applicant's Chinese ethnicity would be a reason for him facing economic difficulties in Malaysia and did not accept that his Chinese ethnicity was a reason for him being unable to do his own business in 1991 (para 66). On the basis of the applicant's work history, the Tribunal inferred that the employment sought by the applicant in Malaysia would be in the private sector, rather than the public service (para 67). Hence, the Tribunal gave little weight to the evidence about the possible discrimination in the public service (para 67).</p> <p>The applicant claimed that he came to Australia in 2007 because his income was unstable, he had had more children, his expenditure was greater and he could not earn enough money in Malaysia to look after his family (para 69). The Tribunal inferred from the applicant's evidence that he went to [Country 2] in 1995 to work and made considerable savings and that the applicant was able to earn a higher income in [Country 2] than he</p>
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			<p>could in Malaysia (para 69). The Tribunal accepted that the applicant could provide a better standard of living for his family if he worked in Australia, compared to Malaysia (para 69). However, the Tribunal was not satisfied that the economic hardship that the applicant claimed that he would suffer if he returned to Malaysia constituted serious harm (para 69).</p> <p><i>Complementary protection claim</i> (para 73) The Tribunal was not satisfied that the economic difficulties that the applicant claimed that he would face in Malaysia constituted significant harm (para 73).</p>
1208270 [2013] RRTA 6	3 January 2013	16–18, 86	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204153 [2013] RRTA 3	3 January 2013	16–18, 140	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211922 [2013] RRTA 41	2 January 2013	16–18, 154–9	<p>This case relates to:</p> <ul style="list-style-type: none"> • relocation (reasonableness) <p><i>Refugee claim</i> (paras 91–153) The applicant was a Shia from Parachinar, Kurram Agency in Pakistan. The Tribunal considered country information relating to the conflict in the Kurram agency and on this basis, found that there was a real chance that the applicant would suffer serious harm for the essential and significant reason of his religion and adverse opinions imputed to him by Sunnis who would wish him harm if he was to return to Parachinar and, more broadly, the Kurram agency (para 93).</p> <p>However, the Tribunal found that the applicant could reasonably be expected to relocate to Islamabad or</p>

			<p>Rawalpindi, where he did not have a well-founded fear of persecution on any Convention ground (para 104). In reaching this conclusion, the Tribunal found, on the basis of country information, that there was only a remote risk that the applicant would suffer harm in Islamabad and Rawalpindi as a Shia Pushtun Turi from Parachinar or on any other ground (para 99). The Tribunal also noted that the applicant would be well-placed to settle and find employment in Islamabad or Rawalpindi because he could speak Urdu and English, in addition to his native Pashtu language; he was relatively well-educated, having completed high school and having undertaken studies at a college in Parachinar; and had he experience working in his father's business and said he had previously been to other places in Pakistan for the business (para 103).</p> <p><i>Complementary protection claim</i> (paras 154–59) The Tribunal accepted that there was a real risk that the applicant would suffer significant harm in the Kurram Agency (para 155). However, the Tribunal held that it would be reasonable for the applicant to relocate to an area of Pakistan where there would not be a real risk of significant harm. The Tribunal found that the risk of the applicant suffering harm in Karachi, Islamabad and Rawalpindi was remote (para 157). The Tribunal also noted that the applicant would be well-placed to settle and find employment in those cities, since he spoke a number of languages, was relatively well-educated and had previous employment experience (para 157).</p>
1214635 [2013] RRTA 17	2 January 2013	16–18	Recognised as refugee so no need to recognise under separate grounds

1212765 [2013] RRTA 11	2 January 2013	16–18, 37	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213163 [2012] RRTA 1157	24 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1200387 [2012] RRTA 1156	24 December 2012	16–18, 97	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208496 [2012] RRTA 1144	24 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1210871 [2012] RRTA 1164	21 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1215861 [2012] RRTA 1159	21 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1214220 [2012] RRTA 1158	21 December 2012	N/A	Recognised as refugee so no need to recognise under separate grounds
1204085 [2012] RRTA 1153	21 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1216356 [2012] RRTA 1152	21 December 2012	15–17, 46	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214439 [2012] RRTA 1150	21 December 2012	16–18, 32	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203841 [2012] RRTA 1143	21 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1213206 [2012] RRTA 1135	21 December 2012	15–17, 69	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216620 [2012] RRTA 1167	20 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1214423 [2012] RRTA 1149	20 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds

1212716 [2012] RRTA 1134	20 December 2012	16–18, 30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210221 [2012] RRTA 1133	20 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1208966 [2012] RRTA 1130	20 December 2012	13–15, 84–7	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’ <p>The applicant was from China. In relation to her claim to fear harm on the basis of her past complaint about the expropriation of her land, the Tribunal found that the authorities in China would not consider the applicant to have any form of adverse profile on account of her having made a complaint to the local authorities in her village, and that no adverse profile would be imputed to her for this or any other reason (para 85). Hence, the Tribunal found that there were no substantial grounds for believing that there was a real risk that she would suffer significant harm on that basis (para 85). In relation to the harm that she suffered in the past because of her complaint, the Tribunal did not consider that there were substantial grounds for believing that there was a real risk that she would suffer significant harm for that or any related reason (para 85).</p> <p>In relation to the applicant’s claim that she was not able to travel inside China and find work or live elsewhere within the country because of the fact she was a woman, in the absence of any independent information or evidence to support that claim, the Tribunal considered that there were no substantial grounds for believing that there was a real risk that she would suffer significant harm on that basis (para 86).</p>

1204278 [2012] RRTA 1128	20 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1202160 [2012] RRTA 1127	20 December 2012	17–19, 116–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214903 [2012] RRTA 1121	20 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1210268 [2012] RRTA 1110	20 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1215664 [2012] RRTA 1154	19 December 2012	16–18, 57–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214199 [2012] RRTA 1147	19 December 2012	16–18, 67–72	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Sri Lanka. He was of Tamil ethnicity (para 68). The Tribunal accepted that the applicant had been detained by police from July to August 2008 (during the civil war) (para 69). However, the Tribunal found that he had not been apprehended again or come to the attention of the authorities since that time (para 69). The Tribunal found that the applicant would be subject to security checks when returning to Sri Lanka, as were all returnees (para 70). The Tribunal also found that the applicant might face a fine for having left Sri Lanka illegally (para 70). However, there was no evidence before the Tribunal to support a finding that the applicant had any ongoing issues that would bring him additional scrutiny or attention on return, or delay his release after such checks (para 70). He spoke to his family regularly, and there was no suggestion that they would be unaware of</p>

			his return (para 70). The Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (para 71).
1214575 [2012] RRTA 1139	19 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1214416 [2012] RRTA 1138	19 December 2012	16–18, 56	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211143 [2012] RRTA 1113	19 December 2012	110–12, 129–34	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209994 [2012] RRTA 1109	19 December 2012	15–17, 91–5	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims) <p><i>Refugee claim</i> (paras 68–90)</p> <p>The applicant was from China. She claimed to fear harm because she participated in Falun Gong and anti-Chinese Communist Party (CCP) activities. The Tribunal accepted that the applicant had engaged practised Falun Gong in private and in public at a number of different locations throughout Sydney; that she attended Falun Dafa study sessions in Sydney; that she held a banner next to a suburban train station in Sydney that promoted Falun Gong and another banner that criticised the CCP and at that same place handed out leaflets that promoted Falun Gong and criticised the CCP; and that she promoted and then attended the Shen Yun performance in Sydney (all together the ‘Falun Gong and anti-CCP activities’) (para 82). However, the Tribunal formed the view that the applicant participated in Falun Gong and anti-CCP activities in Australia for</p>

		<p>the sole purpose of supporting her refugee claim (para 87). Hence, the Tribunal disregarded the applicant’s Falun Gong and anti-CCP activities in Australia for the purpose of assessing her refugee claim, in accordance with section 91R(3) of the Act (para 89). The Tribunal did not accept that the applicant would suffer persecution in China as a result of her practice of Falun Gong or Falun Dafa, or any related anti-CCP activity (para 90).</p> <p><i>Complementary protection claim</i> (paras 91–5) In relation to the applicant’s claims to fear harm on the basis of her practice of Falun Gong in China, in light of the Tribunal’s findings that she was not a genuine or committed practitioner of Falun Gong, and that she would not, and would not wish to, practise Falun Gong on return to China, or engage in any related anti-CCP activity, the Tribunal considered there were no grounds for believing that there was a real risk the applicant would suffer significant harm on that basis (para 91).</p> <p>In relation to the applicant’s Falun Gong and anti-CCP activities in Australia, the Tribunal noted that the complementary protection criterion contained no equivalent to section 91R(3) of the Act (para 92). http://www.austlii.edu.au/au/legis/cth/consol_act/m1958118/s91r.html Accordingly, the Tribunal considered the applicant’s participation in Falun Gong and anti-CCP activities in Australia in determining whether she was owed complementary protection (para 92). In light of the finding that the applicant would not, and would not wish to, practise or promote Falun Gong</p>
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		<p>on return to China, or engage in any related anti-CCP activity, the Tribunal held that the issue for determination was whether there were substantial grounds for the Tribunal to believe that there was a real risk that the applicant's engagement in the activities in Australia would bring her to the adverse attention of the authorities if she were to return to China (para 92).</p> <p>The Tribunal considered the applicant's involvement in Falun Gong and anti-CCP activities and also the applicant's claim that she was told that the Chinese government had spies in Australia and that she feared that a spy or agent had taken her photograph while she participated in these activities (para 92). The Tribunal considered these claims against country information, which indicated that the Chinese authorities had in the past monitored the activities in Australia of Falun Dafa practitioners, especially those who had played an active role in Falun Dafa organisations, and that the authorities had monitored the Australian media (para 93). The Tribunal considered that the applicant's involvement in Falun Gong and anti-CCP activities was as a low-level participant and that there was no evidence she had had an active role in a Falun Dafa organisation (para 93). The Tribunal found that there was no evidence that the applicant had been mentioned or profiled in the Australian media, or that an image of her in connection to her Falun Gong and anti-CCP activities in Australia had appeared in the media (para 93). In these circumstances, the Tribunal considered there were no substantial grounds for believing that there was a real risk that the applicant will suffer significant harm on</p>
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			<p>that basis (para 93).</p> <p>The Tribunal noted that the independent information also indicated that the Chinese authorities might take an interest in a person returning to China who in Australia had been a high profile activist, a leader or organiser of a Falun Gong association, or was “someone known for publicly criticising the Chinese government” (para 94). However, there was no evidence before the Tribunal that the applicant had been such a person. The only credible evidence of the applicant publicly criticising the Chinese government was the occasion that she attended a suburban train station and held banners containing words critical of the Chinese government and in support of Falun Gong (para 94). However, the Tribunal did not accept that that conduct indicated that the applicant had a ‘known profile’ as a public critic, and there was no evidence to indicate that the applicant was known or had a profile as a critic of the Chinese government (para 94). In these circumstances, the Tribunal considered there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm on that basis (para 94).</p>
1214187 [2012] RRTA 1103	19 December 2012	16–18, 72	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Sri Lanka. In assessing his claims against the complementary protection criterion, the Tribunal held:</p> <p>‘72. The Tribunal has found that the applicant is a</p>

			<p>national of Sri Lanka, Tamil ethnicity, religion is Hindu, that he is married with one child. The Tribunal has also found that the applicant has exited and re-entered Sri Lanka via legal channels on several occasions, including one occasion when he was returned from Dubai after attempting to enter the country using a false visa during the time of the Civil War. The applicant has submitted that he is readily identifiable as the Tamil when returning through legal channels. The Tribunal has not found that the applicant would be imputed with LTTE association, either because he is from the north or because he left by boat, and rejected the applicant's claims to have had contact with a grease devil and consequences that flowed from this. The Tribunal has found that the applicant will be questioned upon return to Sri Lanka, as are all returnees, but that this would be part of normal processing. The Tribunal entertained the idea that people may be searching for the applicant and that his wife and child had to relocate for this reason. However, fact that the wife's extended family continue to reside in the same location does not support a finding that people were searching for the applicant. As the applicant has not satisfied the Tribunal that he has any outstanding matters with the Sri Lankan authorities, or that he is unable to contact his family, the Tribunal has found that there is not a real risk that he will suffer significant harm as a returnee. Considering the evidence before it, including more specifically the applicant's personal circumstances, and the country of origin information set out above, the Tribunal has found that there are not substantial grounds for believing that, as a</p>
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			necessary and foreseeable consequence of the applicant being removed from Australia to Sri Lanka, there is a real risk that he will suffer significant harm.’
1214102 [2012] RRTA 1146	18 December 2012	16–18, 54–60	<p>This case relates to:</p> <ul style="list-style-type: none"> • relocation (reasonableness) <p>The applicant was from the Punjab, India. The Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm in any location in India, including his home location (para 54).</p> <p>Even if the Tribunal were to accept the applicant’s claims of past harm (which the Tribunal did not), the Tribunal found that it would be reasonable for the applicant to relocate to an area of India, such as Delhi, Bombay or Bangalore, where there would not be a real risk that he would suffer significant harm (para 59). In reaching this conclusion, the Tribunal found that freedom of movement was guaranteed by Indian law; Indians could move around India without being hindered; the police did not conduct background checks of Indians moving from place to place; there was no national registration system for Indians; there were Sikhs in all parts of India; Sikhs were free to practice their religion without restriction in every state of India; Sikhs would have indiscriminate access to employment outside the Punjab; and Hindi was the majority language in a number of northern states and was understood by around 40% of the entire population (para 56).</p>

			<p>The Tribunal noted that the incidents of past harm claimed by the applicant all occurred in his home region, within the Punjab (para 57). The Tribunal found that no person associated with Shiv Sena would be seeking the applicant now or in the future in any place in India, even if he had been involved, as claimed, in a riot against Shiv Sena supporters (para 57). The Tribunal acknowledged that if the applicant had been involved in a riot against Shiv Sena supporters, there was a very small chance that he might run into such persons in his home district and that they might recognise him and, presented with the opportunity, do him harm (para 57). The Tribunal found that any prospect of harm faced by the applicant was confined to his home district in the Punjab (para 57). Hence, the Tribunal found that if the applicant were to return to India and reside in an area outside his home district in the Punjab, he would neither be sought nor found by any person who wished to do him harm (para 57).</p> <p>The Tribunal also noted that the applicant indicated that he was of Sikh religion, that he spoke and read English, spoke, read and wrote Hindi, and that he had completed 12 years' of education (para 58).</p>
1202460 [2012] RRTA 1107	18 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1214278 [2012] RRTA 1148	17 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1218618 [2012] RRTA 1142	17 December 2012	18–20	Recognised as refugee so no need to recognise under separate grounds

1213584 [2012] RRTA 1120	17 December 2012	16–18, 32	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213426 [2012] RRTA 1119	17 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1211917 [2012] RRTA 1116	17 December 2012	16–18, 112–17	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’ <p>The applicant was a Hazara Shia from Jaghori, Afghanistan. The Tribunal addressed his claims against the complementary protection criterion:</p> <ul style="list-style-type: none"> <i>Hazara</i>: The Tribunal noted that country information indicated that Hazaras were not attacked or the victims of significant harm in Jaghori district (para 113). There was no real risk that the applicant would suffer significant harm there (para 113). Moreover, as there was a route from Kabul to Jaghori that was secure, the Tribunal found that there was no real risk that the applicant would suffer significant harm using that route to return to his district (para 113). <i>Planned withdrawal of international forces and need to travel outside of district</i>: The Tribunal found that the applicant’s claims that he would suffer significant harm in view of the planned withdrawal of international forces or because of the need to travel out of the district were highly speculative and did not equate with a real risk of the applicant suffering significant harm (para 114).
1211538 [2012] RRTA 1114	17 December 2012	16–18, 96–100	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’

			<p>The applicant was from Fujian province in China. He claimed that he would not be able to practise as a Christian if he returned to China and that he did not want to practise in a Chinese Government approved church (para 79). The Tribunal found that the applicant's parents continued to attend House Church gatherings in their local province since the applicant's father was arrested and detained in 2005 (para 98). On the basis of the applicant's evidence and country information, the Tribunal did not accept that the applicant would be precluded or prevented from practicing as a Christian in China (para 98). The Tribunal found that the applicant and his wife would be able to regularly attend at the homes of family and friends for worship, including prayer and bible study, without registering with the government in China (para 98). The Tribunal found that there was no real risk that the applicant's religious beliefs and level of religious practice would result in him being subjected to any significant harm by the Chinese authorities (para 98).</p>
1210907 [2012] RRTA 1112	17 December 2012	77–9, 98–107	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'significant harm' • the meaning of 'real risk' <p>The applicants (three children of the same family) were from Brazil. It was claimed on their behalf that they faced a real risk of significant harm, inter alia, for the following reasons:</p> <ul style="list-style-type: none"> • <i>Kidnapping for ransom</i>: On the basis of the country information, the Tribunal accepted that kidnapping did occur in Brazil (para 102). However, in light of the large population of Brazil and the applicants'

			<p>family's financial circumstances, the Tribunal found that there was not a real risk that the children would be kidnapped for ransom (para 102).</p> <ul style="list-style-type: none"> • <i>Kidnapping for organ harvesting</i>: The Tribunal noted that the country information indicated that the possibility of kidnapping for organ harvesting remained in the realm of the urban myth and there was no evidence that children were kidnapped at all in Brazil for organ harvesting (para 103). Even if it was true, on the basis of the country information, the Tribunal found that it was so rare that there was not a real risk that the applicants would fall victim to organ traffickers (para 103). • <i>Difficulties in adapting to the Brazilian way of life</i>: The Tribunal held that culture shock, insecurity or anxiety did not fall within any of the categories of significant harm and that there was not a real risk of significant harm on this basis (para 104). • <i>Mother's political problems</i>: In light of the passage of time, the Tribunal found that there was not a real risk that the applicants would face significant harm as a result of any political difficulties experienced by their mother ten years ago (para 106). <p>The Tribunal considered the applicants' claims individually and cumulatively, and found that there were no substantial grounds for believing that there was a real risk that the applicants would suffer significant harm if they were removed to Brazil (para 107).</p>
1201351 [2012] RRTA 1106	16 December 2012	13, 124–5	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'real risk' • section 91R(3) ('contrived' refugee claims)

			<p><i>Refugee claim</i> (paras 98–123) The applicant was from Ghana. He claimed to fear harm because he was a homosexual. However, the Tribunal did not accept that the applicant was a homosexual, due to concerns about his credibility (paras 98–123). The Tribunal was not satisfied that the applicant had engaged in conduct in Australia – visiting certain venues and joining an internet dating site – otherwise than for the purpose of strengthening his refugee claim (para 122). Hence, the Tribunal disregarded this conduct for the purpose of assessing his refugee claim, in accordance with section 91R(3) of the Act (para 122). The Tribunal did not accept that there was a real chance that the applicant would be persecuted in Ghana (para 123).</p> <p><i>Complementary protection claim</i> (paras 124–5) The Tribunal noted that there was nothing in the evidence to suggest that anyone in the Ghanaian community, apart from the applicant’s flat mate, [Mr G], was aware of any of the applicant’s activities in Australia, which the Tribunal found had been engaged in for the sole purpose of strengthening the applicant’s refugee claim (para 124). The Tribunal did not accept that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm because he was, or would be perceived or believed to be, homosexual (para 124).</p>
1216111 [2012] RRTA 1104	14 December 2012	15–17, 40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

<p>1214039 [2012] RRTA 1102</p>	<p>14 December 2012</p>	<p>16–18, 49–56</p>	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Iraq. He claimed to fear harm for a number of reasons:</p> <ul style="list-style-type: none"> • <i>Stateless</i>: The Tribunal found that the applicant was not stateless and that he had Iraqi nationality (para 49). • <i>Bidoon</i>: The Tribunal accepted that the applicant was a Bidoon and that he and his family lived a nomadic lifestyle and that they owned livestock (para 50). The Tribunal noted that country information from the UNHCR indicated that Bedouins with nationality enjoyed the same rights as Iraqis and that they lived integrated with the host community and faced no discrimination from the government or the community (para 50). Many were reported to lack shelter, but the Tribunal noted that the applicant had been able to live a nomadic lifestyle with his family in tent accommodation and to raise livestock (para 50). The UNHCR country information indicated that Bidoon deportees from Kuwait were not allowed to build houses inside the cities and that their right to own immovable property remained an issue (para 50). Although the Tribunal accepted that the applicant might be restricted in owning property inside cities, the Tribunal did not consider that the restriction on owning property constituted serious harm or significant harm in his circumstances (para 50). The Tribunal also noted that DFAT had also reported
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			<p>that they were not aware of specific reports of mistreatment of Bidoon by the government and the community (para 50). Considering the country information and the applicant's individual circumstances, including the lack of targeting of him and his family in the past, the Tribunal found that he did not face a real chance of persecution on the basis of being a Bidoon (para 53). Considering the country information and the applicant's individual circumstances, including the lack of targeting of him and his family in the past, the Tribunal also found that there were no substantial grounds for believing that there was a real risk the applicant would suffer significant harm on this basis (para 53).</p> <ul style="list-style-type: none"> • <i>Sunni</i>: The Tribunal considered country information that there still existed sectarian violence in Iraq and that there were reports of attacks against Sunnis (para 54). The Tribunal also took into account recent information indicating that southern cities had few recent security incidents and that insecurity had very little impact on civilian life and the fact that DIAC had stated that they had not found any information on Bidoons being specifically targeted for perceived religious beliefs (para 54). Considering the country information overall and the fact that the applicant and his family had not been targeted in the past, the Tribunal found that the applicant did not face a real chance of persecution on account of his religion or imputed political opinion if he were to return to his home area in Iraq at the hands of Shias (including Bidoon Shias) or
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			<p>any Shia groups (para 54). Considering the country information overall and the lack of targeting of the applicant and his family in the past, the Tribunal also found there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm at the hands of Shias (including Bidoon Shias) or any Shia group (para 54).</p> <p>The Tribunal held that, even considering the applicant’s claims cumulatively, the applicant did not face a real chance of persecution for any Convention reason, and that there were no substantial grounds for believing that there was a real risk of the applicant suffering significant harm (para 56).</p>
1203936 [2012] RRTA 1070	14 December 2012	16–18, 120–4	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims) <p><i>Refugee claim</i> (paras 104–19)</p> <p>The applicant was from China. He claimed to fear harm, inter alia, because he was a Falun Gong practitioner. However, the Tribunal did not accept that the applicant was a genuine Falun Gong practitioner, due to concerns about his credibility (paras 105–10). The Tribunal accepted that the applicant had some knowledge of Falun Gong practice and beliefs, but found that he had obtained this knowledge solely for the purpose of strengthening his refugee claim (para 110). The Tribunal also found that the applicant engaged in Falun Gong activities in Australia solely for the purpose of strengthening his refugee claim (para 110).</p>

			<p>Accordingly, under section 91R(3) of the Act, the Tribunal disregarded this conduct for the purpose of assessing the applicant's refugee claim (para 115). The Tribunal found that there was not a real chance that the applicant would suffer serious harm in China (para 116).</p> <p><i>Complementary protection claim</i> (paras 120–4) The Tribunal considered whether the applicant faced a real risk of significant harm on his return because he had posed in photographs engaging in Falun Gong practice on one occasion in Australia and distributing Falun Gong materials on one occasion in two locations in Australia and because he had some knowledge of Falun Gong practice (para 122). The Tribunal noted that the applicant conceded at the hearing that he had not attended any meetings of Falun Gong associations in Australia or otherwise publicly expressed views about Falun Gong practice in Australia (para 122). The Tribunal found the risk of the applicant coming to the attention of the Chinese government or security forces in China to be extremely low to the point of being non-existent (para 122). The Tribunal did not accept that the applicant faced a real risk of significant harm due to his Falun Gong activities in Australia particularly given that he engaged in such activities only for the purposes of strengthening his refugee claim and not because he was a genuine Falun Gong practitioner or genuinely held any beliefs about the treatment of Falun Gong practitioners in China or elsewhere (para 123).</p>
1213624 [2012] RRTA 1101	13 December 2012	16–17, 30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1209366 [2012] RRTA 1092	13 December 2012	16–18, 70	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213580 [2012] RRTA 1161	12 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1208347 [2012] RRTA 1129	12 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1211121 [2012] RRTA 1096	12 December 2012	18–20, 27–32	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1216764 [2012] RRTA 1168	11 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1215605 [2012] RRTA 1166	11 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1107256 [2012] RRTA 1124	11 December 2012	40–2	Recognised as refugee so no need to recognise under separate grounds
1216126 [2012] RRTA 1105	11 December 2012	16–18, 55	No protection obligations, since applicant had not taken all possible steps to avail himself of a right to enter and reside in another country.
1213099 [2012] RRTA 1099	11 December 2012	16–18, 74	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Sri Lanka and of Tamil ethnicity. In addressing the complementary protection criterion, the Tribunal held:</p> <p>‘74. ... The Tribunal accepts that the applicant travelled on a genuine passport through legal channels to Qatar in 2006, then entered and exited Sri Lanka through legal channels in 2007, and then returned to Sri Lanka through legal channels in 2011. The Tribunal found that</p>

			the applicant was asked to report and sign in on a daily basis, as were all other people. The Tribunal does not accept that the applicant has come to the adverse attention of the Sri Lankan authorities in the past due to any association with his father, and/or [Relative A], and/or his place of origin, and/or his ethnicity, or that he is likely to come to the attention of the authorities in the foreseeable future for these reasons. The Tribunal finds that the applicant will be subject to screening processes and interviewed by the Sri Lankan authorities if he returns as a failed asylum seeker, but the evidence before the Tribunal does not support a finding that he would be treated differently to anyone else returning by such route, or that there is a real risk of significant harm as a result...'
1209028 [2012] RRTA 1089	11 December 2012	16–33, 47–8	No protection obligations, since applicant had not taken all possible steps to avail himself of a right to enter and reside in another country.
1213772 [2012] RRTA 1081	11 December 2012	15–17, 30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213085 [2012] RRTA 1065	11 December 2012	15–17	Recognised as refugee so no need to recognise under separate grounds
1215271 [2012] RRTA 1163	10 December 2012	15–16	Recognised as refugee so no need to recognise under separate grounds
1210729 [2012] RRTA 1095	10 December 2012	16–18, 42	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203665 [2012] RRTA 1088	7 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1209158 [2012] RRTA 1074	7 December 2012	16–18, 54–9	This case relates to: <ul style="list-style-type: none"> • the meaning of 'significant harm' • the meaning of 'real risk'

			<p>The applicant was from Bangladesh. The Tribunal accepted, although not without some doubt, that there was an attempt to get the applicant's father to pay money in relation to building a boundary on his land, and that the applicant's father did not pay that money (para 54). However, the Tribunal found that this did not amount to serious harm or significant harm (para 54). The Tribunal found that the applicant's father was able to continue to come and go without harm to and from Bangladesh and to stay in Bangladesh for periods between 45 days to 90 days after 2005 (para 54). When the applicant's father did not pay the money demanded from him in 2007, he continued to live in the country without harm until he left to go to Australia via Brunei in October 2007 and he was able to buy another block of land in Bangladesh in September 2007 before he left the country (para 54). The Tribunal found that the applicant's father did not suffer serious harm or significant harm in Bangladesh and that things would be no different for the applicant's father and the applicant on their return to Bangladesh (para 54).</p> <p>The Tribunal did not accept that there was a real chance or real risk that either the applicant, or the applicant's father, would be targeted for harm amounting to serious or significant harm, on the basis that the applicant's father would be perceived as wealthy since he had two plots of land and he has been overseas in Australia (para 56). The Tribunal found that the applicant's father had worked overseas in the construction business for many years in Brunei and owned land in Bangladesh, but he</p>
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			<p>was able to return to his country and stay there for up to 90 days at times without harm for many years (para 56). Although the Tribunal accepted that the security/political situation had deteriorated since the applicant's father was last in Bangladesh and that the father bought a second plot of land just prior to coming to Australia, and although the Tribunal accepted that the perceptions about Brunei would be different from those about Australia, which was a first world country, the Tribunal nevertheless considered that the chance of the applicant or the applicant's father being harmed because the father would be perceived as wealthy was remote only (para 56).</p> <p>The Tribunal also considered that the risk or chance of the applicant being harmed by criminals or terrorists, including being kidnapped by criminals by terrorists for extortion, because of the general increase in crime and the deterioration of security in Bangladesh, was remote (para 57). Moreover, although Tribunal accepted that the applicant, as a child returning from Australia to Bangladesh, would face conditions in Bangladesh that were different from, and below the standard of, those in Australia, including economic conditions and conditions in relation to food and water supplies, the Tribunal found that there was not real chance or real risk that the applicant would suffer serious or significant harm for that reason; the Tribunal found the chance to be remote (para 57).</p>
1112608 [2012] RRTA 1160	6 December 2012	16–18, 112–7	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'real risk' • section 91R(3) ('contrived' refugee claims)

			<p><i>Refugee claim</i> (paras 68–111) The applicant was from Pakistan. He claimed to fear harm because he had converted from Islam to Christianity. However, the Tribunal did not accept that the applicant was a Christian (para 114). Moreover, the Tribunal did not accept that the applicant’s attendance at any Christian church or Christian prayer group in Australia had been otherwise than for the purpose of strengthening his claim to be a refugee (para 110). Hence, the Tribunal did not accept that the applicant faced a real chance of persecution on account of his religious beliefs in Christianity in Pakistan (para 111).</p> <p><i>Complementary protection claim</i> (paras 112–7) The Tribunal did not accept that the applicant was a Christian and did not accept that the applicant would continue his Christian activities on his return to Pakistan (para 115). The Tribunal found that the applicant’s religious participation in Australia would not be known to extremists in Pakistan (para 115). The Tribunal also found that the applicant would not be perceived by such extremists as having converted from Islam to Christianity (para 115). Accordingly, the Tribunal was not satisfied that the applicant’s Christian activities in Australia, in part or whole, constituted substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (para 115).</p>
1213496 [2012] RRTA 1100	6 December 2012	N/A	Recognised as refugee so no need to recognise under separate grounds

1216772 [2012] RRTA 1085	6 December 2012	18–20, 61–72	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Iraq. He claimed to fear harm for a number of reasons:</p> <ul style="list-style-type: none"> • <i>Stateless</i>: The Tribunal rejected the applicant’s claim that he would not be able to evidence his Iraqi nationality upon return (paras 61–2). • <i>Bedouin</i>: The Tribunal accepted that the applicant was a Bedouin and that his family fled Kuwait when he was a child (para 63). The Tribunal noted that the country information from the UNHCR indicated that Bedouins with nationality enjoyed the same rights as Iraqis and that they lived integrated with the host community and faced no discrimination from the government or the community (para 63). Many were reported to lack shelter, but the applicant had indicated that he and his family had a house (para 63). The UNHCR country information indicated that Bedouin deportees from Kuwait were not allowed to build houses inside the cities and that their right to own immovable property remained an issue (para 63). Although the Tribunal accepted that the applicant might be restricted in owning property inside cities, the Tribunal found that the applicant had not indicated any difficulties with obtaining housing and indeed that his family had a house (para 63). The Tribunal did not consider that this this restriction constituted serious harm or significant harm in his circumstances (para 63). Considering the country information, the Tribunal
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			<p>found that the applicant did not face a real chance of persecution on the basis of being a Bedouin originally from Kuwait (para 63). Considering the country information, the Tribunal also found that there were no substantial grounds for believing that there was a real risk of suffering significant harm on this basis (para 63).</p> <ul style="list-style-type: none"> • <i>Sunni</i>: The Tribunal accepted that the applicant was a Sunni and that he regularly attended mosque; that he came from the area of southern Iraq where there was a majority Shia population; that, in 2007, he was attending mosque and was arrested with 30 others and accused of involvement in a bombing; that he was detained for a month at a police station and physically mistreated; and that they were then released and told they were not responsible (para 64). Considering the country information overall and the fact that the applicant had not been targeted in the last five years and that his family had not been targeted at all, the Tribunal found that the applicant did not face a real chance of persecution on account of his religion or imputed political opinion if he were to return to his home area in Iraq, at the hands of Shia groups or the state (paras 68–9). Considering the country information overall and the past lack of recent history of targeting of him and his family, the Tribunal also found that there were no substantial grounds for believing that there was a real risk of the applicant suffering significant harm at the hands of any Shia group and the state (para 69). • <i>Failed asylum seeker/returnee from the West</i>: On
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			<p>the basis of country information indicating that very large numbers of people were returning to Iraq and the lack of reports suggesting that failed asylum seekers from Western countries were targeted upon their return to Iraq, the Tribunal did not accept that the applicant faced a real chance of persecution on account of being a failed asylum seeker from a western country or being a returnee from a Western or because of an imputed political opinion due to perceptions that he was western dissident or a spy (para 71). For the same reasons, the Tribunal found that there were no substantial grounds for believing that there was a real risk of the applicant suffering significant harm on this basis (para 71).</p> <p>The Tribunal held that, even considering the applicant’s claims cumulatively, the applicant did not face a real chance of persecution for any Convention reason, and that there were no substantial grounds for believing that there was a real risk of the applicant suffering significant harm (para 72).</p>
1215708 [2012] RRTA 1084	6 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1215212 [2012] RRTA 1165	5 December 2012	16–18, 58–65	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Sri Lanka. He claimed to fear harm for a number of reasons:</p> <ul style="list-style-type: none"> • <i>Tamil</i>: The Tribunal accepted that in 2006, the applicant was stopped by the authorities, interrogated about links to the LTTE and physically

			<p>mistreated whilst travelling through checkpoints (para 59). The Tribunal accepted that the applicant had on 3–4 other occasions suffered interrogation about suspected LTTE links (para 59). However, on each of these occasions, he was not detained and was let go (para 59). On the basis of country information indicating a generally improved situation for Tamils since the ending of the war and the applicant’s individual circumstances, the Tribunal found that the applicant would not face a real chance of persecution on the basis of his Tamil ethnicity or his membership of a particular social group of young, single, male, Tamils from the North or any other variant of these characteristics (such as “young, male Tamils from the North” or “Tamils from the North or East” or “Sri Lankan Tamils”) from the government or any paramilitary organisation (para 60). The Tribunal did not accept that there was a real chance that the applicant would be imputed with a political opinion as an anti-government supporter of the LTTE (para 60). The Tribunal also did not accept that there were substantial grounds for believing that there was a real risk of the applicant suffering significant harm for these same reasons (para 60).</p> <ul style="list-style-type: none"> • <i>Wealthy Tamil businessmen</i>: The Tribunal accepted that the applicant’s uncle was targeted for extortion in 2006 and that he was shot by unidentified men because of this (para 61). The Tribunal also accepted that the applicant was wealthy by Sri Lankan standards and that his business did very well (para 61). However, the Tribunal did not accept that
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			<p>the applicant or his family had been subjected to any targeting or adverse treatment, as claimed, in 2007 and 2012 (para 61). The Tribunal accepted that “wealthy Tamil businessmen” constituted a particular social group in Sri Lanka and there was some independent evidence that police imposters and paramilitaries extorted businesses in Jaffna and in Sri Lanka (para 61). The Tribunal found that the applicant and his brothers had been conducting a profitable business in Jaffna for a long period and they had not been the subject of any extortion threats (para 61). Given this and considering the country information, the Tribunal did not accept that there was a real chance that the applicant would be subjected to extortion threats or face a real chance of persecution on account of his membership of the particular social group of “wealthy Tamil businessmen” (para 61). The Tribunal also did not accept that there were substantial grounds for believing that there was a real risk of the applicant suffering significant harm for these same reasons (para 61).</p> <ul style="list-style-type: none"> • <i>Failed Tamil asylum seekers</i>: On the basis of the overall weight of the country information and the applicant’s individual circumstances, the Tribunal found that although the applicant might be subjected to short term questioning upon his return, the Tribunal did not accept that this constituted serious harm or significant harm (para 63). The Tribunal also considered the applicant’s claim that he was at risk because he had illegally departed Sri Lanka and because he did not have an original passport or
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			<p>travel documentation (para 64). The Tribunal noted that the evidence indicated that persons under the Immigration and Emigration Act could be given prison sentences from one to five years and fined between 50,000 rupees to 200,000 rupees (para 64). However, very recent and authoritative information from DFAT stated that this was seldom enforced (para 64). Moreover, even if the applicant was subjected to a fine of up to 200,000 rupees, the Tribunal found that this would not constitute either serious harm or significant harm because, on the applicant's evidence, he had previously earned 150,000 rupees from his business and the business was still operating successfully (para 64).</p> <p>The Tribunal held that, even considering the applicant's claims cumulatively, the applicant did not face a real chance of persecution for any Convention reason, and that there were no substantial grounds for believing that there was a real risk of the applicant suffering significant harm (para 65).</p>
1213546 [2012] RRTA 1080	5 December 2012	16–18, 36–42	<p>This case relates to:</p> <ul style="list-style-type: none"> • relocation (reasonableness) <p>The applicant was from the Punjab, India. The Tribunal found that there were no substantial grounds for believing that there was a real risk that he would suffer significant harm in any location in India, including his home location (para 36).</p> <p>Even if the Tribunal were to accept that past incidents of harm had occurred as claimed by the applicant, the</p>

		<p>Tribunal found that it would be reasonable for the applicant to relocate to an area of India, such as Delhi, Bombay or Bangalore, where there would not be a real risk that he would suffer significant harm (paras 37–42). Based on country information, the Tribunal found that freedom of movement was guaranteed by Indian law; Indians could move around India without being hindered; the police did not conduct background checks of Indians moving from place to place; there was no national registration system for Indians; there were Sikhs in all parts of India; Sikhs were free to practise their religion without restriction in every state of India; Sikhs would have indiscriminate access to employment outside the Punjab; and Hindi was the majority language in a number of northern states and was understood by around 40% of the entire population (para 38).</p> <p>The Tribunal noted that the incidents of past harm claimed by the applicant all occurred in his home region, within the Punjab (para 39). The Tribunal found that if the applicant were to return to India and reside in an area outside his home district in the Punjab, he would neither be sought nor found by any person who wished to do him harm (para 39). The Tribunal found that any prospect of harm faced by the applicant was confined to his home district in the Punjab (para 39).</p> <p>In reaching its conclusion about the reasonableness of relocation, the Tribunal also noted that the applicant indicated that he was of Sikh religion, that he spoke English and that he had completed high school</p>
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			education (para 40).
1207007 [2012] RRTA 1072	5 December 2012	16–18, 58	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p><i>Refugee claim</i> (paras 48–57)</p> <p>The applicant was from a widow from Nepal. She claimed that her parents, her late husband’s parents and also society would discriminate against her (para 49). The Tribunal accepted that widows in Nepal were discriminated against and that it was difficult for them following the death of their husbands (para 49). The Tribunal also accepted that widows might be considered in some way to be responsible for their husband’s death and this could result in social ostracism in some form (para 49). Being a widow also restricted what Hindu ceremonies a person could attend and some strict Brahmins would consider it unclean to associate with a widow (para 49).</p> <p>In the applicant’s circumstances, the Tribunal accepted that her husband’s family had not spoken to her since the wedding and accepted that this would continue. The Tribunal did not accept that there would be any further harm or consequence from his family (para 50).</p> <p>In relation to the applicant’s own family, the Tribunal was prepared to accept that as a widow and a Christian in combination, her family might be reluctant to socialise with her and might ostracise her (para 54). The Tribunal was also prepared to accept that the applicant would face social comment (para 54). However, the</p>

			<p>Tribunal did not accept that there would be anything more serious than this (para 54). The Tribunal found that she would be able to convert, would be able to attend church and to publicly state that she was Christian (para 54).</p> <p>The Tribunal found that if the applicant were to return to Nepal, she would be able to work, reside where she wished, and rent or buy property (para 56). She was well-educated and had worked in Australia (para 56). She would be able to practise whichever religion she chose (para 56). The Tribunal accepted that there would be social comment and social restriction, but found that this was not of a level of seriousness as could be considered as persecution (para 56).</p> <p><i>Complementary protection claim</i> (para 58) For the same reasons as detailed above, the Tribunal was not satisfied that the degree of harm was of sufficient seriousness as to be significant harm (para 58).</p>
1212039 [2012] RRTA 1117	4 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1213207 [2012] RRTA 1078	4 December 2012	17–19	Recognised as refugee so no need to recognise under separate grounds
1209179 [2012] RRTA 1075	4 December 2012	14–16, 93	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210973 [2012] RRTA 1145	3 December 2012	16–18, 148	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’ <p>The applicant was from Fujian province in China. He</p>

			<p>claimed to fear harm because he was a Christian. Although the Tribunal rejected the applicant's claims that he and his parents were Christians in China, the Tribunal accepted that the applicant was now a Christian and might attend unregistered house church gatherings in the foreseeable future in Fujian province (para 148). The Tribunal considered whether the applicant might face significant harm for reasons of his religious belief, activities and practices in the future. The Tribunal considered independent country information, which indicated that the situation for the vast majority of unregistered small house churches had improved and there were no recent reports to indicate that regular members of small unregistered house churches in Fujian had come to the adverse attention of the authorities and suffered harm (para 148). In light of this country information, the Tribunal found that there were no grounds for believing that there was a real risk that the applicant would suffer significant harm for reasons relating to his religious belief, practice or activities in China in the future (para 148).</p>
1215633 [2012] RRTA 1083	3 December 2012	13, 108–12	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'significant harm' • degrading treatment or punishment <p>The applicant was from Nepal. He claimed to fear harm, inter alia, because he had had a child out of wedlock with someone outside the Newar caste who was not even a Hindu by religion (para 67). The applicant claimed that the Newar community might humiliate him, they might discriminate against him and they might torture him (para 110). He said that they had</p>

			<p>already discriminated against him by excluding him from certain religious festivals (para 110). However, the Tribunal did not accept that there is a real risk that anything worse would happen than that the applicant would be excluded from the community (para 110). The Tribunal did not accept that being excluded from one's community in this fashion, without more, amounted to degrading treatment or punishment (para 110). The Tribunal did not accept that there was a real risk that the Newar community would engage in conduct that caused, and was intended to cause, extreme humiliation to the applicant (para 110). The Tribunal found on the evidence that they simply wanted nothing to with the applicant because he had excluded himself from the community by his own actions (para 110).</p>
1213922 [2012] RRTA 1082	3 December 2012	16–18, 37–46	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'significant harm' <p>The applicant was from Vietnam. The applicant's father claimed, inter alia, that because his son was born in Australia, he would not be accustomed to the climate and the health system in Vietnam and would not have immunity like a Vietnamese child (para 44). The Tribunal found these claims to be highly speculative and did not accept that such matters would constitute serious harm or significant harm (para 44).</p> <p>The applicant's father also claimed that he was stopped at the airport in Vietnam and accosted by 'criminals' who took his passport and took him to another room at the airport and searched his bag and body for money (para 45). On the first occasion, he had to pay them</p>

			6,000,000 Dong (about \$275) to let him go and on the second occasion, they again let him go after he told them he was an international student and they had searched his belongings and body and found nothing. The Tribunal was prepared to accept that these incidents occurred because they accorded with country information indicating that there was a significant level of corruption in Vietnam (para 45). The Tribunal accepted that if the applicant's father returned to Vietnam, there was a real chance that a similar incident would occur at the hands of corrupt officials (para 45). However, the Tribunal did not accept that the payment of such a bribe of such an amount by the applicant's father would constitute serious harm for the applicant (para 45). The Tribunal also did not accept that there were substantial grounds for believing that the applicant would suffer a real risk of significant harm on this basis (para 45).
1213497 [2012] RRTA 1079	3 December 2012	16–18, 31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212746 [2012] RRTA 1076	3 December 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1217191 [2012] RRTA 1086	2 December 2012	18–20	Recognised as refugee so no need to recognise under separate grounds
1106993 [2012] RRTA 1123	30 November 2012	26–30, 176	No protection obligations, since applicants not in Australia
1208080 [2012] RRTA 1073	30 November 2012	16–18, 137–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1206981 [2012] RRTA 1067	30 November 2012	16–18, 142–3	This case relates to: <ul style="list-style-type: none"> • the meaning of 'significant harm' • the meaning of 'real risk'

			<p>The applicant was from the Punjab, India. He claimed to fear harm because he was an active member of the Congress party (para 122). He claimed that he and his brothers were attacked by the opposition party Akali Dal, specifically, [Mr B] of the Akali Dal and associates including gang leader, [Mr C] (para 122). As a result of this, the applicant and his family members initiated criminal proceedings against them in India and provided evidence in the court hearing (para 122). The case against the Akali Dal members was ultimately unsuccessful before the court (para 122). The applicant claimed that, following the court hearing, members of the Akali Dal attempted to kill the applicant and [Mr B] was blaming the applicant for his brother's murder (para 122). The applicant claimed that the Akali Dal members, backed by [Mr B], had stepped up their activities against opposition party members and were looking for the applicant "everywhere" (para 122).</p> <p>The Tribunal was satisfied that the harm claimed by the applicant was significant harm (para 142). However, the Tribunal considered that in light of the applicant's own evidence before it, relating to his willingness and plan to return to India, there were no substantial grounds for believing there is a real risk that he would suffer significant harm in the circumstances (para 143).</p>
1113384 [2012] RRTA 951	30 November 2012	N/A	Recognised as refugee so no need to recognise under separate grounds
1204480 [2012] RRTA 1071	29 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds

1212614 [2012] RRTA 1064	29 November 2012	16–18, 66–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210790 [2012] RRTA 1061	29 November 2012	17–19	Recognised as refugee so no need to recognise under separate grounds
1210061 [2012] RRTA 1059	29 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1209786 [2012] RRTA 1058	29 November 2012	16–18, 103–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112366 [2012] RRTA 1125	28 November 2012	16–18, 112–16	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211590 [2012] RRTA 1115	28 November 2012	17–19, 121–2	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was from Chad. The Tribunal accepted that he might face challenges if he were to return to Chad, because of the poor living conditions in that country (para 121). However, the Tribunal did not accept that the difficult living conditions in Chad involved significant harm (para 121). The Tribunal did not accept that the applicant would be arbitrarily deprived of his life, that the death penalty would be carried out, or that the effect on the applicant of Chadian living conditions involved any intention to inflict harm, as required by the definitions of torture, cruel or inhuman treatment or punishment or degrading treatment of punishment (para 121).</p>
1210528 [2012] RRTA 1060	28 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1212903 [2012] RRTA 1077	27 November 2012	16–18, 58–80	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ the meaning of ‘real risk’

		<ul style="list-style-type: none"> • relocation (reasonableness) <p>The applicant was from [City 1] in Haryana, India. The Tribunal accepted that he had worked in Chandigarh, where he was employed by an American company with a global operation to sell financial products to the Indian public and that as a result of the global financial crisis, his customers lost, or believed that they had lost, a considerable portion of their investment (paras 27, 58–9). The Tribunal accepted that the applicant had given his personal address to a number of customers who took out policies, and that the population of [City 1] was not large and that with sufficient perseverance in enquiries, one might be able to locate the applicant’s place of residence (para 61). The applicant claimed that customers had bought financial products based on their trust in him, felt betrayed after the GFC and sought to take revenge on the applicant (para 62). He claimed that he had suffered harm in the past from persons acting at the behest of disgruntled customers – that he had been physically assaulted at his home; that a truck had collided with his motorcycle on the side of the road, knocking both the motorcycle and the applicant to the ground; that there was property damage at his home; that persons came to his home when he was not present, abused his parents and asked for him, declared that they had to kill him, damaged items in the home and left; and that people could be heard shouting and using abusive language outside his home and as recently as June 2012, persons had shouted ‘how long will he stay away, when we find him we will kill him’ (para 62). The Tribunal accepted that the historical incidents that</p>
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		<p>the applicant claimed occurred did in fact occur (para 68). The Tribunal did not accept that any of the assailants were instructed to, or had the intention of, killing him, but that their sole purpose was to express the anger of certain customers who had trusted the applicant by threatening and intimidating him (para 68).</p> <p>The Tribunal accepted that if the applicant were to return to his home region, there was both a real chance and a real risk that those who had sought him in the past, would come to know that he was present at home (para 72). The Tribunal found that they had no intention of killing him, but found that there was both a real chance and a real risk that they, presented with the opportunity in his home area, would continue to harass, intimidate and threaten the applicant, and his family (para 72). The Tribunal accepted that cumulatively, such treatment could amount to serious harm and might amount to significant harm (para 72).</p> <p>However, the Tribunal found that the chance or risk of the applicant being harmed in areas of India outside Haryana and Chandigarh was remote (para 78). The Tribunal found that there was neither a real chance, nor a real risk, that any of his former disgruntled customers would know that he had returned to India, would seek him, or would find him in places such as Delhi, Bombay, and Bangalore (para 78). The Tribunal hence found that any chance or risk of any level of harm to the applicant was confined to [City 1] in particular, and Haryana and Chandigarh more broadly (para 78).</p>
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			<p>The Tribunal found that it would be reasonable, in the sense of practicable, for the applicant to relocate in India to a region outside Haryana and Chandigarh where, objectively, there was no appreciable risk of serious harm to him (para 79). In relation to complementary protection, the Tribunal found that it was reasonable for the applicant to relocate to an area of the country, such as Delhi, Bombay or Bangalore, where there would not be a real risk that he will suffer significant harm (para 79). In reaching this conclusion, the Tribunal noted that the applicant had lived in both Korea and Australia and that his long period of employment at [Employer 1] demonstrated that he had been able to find professional work in India, and away from his home town of [City 1] (para 79). Moreover, the applicant had himself conceded that he could start his life anywhere in India (para 79). The Tribunal found that the applicant would be a competitive job candidate and would be able to obtain employment similar to which he held at [Employer 1] in a place like Delhi, Bombay or Bangalore (para 79).</p>
1209607 [2012] RRTA 1057	27 November 2012	17–19, 73	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was from Malaysia. The Tribunal accepted that general discrimination against Chinese exists in Malaysia (para 73). However, on the basis of the evidence before it, the Tribunal did not accept that general discrimination against Chinese in Malaysia constituted ‘significant harm’ (para 73).</p>
1213315 [2012] RRTA 1137	26 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds

1200284 [2012] RRTA 1126	26 November 2012	13, 130–31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211123 [2012] RRTA 1062	26 November 2012	16–18, 81	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1206791 [2012] RRTA 1055	26 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1206669 [2012] RRTA 1054	26 November 2012	16–18, 94–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213265 [2012] RRTA 1136	23 November 2012	18–20, 77–83	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • relocation (reasonableness) <p>The applicant was born in Qarabagh, Afghanistan, but fled to Quetta, Pakistan with his family when he was four years of age. He claimed to fear harm as a Hazara Shia in Afghanistan and as a failed asylum seeker from Australia or a Western country.</p> <p><i>Failed asylum seekers/returnees</i> Based on the overall country information relating to Afghanistan, the Tribunal found that the applicant did not face a real chance of persecution, from the Taliban, any extremist Sunni group, Hazaras or the state or any other actor, now or in the reasonably foreseeable future on account of being a returnee, a returnee from Pakistan or a failed asylum seeker from Australia or a Western country, all of which the Tribunal accepted were particular social groups of which the applicant was a member (para 77). The Tribunal further found that there were no substantial grounds for believing that there was</p>

			<p>a real risk that the applicant would suffer significant harm on these bases (para 77). Although the Tribunal accepted that the applicant had a different accent due to his time in Pakistan and that he might face a ‘general negative attitude’, the country information from DFAT indicated that Afghans regularly travelled abroad to Pakistan to seek work and greater economic or educational opportunities (para 77). There was also evidence of large numbers returning from Pakistan in recent years (para 77). Hence, the Tribunal did not accept that the applicant would be considered a spy as he claimed, although he might experience some level of discrimination not sufficient to amount to serious harm or significant harm (para 77).</p> <p><i>Hazara Shia</i></p> <p>The Tribunal found that the applicant faced a real chance of persecution at the hands of the Taliban in Qarabagh because he was a Hazara Shia and because of his imputed political opinion (paras 72–5). However, on the basis of country information, the Tribunal found that this was localised to the area of Qarabagh (para 78). On the basis of country information, the Tribunal did not accept that the applicant faced a real chance of persecution in Kabul (para 78). The Tribunal further found that there were no substantial grounds for believing that there was a real risk of the applicant suffering significant harm in Kabul (para 78).</p> <p>The Tribunal noted that, although the UNHCR Guidelines stressed the importance of the availability of traditional support mechanisms, such as relatives and</p>
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			<p>friends able to host displaced individuals, the Guidelines also stated that single males might in certain circumstances subsist without family and community support in urban areas with established infrastructure and under effective government control (para 79). The Tribunal also noted that the UNHCR had commented that relocation was reasonable where protection was available from an individual's own community in the area of intended relocation (para 79). The Tribunal had regard to the fact that Hazaras now constituted between 25%-40% of the population of Kabul, that there was some evidence of a growing middle class there and the views of the human rights contact that Kabul had a cohesive Hazara community and that it would be relatively easy for new arrivals to integrate (para 79).</p> <p>In making its assessment, the Tribunal took into account the following factors suggesting that relocation might be unreasonable:</p> <ul style="list-style-type: none"> • there were reports that many Hazaras in Kabul did not have access to clean water or electricity and that it was difficult to find accommodation because rents were very high (para 80) • the UNHCR had reported that there was widespread unemployment in urban areas that limited the ability of a large number of people to meet their basic needs (para 80) • the applicant might suffer some discrimination or general negative attitude on the basis of his accent and he did not have experience of life in Kabul or Afghanistan (para 80) • there was evidence of a number of insurgent attacks,
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			<p>including the Ashura Day attacks (para 81)</p> <p>However, the Tribunal also had regard to the following factors suggesting that relocation might be reasonable:</p> <ul style="list-style-type: none"> • Australia had funded the IOM to provide individually tailored reintegration assistance plans for Afghan returnees (para 80) • the applicant had substantial work experience in retail, had no family to support and had substantial experience in living in a large city (para 80) • the applicant had some English language skills and could speak Hazaragi (para 80) • the applicant was able to travel for over three months to Australia, demonstrating a level of independence and resourcefulness <p>Considering all the evidence, the Tribunal found that it would be reasonable and practicable for the applicant to relocate to Kabul to avoid the serious harm that he faced in his home area (para 83). The Tribunal further found that it would be reasonable for him to relocate to Kabul and that in that location there would not be a real risk that he would suffer significant harm (para 83). The Tribunal was not satisfied that the applicant's past mental health difficulties – having been diagnosed with PTSD – made it unreasonable for the applicant to relocate to Kabul (para 82).</p>
1209927 [2012] RRTA 1132	23 November 2012	16–18, 137–42	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'significant harm' • the meaning of 'real risk' • section 91R(3) ('contrived' refugee claims)

		<p>The applicant was from Lebanon. He claimed to fear harm because he had converted from Islam to Christianity and would be perceived to be an apostate (para 115). He also claimed to fear harm at the hands of his family because he had not studied and married in Australia, as he told them he would (para 116).</p> <p><i>Failure to complete studies or marry in Australia</i> The Tribunal did not accept that any members of the applicant's family, including his father and brothers, would seek to harm the applicant because he had failed to complete his studies or marry in Australia (para 138). The Tribunal accepted that the applicant might face a degree of ostracism or verbal abuse from his family for not having completed his studies or married in Australia but did not accept that any treatment that he might receive from his family on his return to Lebanon would amount to cruel, inhuman or degrading treatment or punishment or any other form of significant harm (para 138).</p> <p><i>Conversion to Christianity</i> The Tribunal found that the applicant had not genuinely converted to Christianity and did not genuinely hold Christian beliefs (para 138). Hence, the Tribunal found that he would not practice as a Christian on his return to Lebanon and so would not face any risk of harm as a result of doing so or attempting to do so (para 138). The Tribunal accepted that the applicant had attended church, been baptised and undertaken other church activities in Australia (para 128). This evidence was disregarded for the purpose of assessing his refugee</p>
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		<p>claim, in accordance with section 91R(3) of the Act, because the Tribunal found that the only reason that the applicant had undertaken these activities was for the sole purpose of strengthening his refugee claim (para 131).</p> <p>The Tribunal noted that section 91R(3) did not apply to the complementary protection criterion (para 139). However, on the basis of country information, the Tribunal did not accept that conservative Muslims in Lebanon would target an individual who may have attended church or been baptised in Australia, where that individual no longer practised as a Christian (para 139).</p> <p>The Tribunal accepted that the country information suggested that individuals with family members or relatives who objected to a genuine conversion to Christianity might face a risk of harm at the hands of those family members or relatives and that there might be some chance that the Lebanese authorities would not provide such individuals with adequate state protection (para 140). However, the Tribunal did not accept that the applicant's family or any of his relatives were conservative Muslims to such a degree that they would seek to harm the applicant in any way for having attended a church in Australia and having been baptised into a church in Australia without genuinely intending to do so where the applicant would no longer practice as a Christian (para 140). The Tribunal accepted that there might be some chance that the applicant would suffer a degree of ostracism or verbal abuse at the hands of</p>
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			conservative Muslims or members of his family because of his church attendance and baptism in Australia, but did not accept that this treatment would amount to cruel, inhuman or degrading treatment or punishment or any other form of significant harm (para 140).
1209343 [2012] RRTA 1068	23 November 2012	16–18, 105	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims) <p><i>Refugee claim</i> (paras 92–104)</p> <p>The applicant was from China. He claimed to fear harm because he was a Falun Gong practitioner. However, the Tribunal found that the applicant was not a Falun Gong practitioner and did not have genuine commitment to the practice of Falun Gong (paras 94–102). The Tribunal accepted that the applicant may have attended Falun Gong practice sessions and engaged in private Falun Gong practice in Australia (para 103). However, the Tribunal was not satisfied that the applicant’s involvement in Falun Gong activities in Australia was otherwise than for the purpose of strengthening his refugee claim (para 103). Hence, for the purpose of assessing his refugee claim, the Tribunal disregarded the applicant’s conduct in participating and engaging in Falun Gong activities in Australia, in accordance with section 91R(3) of the Act (para 103). The Tribunal did not accept that there was a real chance that the applicant would be persecuted in China for his real or perceived involvement in Falun Gong (para 104).</p>

			<p><i>Complementary protection claim</i> (para 105) Having found that the applicant was not a genuine Falun Gong practitioner, the Tribunal found that the applicant would not practise Falun Gong upon his return to China. The Tribunal also considered the applicant's conduct in participating in Falun Gong activities in Australia. However, given the applicant's limited involvement in these activities and the individual circumstances of his case, the Tribunal did not consider that there was a real risk that these activities would bring him to the adverse attention of the authorities. On all the evidence before it, the Tribunal found that there was not a real risk that the applicant would face significant harm in China as a consequence of his limited involvement with Falun Gong in Australia (para 105).</p>
1214192 [2012] RRTA 1066	23 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1211327 [2012] RRTA 1063	23 November 2012	19–21	Recognised as refugee so no need to recognise under separate grounds
1209005 [2012] RRTA 1056	23 November 2012	16–18, 79–80, 82, 85	<p>This case relates to:</p> <ul style="list-style-type: none"> • relocation (reasonableness) <p>The applicant was a Sikh from the Punjab, India. The Tribunal rejected his claim that he was at risk of harm due to his claimed membership and work for the BJP and consequent negative attention from persons associated with the Congress Party (para 79).</p> <p>However, even accepting that the applicant was an active BJP member and that persons associated with the Congress Party did attack him in 2007 (both of which</p>

		<p>the Tribunal rejected), the Tribunal found that it would be reasonable for the applicant to relocate in India to a region outside the Punjab, such as Delhi, where there would not be a real risk that the applicant would suffer significant harm (para 85).</p> <p>The Tribunal found that the country information did not support the applicant's claim that ordinary active BJP members or supporters were at risk of harm from Congress Party supporters or members (para 82). The Tribunal found that if the applicant wished to support or even become an active member of the BJP in Delhi, he could do so, and he would not face a real risk of significant harm in a place like Delhi as an active BJP member (para 82).</p> <p>Accepting (only for the purposes of assessing relocation) that the applicant was previously attacked by persons associated with the Congress Party in the Punjab in 2007, the Tribunal considered that the country information indicated that such an attack was only conceivable in connection with the lead up to the 2007 Punjab state election (para 83). The Tribunal found that the applicant's attackers did not remember him, would not be able to identify him, and would not seek him out (para 83). Even if the applicant were to claim that there was a chance that he might run into his attackers in the Punjab, the Tribunal found that any possibility of harm to him now was limited to areas within the Punjab and that there is no possibility of harm to him for any reason by any actor outside of the Punjab (para 83). Hence, the Tribunal found that any</p>
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			<p>harm that the applicant claimed to fear now was confined to the Punjab (para 83).</p> <p>The Tribunal found that it would be reasonable for the applicant to live and work in a place like Delhi. On the basis of country information, the Tribunal found that Sikhs would have indiscriminate access to employment in India generally (para 84). The Tribunal held that, even if the applicant was not permitted to purchase land outside the Punjab, the applicant could rent a residence (para 84). Based on the applicant's ability to win and hold down a job in Australia, and the fact that he had lived and studied in Australia, the Tribunal found that he would be a competitive candidate for jobs in a place like Delhi, and that he could and would find a reasonable job sufficient to sustain an ordinary life in Delhi (para 84).</p>
1205004 [2012] RRTA 1053	23 November 2012	16–18, 124–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113353 [2012] RRTA 1033	23 November 2012	13, 125–35	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'real risk' • risk faced by the population generally <p>The applicant was from the Democratic Republic of the Congo. The Tribunal accepted that there was general insecurity in the Congo, that the human rights situation in that country remained grave and that all sides in the country's armed conflicts continued to attack civilians and to commit other serious human rights abuses (para 135). However, the Tribunal considered that this risk was faced by the population of the Congo generally and not by the applicant personally (para 135). Hence, there</p>

			<p>was taken not to be a real risk that the applicant would suffer significant harm in the Congo, in accordance with section 36(2B)(c) of the Act (para 135). In reaching this conclusion, the Tribunal drew upon jurisprudence from the Committee against Torture:</p> <p>‘131. Given that the purpose of subsection 36(2B) is to ensure that Australia’s <i>non-refoulement</i> obligations are applied and implemented consistently with international law, it is relevant that the Committee against Torture has held that an applicant must be ‘personally at risk’: see <i>Mutombo v Switzerland</i>, Communication No. 13/1993, 27 April 1994. The Committee referred to the fact that Article 3 of the Convention Against Torture states that:</p> <p style="padding-left: 40px;">“1. No State party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.</p> <p style="padding-left: 40px;">2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.”</p> <p>132. The Committee went on to observe (at paragraph 9.3) that:</p> <p style="padding-left: 40px;">“The Committee must decide, pursuant to paragraph 1 of article 3, whether there are substantial grounds for believing that Mr. Mutombo would be in danger of being</p>
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			<p>subjected to torture. In reaching this conclusion, the Committee must take into account all relevant considerations, pursuant to paragraph 2 of article 3, including the existence of a consistent pattern of gross, flagrant or mass violations of human rights. The aim of the determination, however, is to establish whether the individual concerned would be personally at risk of being subjected to torture in the country to which he would return. It follows that the existence of a consistent pattern of gross, flagrant or mass violations of human rights in a country does not as such constitute a sufficient ground for determining that a person would be in danger of being subjected to torture upon his return to that country; additional grounds must exist that indicate that the individual concerned would be personally at risk. Similarly, the absence of a consistent pattern of gross violations of human rights does not mean that a person cannot be considered to be in danger of being subjected to torture in his specific circumstances.”</p> <p>133. Consistent with this decision, the existence of a situation of generalised violence in a country will not, of itself, be enough to enliven Australia’s non-refoulement obligations. Equally, however, the existence of a situation of generalised violence in a country will not preclude the conclusion that a particular individual will be personally at risk in that country. As the Minister indicated in his Second Reading Speech, this will be so even if the harm is faced by a broader group of which the applicant is a member such that it can be said that the real risk is one faced by the applicant personally. However it will not be enough to establish that there is generalised violence or a pattern of gross human rights violations which</p>
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			<p>places the whole population of a country at risk if the Minister (or the Tribunal on review) is satisfied that the real risk is not faced by the applicant personally.’</p> <p>The Tribunal found that there was nothing in the evidence before it to suggest that the applicant was personally at risk (para 134).</p>
1213910 [2012] RRTA 1019	22 November 2012	16–18, 42	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1106122 [2012] RRTA 1052	22 November 2012	19–21, 94–100	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209817 [2012] RRTA 1131	21 November 2012	16–18, 139–40	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • risk faced by the population generally <p>The applicant was from Libya. In relation to his claims to fear general violence and lack of security in Libya, the Tribunal held:</p> <p>‘140. The Tribunal is not satisfied on the evidence before it that the violence the applicant fears is faced by him personally. The Tribunal is satisfied that the applicant fears violence faced by the population generally and not by him personally. The Tribunal finds that there is taken not to be a real risk that the applicant will suffer significant harm in Libya as a result of general violence and lack of security.’</p>
1209502 [2012] RRTA 1051	21 November 2012	16–18, 105	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209846 [2012] RRTA 1049	21 November 2012	16–18, 41	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1208855 [2012] RRTA 1048	21 November 2012	16–18, 46	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213881 [2012] RRTA 1044	21 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1208053 [2012] RRTA 1050	20 November 2012	16–18, 91	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215518 [2012] RRTA 1046	20 November 2012	16–18, 95	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212941 [2012] RRTA 1041	20 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1204721 [2012] RRTA 1035	19 November 2012	16–18, 138	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203694 [2012] RRTA 1034	19 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1216168 [2012] RRTA 1047	16 November 2012	16–18, 80	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213189 [2012] RRTA 1042	16 November 2012	16–18, 61	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212457 [2012] RRTA 1040	16 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1210422 [2012] RRTA 1038	16 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1204792 [2012] RRTA 1036	16 November 2012	16–18, 143	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213438 [2012] RRTA 1043	15 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1210675 [2012] RRTA 1030	15 November 2012	16–18, 107	This case relates to: <ul style="list-style-type: none"> the meaning of ‘significant harm’

			<p>The applicant was from Taiwan. The Tribunal accepted that the applicant and her family members held the view that Taiwan should reunite with China (para 93). The Tribunal accepted that the applicant and her family had experienced personal disagreements with individuals in Taiwan on some occasions in the past as a result of expressing their political opinion (para 102). The Tribunal did not accept that the applicant would encounter anything more than personal disagreements with other Taiwanese people, if she chose to voice her opinion in the future (para 107). The Tribunal did not accept that disagreements or arguments constituted significant harm (para 107). On this basis, the Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm in Taiwan.</p>
1210345 [2012] RRTA 1029	15 November 2012	16–18, 77–80	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • state protection • domestic violence <p><i>Refugee claim</i> (paras 56–76)</p> <p>The applicants (applicant and her daughter) were from Cambodia. The Tribunal accepted that the applicant had been in a violent relationship and was physically assaulted by her husband while she was pregnant (para 69). The Tribunal found that such assault could amount to serious harm (para 69).</p> <p>The Tribunal found that the applicant had reported her husband to the police in Cambodia and that she would seek protection from the police if needed in the future</p>

			<p>(para 74). The Tribunal acknowledged that the country information indicated that domestic violence laws were not always enforced by the authorities (para 72). However, the applicant's husband had been reported and was subject to a legal undertaking to ensure the protection of the applicant in the future (para 72). The Tribunal found that the Cambodian State had provided a level of protection to the applicant and would continue to provide protection in the future (para 73). The Tribunal found that the same level of protection was also available to the applicant's daughter (para 73).</p> <p>In relation to the applicant's claims to fear retribution from her husband if she returned to Cambodia, the Tribunal held:</p> <p>'75. ... [T]he applicant's fears are not unique to her and are regrettably fears common for many women who are the victims of domestic violence in Cambodia or Australia. The Tribunal finds that no law can guarantee the safety of its citizens in such cases.'</p> <p>Hence, the Tribunal was not satisfied that there was a real chance that the applicants would be persecuted if they returned to Cambodia (para 76).</p> <p><i>Complementary protection claim</i> (paras 77–80) The Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicants would suffer significant harm. On the issue of state protection, the Tribunal held:</p>
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			<p>'79. In addressing the question of state protection under the complementary protection criterion, the Tribunal has had regard to the recent Full Federal Court authority in <i>MIAC v MZYLL</i> [2012] FCAFC 147. This judgment confirms that the standard of state protection in s.36(2B)(b) is different from that under the Refugee Convention, and requires a level of protection such as to reduce the risk of significant harm to less than a 'real risk' In other words, the test is not concerned with whether the level of state protection afforded is consistent with international standards, but rather with whether the level of protection that will be afforded to the applicant is sufficient to reduce their risk of harm to something less than 'real' For the same reasons as stated above, the Tribunal is satisfied that the applicant will seek the protection of the police, and the police will continue to act against her husband. Accordingly, the Tribunal does not accept that the applicants meets [sic] the complementary protection criterion in s.36(2)(aa). The Tribunal has found that the applicants could obtain, from the Cambodian authorities, protection such that there would not be a real risk that they will suffer significant harm.'</p>
1212404 [2012] RRTA 956	15 November 2012	16–17	Recognised as refugee so no need to recognise under separate grounds
1210757 [2012] RRTA 1111	14 November 2012	16–18, 89–107	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'significant harm' • the meaning of 'real risk' <p>The applicants (applicant, her husband and their sons) were from Libya. The Tribunal considered each of their claims to fear harm against the complementary</p>

			<p>protection criteria:</p> <ul style="list-style-type: none"> • <i>Pro-Gaddafi opinion</i>: The applicant’s husband claimed to fear harm due to his involvement in the Revolutionary Committee and his imputed political opinion arising out of this involvement. The Tribunal considered country information indicating that people in positions of influence prior to the fall of the Gaddafi regime remained in positions that were influential in the new regime (para 94). The country information indicated that those members of the regime who had ‘blood on their hands’ would not be tolerated in the new regime, while those who had had been part of the Gaddafi government who had not been implicated in the suppression of the people remained in positions of power and influence (para 94). The Tribunal found that the applicant’s husband did not have ‘blood on his hands’, since his clerical role with the Revolutionary Committee did not involve him in positions where he was involved in or responsible for acts of violence against the people of Libya (para 95). The Tribunal found that the applicant would be able to return to his education position, and other miscellaneous employment activities that he was involved in, and would not face a real risk of significant harm due to his pro-Gaddafi opinion (para 95). • <i>Violence from Gaddafi loyalists</i>: The applicant’s husband claimed to fear harm because he had attended anti-Gaddafi demonstrations in Melbourne in 2011 (para 73). The Tribunal considered country information indicating that Gaddafi loyalists had taken steps to destabilise the new regime and
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			<p>represented an ongoing threat to the daily lives of Libyans (para 97). However, the Tribunal did not consider that there were substantial grounds for believing that there was a real risk that the applicants would suffer significant harm as a result of the actions of the Gaddafi loyalists. Significant numbers of Libyans were involved in the overthrow of the Gaddafi regime and there was no evidence of widespread or targeted harm against these anti-Gaddafi individuals (para 99). The Tribunal considered that the fact that the applicants might be in a location in Libya that might be attacked by Gaddafi loyalists did not give rise to a real risk of significant harm (para 101).</p> <ul style="list-style-type: none"> • <i>Generalised violence</i>: The Tribunal took into account that there were sounds of gunfire, some checkpoints, land mined areas and random acts of violence (para 103). However, the Tribunal did not believe that this gave rise to a real risk of significant harm to the applicants (para 103). In reaching this conclusion, the Tribunal noted that life continued to go on as it had previously for Libyans, in that family members remained in jobs that they had held prior to, during and after the uprising against Gaddafi and children attended school (para 103). • <i>Shortages of food and other goods</i>: The Tribunal found that although there had been shortages of food arising out of the breakdown and destruction of infrastructure in Libya after the revolution, there was no information suggesting that there were widespread deficiencies in food, medicine and other necessities such that the people of Libya could not
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			survive or prosper (para 106). Schools continued to operate, and utility services and fuel supplies were still being provided, with some limited disruption, but not to a level that would constitute degrading treatment or punishment (para 106).
1203226 [2012] RRTA 1087	14 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1212956 [2012] RRTA 1031	14 November 2012	16–18, 46	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209603 [2012] RRTA 1028	14 November 2012	16–18, 61	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202716 [2012] RRTA 1027	14 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1212854 [2012] RRTA 1118	13 November 2012	16–18, 58–70	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Sri Lanka. He claimed to fear harm for the following reasons:</p> <ul style="list-style-type: none"> • <i>LTTE child soldier</i>: The Tribunal accepted that the applicant was forcibly taken by the LTTE to work as a child soldier (para 58). The country information indicated that a large number of children were forced to undertake military work for the LTTE, that the Sri Lankan government and other agencies such as the UN had undertaken reintegration activities for these persons, and that the last remaining rehabilitation centre was closed in April 2010 and many had returned to their families (para 59). In light of this information and the long passage of time since he undertook the military work, the

			<p>Tribunal found that the applicant did not face a real chance of persecution on account of his past military work for the LTTE (para 59). The Tribunal also found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm on this basis (para 59).</p> <ul style="list-style-type: none"> • <i>Interest from Karuna Group and authorities:</i> The Tribunal did not accept this claim as credible (paras 60–3). • <i>Tamils:</i> The Tribunal found that the country information indicated a generally improved situation for Tamils since the ending of the war, with the UNHCR stating that there was no longer a presumption of eligibility for Tamils originating from the North (para 64). On the basis of this information, the Tribunal found that the applicant would not face a real chance of persecution from the government or any paramilitary organisation simply on the basis of his Tamil ethnicity, an imputed political opinion as a suspected LTTE supporter or his membership of a particular social group of young, single, male, Tamils from the North (paras 64, 66). The Tribunal also did not accept that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm for these reasons (paras 64, 66). • <i>Failed Tamil asylum seekers:</i> On the basis of country information and the applicant’s individual circumstances, the Tribunal accepted that the applicant might be subjected to short term questioning upon his return to Sri Lanka (paras 68–
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			9). However, the Tribunal did not accept that this constituted serious harm or significant harm (para 69).
1212278 [2012] RRTA 1026	13 November 2012	16–18, 45–56	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • relocation (reasonableness) <p>The applicant was a Sikh from the Punjab in India. The Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm, for the reasons below:</p> <ul style="list-style-type: none"> • <i>Marriage and divorce</i>: The applicant claimed to fear harm from his ex-wife’s family, who threatened to kill him if he did not divorce her (para 45). The Tribunal found that all of the threats were received before he actually divorced his ex-wife and that no threats were received after he divorced her (para 45). The Tribunal found that since the divorce in 2011, the ex-wife’s family did not seek to do the applicant any harm (para 46). • <i>Historical fights with ‘village boys’</i>: In relation to this claim, the Tribunal considered that the historical disagreement was between the ‘village boys’ and the applicant’s friends, not principally with the applicant himself (para 47). Moreover, the Tribunal found that the character of their disagreements and altercations was in the nature of disagreements between youths, which were not harboured or nurtured into adulthood (para 47). Hence, the Tribunal found that the applicant did not face any form of harm from the ‘village boys’ (para 47).

			In any case, the Tribunal found that the applicant could reasonably relocate to an area of India where there would not be a real risk of significant harm. The Tribunal found that neither the applicant's ex-wife's family nor the 'village boys' had the ability to locate the applicant in a place like Delhi and that the harm that he claimed to fear would be confined to the state of Punjab (para 51). The country information indicated that freedom of movement was guaranteed by Indian law, there were Sikhs in all parts of India, Sikhs were free to practise their religion without restriction in every state of India, Sikhs would have indiscriminate access to employment outside the Punjab, and Hindi was the majority language in a number of northern states and understood by around 40% of the entire population (para 53). The Tribunal found that the applicant's ability to speak English well and Hindi fluently would assist him in relocating to a place like Delhi (para 54).
1204463 [2012] RRTA 1025	13 November 2012	16–18, 75–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209326 [2012] RRTA 1108	12 November 2012	16–18, 93	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212750 [2012] RRTA 1098	12 November 2012	18–20	Recognised as refugee so no need to recognise under separate grounds
1210814 [2012] RRTA 1016	12 November 2012	16–18, 33	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203008 [2012] RRTA 1012	12 November 2012	16–18, 97–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209731 [2012] RRTA 1094	9 November 2012	16–17, 139–42	This case relates to: <ul style="list-style-type: none"> the meaning of 'real risk'

			<p><i>Refugee claim</i> (paras 99–138) The applicant was a Shia Muslim from Peshawar, Pakistan. He claimed to fear harm, inter alia, on the following bases:</p> <ul style="list-style-type: none"> • <i>Failed asylum seeker/Illegal departure from Pakistan</i>: The applicant claimed that he would be imputed with an anti-Government or pro-Western political opinion due to his status as a failed asylum seeker (para 132). He also claimed to fear harm because he had departed Pakistan through illegal means (para 132). However, the Tribunal did not accept that there was a real chance the applicant would be identified as a failed asylum seeker on his return to Pakistan (para 134). In any case, on the basis of country information, the Tribunal found that a person's status as having unsuccessfully sought asylum outside Pakistan was of no interest to the Pakistani authorities (para 134). The Tribunal also found that the chance of this information coming to the attention of the Taliban or those associated with them in Pakistan was remote (para 134). In any event, the Tribunal found, on the basis of country information, that having a profile of having sought asylum in a Western country and having journeyed to Australia with the assistance of a smuggler for the onward journey from Pakistan was unlikely of itself to bring an individual to the attention of the Taliban or those associated with them in Pakistan to a degree that would attract harm, so that the risk of harm for these reasons was remote (para 135).
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			<ul style="list-style-type: none"> • <i>Sectarian violence</i>: The Tribunal accepted that sectarian violence was a problem in Pakistan (para 137). However, the Tribunal did not accept that there was a real chance that the applicant would be persecuted in the context of the sectarian violence in Pakistan (para 137). In reaching this conclusion, the Tribunal noted that there were estimated to be over 40 million Shia Muslims in Pakistan and found that there was only a very remote chance that the applicant would be the victim of an incident of sectarian violence if he returned to live with his family in their home in Peshawar (para 137). The Tribunal did not accept that there was a real chance that the applicant would be unable to worship freely without being targeted by the Taliban and/or their affiliated insurgency groups or the Sunni Muslim population (para 137). The Tribunal did not accept that there was a real chance that the applicant would be targeted or harmed for reason of his religion or that he would be discriminated against for reasons of his religion in such a way or to such an extent as to amount to persecution by the Taliban and/or their affiliated insurgency groups or the Sunni Muslim population if he returned to Pakistan (para 137). <p><i>Complementary protection</i> (para 139–42) The Tribunal did not accept that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm due to his status as a failed asylum seeker or his departure from Pakistan through illegal means (para 141). Although the Tribunal accepted that sectarian violence was a problem in</p>
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			Pakistan, the Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm for this reason (para 141).
1209143 [2012] RRTA 1091	9 November 2012	16–18, 71–4	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • risk faced by the population generally <p>The applicant was from Lebanon. He claimed that he faced a real risk of significant harm because the situation in Lebanon was deteriorating due to the conflict in neighbouring Syria spilling across the border, with pro- and anti-Syrian forces in Lebanon increasingly coming into conflict, and the government supporting the latter (para 71).</p> <p>The Tribunal found that the country information supported the applicant’s claim that there were clashes occurring between pro- and anti-Syrian groups (para 72). However, the country information indicated that the army had been performing a peacekeeping role between the two sides, rather than siding with the Syrians (para 72). Moreover, the applicant did not claim that any of his family members had been caught up in this generalised unrest, either in their village or in Beirut where the applicant had stayed with his uncle (para 73). The evidence did not suggest to the Tribunal that there was a real risk that the applicant would suffer significant harm for this reason (para 73). In any case, if there were such a risk, the Tribunal considered that it would be a risk faced by the population of Lebanon generally, and not faced by the applicant personally, in</p>

			accordance with section 36(2B) of the Act (para 73).
1209067 [2012] RRTA 1090	9 November 2012	17–19, 67	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208579 [2012] RRTA 1037	9 November 2012	16–18, 92	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201599 [2012] RRTA 1024	9 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1213032 [2012] RRTA 1017	9 November 2012	17–19	Recognised as refugee so no need to recognise under separate grounds
1213138 [2012] RRTA 1018	8 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1210363 [2012] RRTA 1015	8 November 2012	16–18, 111	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208198 [2012] RRTA 1014	8 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1203782 [2012] RRTA 1013	8 November 2012	16–18, 75	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p><i>Refugee claim</i> (paras 63–74) The applicant was from Nepal. The Tribunal accepted that, when she lived in Nepal, she converted from the Hindu religion to Christianity (para 59). The Tribunal accepted that the applicant’s father disapproved of her conversion and in October 2008 demanded that she enter into an arranged marriage with a Hindu male in an attempt to have her abandon her Christian religion (para 61). The Tribunal also accepted that the applicant’s parents argued about this, that they separated because of</p>

			<p>this, and that the applicant’s father and the father of the male that she was to marry were angry at her refusal to enter that marriage (para 61). The Tribunal accepted that the applicant’s father telephoned her approximately once each week after that time up until she left Nepal about this matter, that some friends disapproved of her conversion, and that on one occasion, a paternal aunt stopped her on the street and asked her why she had converted (para 62).</p> <p>In light of the applicant’s evidence and the country information, the Tribunal found that the applicant would be able to practice Christianity when she returned to Nepal and that she would not suffer serious harm in so doing (paras 63–4). The Tribunal found that the applicant would be able to attend church as she did in the past, and while there might be a prohibition on proselytizing, the Tribunal found that the discrete and minimal activities of the applicant as she performed them in the past (handing out flyers and approaching others to talk about Christianity) would not lead to the applicant being prevented from practising her religion or suffering serious harm (para 64).</p> <p>The Tribunal accepted that friends, relatives and society generally might not approve of the applicant’s conversion and that she feared ostracism (para 65). However, the Tribunal held that ‘at best all the applicant encountered when she was in Nepal was disapproval and some telephone calls from her father after she refused to enter into an arranged marriage. He has not contacted her since she left Nepal nor has he</p>
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		<p>contacted her mother or sister to locate her. Notwithstanding her refusal to enter the marriage, the applicant was still able to remain working in Nepal in the same position and was able to stay with others until coming to Australia and continued to attend church and practice her religion' (para 65). Although the Tribunal accepted that the applicant's father had contacts in the police, the Tribunal found that the applicant did not suffer harm from or through her father and that she would not suffer harm on that basis if she returned to Nepal (para 66).</p> <p>The Tribunal found that the applicant would be able to resume her life in Nepal by staying with her mother, sister or others as she did before she left the country; continuing to practice religion as she did before she came to Australia and she would be free to seek employment, since she had not been prevented from working when she was in Nepal and after refusing to her father's request to marry another Hindu male (para 67).</p> <p>The applicant claimed that, if she lived with her mother, her father might pressure the mother to have the applicant enter into the arranged marriage (para 69). However, the Tribunal found that the applicant had been able to live with her mother in Nepal without incident (para 69). The Tribunal found that although the applicant's father might resume enquiring with her about the arranged marriage if she returned to Nepal, this did not amount to serious harm (para 70).</p>
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			<p>The Tribunal also found that although a paternal aunt had asked her why she became a Christian and some of the applicant's friends were reluctant to spend time with her once they knew of her conversion, these events did not amount to serious harm (para 71).</p> <p><i>Complementary protection claim</i> (paras 75–6) For the same reasons, the Tribunal found that the applicant did not meet the complementary protection criteria. She would be able to practise her religion on return to Nepal and, on the basis of the applicant's experiences in Nepal and the country information, the Tribunal found that there was not a real risk that the applicant would suffer significant harm for being a Christian convert (para 75).</p>
1212460 [2012] RRTA 1097	7 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1214085 [2012] RRTA 1045	7 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1212073 [2012] RRTA 1039	7 November 2012	16–18, 82–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204299 [2012] RRTA 1021	7 November 2012	16–18, 102–4	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of 'significant harm' <p>The applicant was from China. The Tribunal accepted that she was now widowed and had been absent from China for over 5 years (para 100). The Tribunal acknowledged that she might have some difficulty readjusting to life in China (para 100). However, the Tribunal did not accept that the difficulties the applicant might face on her return to China would amount to</p>

			serious harm (para 100). In reaching this conclusion, the Tribunal noted that, on the applicant's own evidence, she had a home in [Town 1] and a garden where she grew vegetables for the family (para 100). The Tribunal also noted that all of the applicant's immediate family (with the exception of her son in Australia) and extended family, resided in China (para 100). In relation to complementary protection, the Tribunal was not satisfied that the difficulties that the applicant might face on her return to China would amount to significant harm (para 103).
1202229 [2012] RRTA 1011	7 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1200151 [2012] RRTA 1010	7 November 2012	16–18, 108	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209649 [2012] RRTA 1003	7 November 2012	16–18, 36	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212525 [2012] RRTA 1023	6 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1214441 [2012] RRTA 1008	6 November 2012	16–18, 40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213165 [2012] RRTA 1005	6 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1203632 [2012] RRTA 1002	6 November 2012	16–18, 73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1215329 [2012] RRTA 1009	5 November 2012	16–18, 35–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214142 [2012] RRTA 1007	5 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds

1208860 [2012] RRTA 990	5 November 2012	16–18, 43	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200805 [2012] RRTA 984	5 November 2012	16–18, 87	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’ <p>The applicant was from China. He claimed to fear harm in China because he had disputed the level of compensation offered by Chinese officials for the expropriation of land and demolition of a building that he had a legal interest in to make way for the widening of a major roadway by the county (para 73).</p> <p>The Tribunal held that, given the applicant’s ability to live without suffering significant harm for a year prior to his departure, his ability to depart China legally, and the fact that his family in China had suffered no significant harm since his departure from China, there was no real risk that the applicant would suffer significant harm if returned to China in relation to the land dispute (para 87). The Tribunal found that there was no real risk that the applicant would face harm at the hands of the authorities in China as a result of the land dispute (para 87).</p>
1205142 [2012] RRTA 1022	2 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1214028 [2012] RRTA 1006	2 November 2012	18–20, 39	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212289 [2012] RRTA 1004	2 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1211776 [2012] RRTA 995	2 November 2012	16–18, 87	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’

			<ul style="list-style-type: none"> • section 91R(3) ('contrived' refugee claims) <p><i>Refugee claim</i> (paras 74–86) The applicant was from China. She claimed to fear harm in China because she was a Falun Gong practitioner. However, the Tribunal rejected this claim due to concerns about her credibility (paras 76–83). The Tribunal was not satisfied that the applicant had participated in Falun Gong activities in Australia otherwise than for the purpose of strengthening her claim to be a refugee and hence disregarded this conduct for the purpose of assessing her refugee claim, in accordance with section 91R(3) of the Act (para 84). On this basis, the Tribunal did not accept that the applicant had a well-founded fear of persecution for a Convention reason (para 86).</p> <p><i>Complementary protection claim</i> (para 87) Having found that the applicant was not a genuine Falun Gong practitioner, the Tribunal found that the applicant would not practice Falun Gong upon her return to China. The Tribunal also considered the applicant's conduct in participating in Falun Gong activities in Australia. Given her limited involvement in these activities and the particular circumstances of her case, the Tribunal did not consider that there was a real risk that these activities would bring her to the adverse attention of the authorities. On this basis, the Tribunal found that there was not a real risk that the applicant would face significant harm in China (para 87).</p>
1208428 [2012] RRTA 988	2 November 2012	16–18, 33	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1114004 [2012] RRTA 983	2 November 2012	15–16, 75	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209429 [2012] RRTA 1093	1 November 2012	16–18, 137–48	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • the meaning of ‘significant harm’ <p>The applicants (first applicant and her husband) were from Libya. The Tribunal addressed each of their claims to fear a real risk of significant harm:</p> <ul style="list-style-type: none"> • <i>Political opinion</i>: The Tribunal accepted that the first and second applicants had anti-Gaddafi political opinions, that the first applicant had taken a prominent role in demonstrations in Melbourne against the Gaddafi regime and had been interviewed by the media, and that the second applicant attended a number of demonstrations and took on a leading role with the protest organisers to assist in the publication of information about the demonstrations, contacting people to attend the rallies and putting materials on a social networking site to demonstrate that the Libyan student community in Melbourne was supporting the rebel demands for Gaddafi to step down (paras 114–5). The Tribunal noted that anti-Gaddafi supporters were successful in their aim to remove the Gaddafi regime, but that the country information indicated that some Gaddafi loyalists had taken steps to destabilise the new regime and represented an ongoing threat to the daily lives of Libyans (para 139). The country information indicated that there was ongoing violence arising out of the displacement of individuals from power due to the

			<p>uprising of 2011 (para 139). However, the Tribunal did not consider that the applicants faced a real risk of significant harm (para 141). Significant numbers of Libyans were involved in the overthrow of the Gaddafi regime and there was no evidence of widespread or targeted harm against these anti-Gaddafi individuals (para 141). Moreover, the Tribunal considered that the fact that the applicants might be in a location in Libya that might be targeted by loyalists of the Gaddafi regime did not, in all the circumstances, present substantial grounds for believing that there was a real risk that the applicants would suffer significant harm (para 143).</p> <ul style="list-style-type: none"> • <i>Well-educated Muslim woman in Libya</i>: The first applicant claimed to fear harm due to her being a well-educated Muslim woman in Libya (para 145). However, the Tribunal found that there were no substantial grounds for believing that there was a real risk of significant harm to her on this basis (para 147). In reaching this conclusion, the Tribunal noted that there was some violence against women in Libya, but that ‘these instances are rare and date back primarily to circumstances during the uprising and prior to the fall of the Gaddafi regime’ (para 145). The Tribunal also took into account the evidence that there were sounds of gunfire, some checkpoints and random acts of violence faced by all Libyans (para 146). Greater steps to ensure security had been taken, based on ongoing concerns for safety (para 146). However, the Tribunal did not believe that these constituted substantial grounds for believing that the first applicant faced a real risk of
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			significant harm (para 102).
1215944 [2012] RRTA 978	1 November 2012	16–18, 56	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1214505 [2012] RRTA 1001	1 November 2012	13, 111–2	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p><i>Refugee claim</i> (paras 88–110) The applicant was from Sri Lanka. In relation to his claims, the Tribunal held:</p> <ul style="list-style-type: none"> • <i>Political activity</i>: Given the applicant’s very limited involvement in political activities, the Tribunal did not accept that there was a real chance that the applicant would be persecuted for reasons of his support of the UNP or Sarath Fonseka or his involvement in campaigning for Mr Fonseka’s release (para 100). • <i>Failed asylum seeker/Illegal departure from Sri Lanka</i>: The Tribunal accepted that the applicant would be able to be identified by the Sri Lankan authorities as a failed asylum seeker on his return (para 101). The country information indicated that such people returning to Sri Lanka were interviewed by various government departments at the airport and their names were checked against various databases to see if they were of interest to the Sri Lankan authorities (para 101). If they were not of interest to the authorities, they would be allowed to go on their way (para 106). The Tribunal did not accept that the applicant had ever been of interest to

			<p>the Sri Lankan authorities as a result of his political activities, and did not accept that there was a real chance that he would be detained for further questioning at the airport on his return to Sri Lanka (para 108).</p> <ul style="list-style-type: none"> • <i>Illegal departure from Sri Lanka:</i> The Tribunal accepted that the Sri Lankan authorities were aware of the applicant's illegal departure from Sri Lanka (para 107). However, advice from DFAT indicated that no failed asylum seekers returning from Australia had to date been charged in relation to their illegal departure from Sri Lanka (paras 101, 107). Hence, the Tribunal did not accept that the applicant would be charged or otherwise persecuted for his illegal departure from Sri Lanka (para 107). <p><i>Complementary protection claim</i> (paras 111–2) The Tribunal did not accept that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm:</p> <ul style="list-style-type: none"> • <i>Political activity:</i> Having regard to its findings of fact, the Tribunal did not accept that there was a real risk that the applicant would be killed, put in gaol or kidnapped or that he would otherwise suffer significant harm because of his support for the UNP or Sarath Fonseka or his involvement in campaigning for Mr Fonseka's release (para 111). • <i>Failed asylum seeker:</i> The Tribunal did not accept that the applicant had ever been of interest to the Sri Lankan authorities as a result of his political activities (para 112). Hence, the Tribunal did not accept that there was a real risk that the applicant
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			<p>would be detained for further questioning at the airport on his return to Sri Lanka (para 112).</p> <ul style="list-style-type: none"> • <i>Illegal departure from Sri Lanka</i>: On the basis of advice from DFAT, the Tribunal did not accept that there was a real risk that the applicant would suffer significant harm as a result of his illegal departure from Sri Lanka (para 111).
1201926 [2012] RRTA 985	1 November 2012	16–18, 98	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212031 [2012] RRTA 976	1 November 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1208861 [2012] RRTA 974	1 November 2012	16–18, 60–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1213137 [2012] RRTA 998	31 October 2012	18–20, 48–58	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ <p>The applicant was from India. The Tribunal accepted that the applicant had suffered serious harm at the hands of the police in the past (para 56). The Tribunal accepted that in 2008, the applicant had stolen a purse from a passer-by and that he was arrested, detained and charged by the police with theft (para 48). The Tribunal accepted that he had been mistreated, that he was forced to sign documents admitting to other crimes, and that his parents paid bribes to have him released and to have the charges dropped (para 48). However, due to concerns about the applicant’s credibility, the Tribunal did not accept that there was a real chance of serious harm to the applicant in the future, as the Tribunal rejected the applicant’s claim to face outstanding criminal charges (para 56). The Tribunal also found that</p>

		<p>there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm from the police (para 56).</p> <p>The Tribunal also did not accept the applicant's claim that he faced a real chance of persecution on account of his membership with a gang (para 57). The Tribunal was prepared to accept that the applicant was a member of a local gang (para 57). However, the Tribunal noted that the applicant had been a member of this gang since he was 10 years of age and he had not experienced any harm from members of any other gang (para 57). Hence, the Tribunal did not accept that he would be targeted by members of other gangs for any reason (para 57). The Tribunal was willing to accept that 'member of a high profile gang in the Bathinda district' was a particular social group, but did not accept that the applicant faced a real chance of persecution on account of his membership of this group (para 57). The Tribunal was also willing to accept that 'member of a prominent Bathinda gang who had co-operated with the police' constituted a particular social group, although did not accept that any cooperation with the police meant that the applicant faced a real chance of persecution, since the gang members had two months to threaten or harm him whilst in India and they did not attempt to do so (para 57). The Tribunal also found there were no substantial grounds for believing there was a real risk that the applicant would suffer significant harm because of his membership of this gang or his involvement with the police (para 57).</p>
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1209897 [2012] RRTA 993	31 October 2012	16–18, 76–80	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims) <p><i>Refugee claim</i> (paras 63–75) The applicant was from China. She claimed to fear harm because she was a Falun Gong practitioner (para 64). However, the Tribunal found that the applicant was not a genuine Falun Gong practitioner and rejected her evidence to have been involved in Falun Gong in China (para 71). The Tribunal found that the applicant participated in Falun Gong activities in Australia for the sole purpose of strengthening her refugee claim (para 73). Hence, the Tribunal disregarded this conduct for the purpose of assessing her refugee claim, in accordance with section 91R(3) of the Act (para 73). The Tribunal found that there was not a real chance that the applicant would suffer persecution for a Convention reason in China (para 75).</p> <p><i>Complementary protection claim</i> (paras 76–80) The Tribunal considered whether the applicant’s involvement in Falun Gong in Australia might bring her to the adverse attention of the authorities if she were to return to China (para 78). The Tribunal considered her practice and participation of Falun Gong in public in Sydney, and her minor involvement with Falun Gong practitioners in promoting Falun Dafa in Sydney (para 78). The Tribunal noted that the applicant had not made any claims to have played an active role in a particular Falun Dafa group or organisation, or to have participated or been involved in any way in any</p>
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			<p>demonstration or protest against, or to have expressed in any way a political view in opposition to, the Chinese government (para 78). The Tribunal found that the extent of the applicant's participation and involvement was minor (para 78). In the absence of any independent information to indicate that there was a real risk of harm to a person who had had such minor and limited participation and involvement in Falun Gong activities in Australia, the Tribunal found that there were no grounds for believing the applicant would be harmed on that basis (para 78).</p> <p>The Tribunal also considered the applicant's claim to have sent by email information about Falun Gong to her friend in China (para 79). The Tribunal was prepared to accept that the applicant did in fact send her friend the email (para 79). However, there was no evidence before the Tribunal to indicate that there was a real risk of harm to a person who had sent an email to China from Australia containing generic information about the persecution of Falun Gong practitioners (para 79). The applicant had not claimed that her conduct had come to the attention of the authorities in China (para 79). The Tribunal considered that the possibility of the applicant coming to the adverse attention of the authorities because she had sent the email was 'remote in the extreme' (para 79). Hence, the Tribunal found that there were no grounds for believing that the applicant would be harmed on that basis (para 79).</p>
1208723 [2012] RRTA 989	31 October 2012	16–18, 113	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1213982 [2012] RRTA 1000	30 October 2012	18–20	Recognised as refugee so no need to recognise under separate grounds
1213336 [2012] RRTA 999	30 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1209625 [2012] RRTA 991	30 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1206416 [2012] RRTA 986	30 October 2012	17–19, 84	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • relocation (reasonableness) <p><i>Refugee claim</i> (paras 79–83) The applicants (husband, wife and child) were from Lithuania. The applicant child had no claims of her own, but relied on her membership of the family unit of the applicant husband, her father (para 83).</p> <p>The applicant husband and wife claimed that they were subjected to harm in Lithuania because of their sexual practices and views on sex, morality and family life that were expressed on an internet website that they established in 2010 (para 76). However, the Tribunal found that the applicant husband and wife would not engage in the sexual behaviour which had resulted in their mistreatment if they returned to Lithuania (para 80). The Tribunal did not consider that this modification in their behaviour was the result of a fear of persecution (para 80). In any case, the Tribunal found that even if the applicant husband and wife could be said to be modifying their behaviour out of a fear of persecution, the evidence did not suggest that the result</p>

		<p>of this required behavioural change was itself persecution (para 80). In reaching this conclusion, the Tribunal considered the applicant's conduct in Australia and found that this suggested that their priorities had changed (para 80).</p> <p>The Tribunal noted that two years had passed and that the possibility that the applicant husband and wife might be recognised and targeted as a result of their past activity was remote (para 81). Moreover, the Tribunal was satisfied that they could reduce that small possibility by relocating within Lithuania (para 81). The Tribunal held that it was reasonable for the applicants to relocate within Lithuania because they were young, tertiary-educated, fluent in a number of languages and apparently adaptable (para 81). The Tribunal acknowledged that the applicant husband could not conceive of the possibility of returning to Lithuania because of his past experiences (para 81). However, the Tribunal held that even if his mental health were to deteriorate, there was no evidence to suggest that the applicant would be worse off in a different part of Lithuania, such that relocation would not be reasonable or practicable (para 81).</p> <p>The Tribunal also considered that the possibility of any action against the applicants by police and the child welfare authorities as a result of events two years ago was remote (para 82). The Tribunal was satisfied that if they were to relocate within Lithuania, their profile was not such that the authorities would locate them in order to harm them (para 82).</p>
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			<p><i>Complementary protection claim</i> (para 84) For the reasons above, the Tribunal found that if the applicant husband and wife were to return to Lithuania, they would not engage in the sexual behaviour which previously resulted in their mistreatment; that two years had passed since those events; and that it would be reasonable for them to relocate to another part of Lithuania where they would not be recognised (para 84). Hence, the Tribunal did not consider that there were substantial grounds for believing that there was a real risk that they would suffer significant harm (para 84).</p>
1113067 [2012] RRTA 982	30 October 2012	13, 94	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1107692 [2012] RRTA 981	30 October 2012	19–21, 108–9, 112	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicants (first applicant and her son) were from Zimbabwe.</p> <p><i>First applicant</i> The Tribunal considered whether there was a real risk that the first applicant would suffer significant harm as a result of her inability to continue receiving life-sustaining medical treatment if she returned to Zimbabwe (para 108). However, on the basis of country information, the Tribunal was satisfied that medication for her condition was ‘readily available’ in Zimbabwe (para 108). The Tribunal was not satisfied that there was a real risk that the applicant would not be able to</p>

			<p>access the necessary medication and hence, the Tribunal was not satisfied that there were substantial grounds for believing that there was a real risk of her suffering significant harm (para 108).</p> <p><i>Second applicant</i></p> <p>The second applicant was a child. The first applicant claimed on his behalf that he would suffer significant harm by being removed from his father (para 112). The Tribunal considered whether the separation of a father and child might enliven Australia’s complementary protection obligations, but ultimately held:</p> <p>‘112. ...The Tribunal notes that both cruel and inhuman treatment or punishment and degrading treatment or punishment contain an intentional motivation as defined in s.5(1). Therefore, on the basis of the evidence before it, and having regard to the definition of serious harm enumerated in s.36(2A) and s.5(1), the Tribunal does not have substantial grounds for believing that, as a necessary and foreseeable consequence of the secondary applicant being removed from Australia to Zimbabwe, he would suffer significant harm. Therefore, the Tribunal is not satisfied that the secondary applicant is a person in respect of whom Australia has protection obligations under s.36(2)(aa).’</p>
1208160 [2012] RRTA 979	30 October 2012	16–18, 101–3	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims) <p>The applicant was a child was from China. Her parents</p>

			<p>claimed, on her behalf, that she would face harm on the following grounds:</p> <ul style="list-style-type: none"> • <i>Falun Gong</i>: The Tribunal did not accept the applicant's parents' claims that they were Falun Gong practitioners and that they were persecuted for that reason (paras 82–98). The Tribunal was satisfied that the applicant's parents had engaged in Falun Gong in Australia for the sole purpose of strengthening their refugee claims (para 87). The Tribunal was not satisfied that the applicant's parents were now genuine committed Falun Gong practitioners or that on return to China they would be persecuted for that reason (para 97). Hence, the Tribunal did not accept that the applicant would suffer any harm in China on the basis that her parents were Falun Gong practitioners (para 98). In relation to complementary protection, the Tribunal was also not satisfied that the applicant would face any real risk of harm on the basis that her parents were Falun Gong practitioners (para 101). • <i>Land dispute with local authorities</i>: The Tribunal accepted that the applicant's parents felt unfairly treated over the resumption of their land and that the applicant's father was in dispute with local authorities over this in 2007–08 (para 93). The Tribunal accepted that the applicant's father may have been arrested and briefly detained in January 2008 in connection with the land dispute (para 93). In relation to complementary protection, the Tribunal was not satisfied that this land dispute would remain an issue to the extent that there would be any real risk of significant harm to the applicant
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			<p>(para 102).</p> <ul style="list-style-type: none"> • <i>Family planning regulations</i>: Since the applicant was a child born of married Chinese parents overseas (and hence without specific prior authorisation from local Chinese authorities), the Tribunal found that the applicant would be required to secure household registration on return to China (para 99). The Tribunal held that, at most, her parents might have to pay a social compensation fee (para 99). However, the Tribunal held that the payment of such a fee was not unusual and was not sufficiently onerous as to constitute persecution (para 99). Such fees were pegged to local wage levels and could generally be paid over a period (para 99). In relation to complementary protection, the Tribunal was not satisfied that the applicant would suffer a real risk of significant harm because she had not yet been registered (para 101).
1213333 [2012] RRTA 949	30 October 2012	15–17, 50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210689 [2012] RRTA 994	29 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1210567 [2012] RRTA 943	29 October 2012	16–18, 56	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212964 [2012] RRTA 997	26 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1212462 [2012] RRTA 996	26 October 2012	16–18, 90–4	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ <p>The applicant was from Sri Lanka. He made a number of claims, each addressed by the Tribunal:</p>

			<ul style="list-style-type: none"> • <i>Political opinion:</i> Due to concerns about the applicant’s credibility, the Tribunal did not accept that the applicant had ever supported the UNP or been involved in UNP activities, as claimed (para 85). Hence, the Tribunal did not accept that the applicant faced a real chance of persecution on the basis of his alleged political opinion (para 85). In relation to complementary protection, the Tribunal also held that there was no real risk of significant harm to the applicant for this reason (para 92). • <i>Failed asylum seeker:</i> The Tribunal did not accept that there was a real chance that the applicant would face persecution as a failed asylum seeker if he returned to Sri Lanka (para 87). In reaching this conclusion, the Tribunal noted country information suggesting the absence of procedures which would allow the Sri Lanka authorities to identify the applicant as a person who had sought protection in Australia (para 87). However, even if such an identification were made, the Tribunal held that, on the basis of country information, the applicant would not suffer any harm beyond, possibly, being detained for some hours on arrival for questioning (para 87). The Tribunal noted that there was country information suggesting that returnees were detained for longer periods or subjected to various forms of abuse (para 87). However, the Tribunal noted that these reports predominantly referred to the treatment of Tamils on their return, and repeatedly referred to this being the result of perceived or actual links with the LTTE or opposition to the current Sri Lankan government (para 87). Given
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			<p>that the applicant was a Sinhalese man who had not been politically active in the past and had not been of any attention to the authorities, the Tribunal did not accept that the applicant faced a real chance of serious harm on his return to Sri Lanka as a failed asylum seeker (para 87). In relation to complementary protection, the Tribunal did not accept that the applicant would face significant harm on arrival in Sri Lanka as a person who had failed to obtain protection in Australia (para 93).</p> <ul style="list-style-type: none">• <i>Illegal departure from Sri Lanka:</i> The Tribunal noted that the applicant may have breached the terms of Sri Lanka's Immigration and Emigration Act (para 88). The country information indicated that penalties included fines and significant prison sentences (para 93). However, the Tribunal noted that the country information also indicated that penalties were seldom enforced in practice (para 88). Even if the applicant were to face a penalty, the Tribunal found that there was nothing to suggest that the applicant would be singled out for prosecution in discriminatory fashion for a Convention reason (para 88). In relation to complementary protection, the Tribunal noted that penalties were seldom enforced unless a person was regarded as having been an organiser of an immigration fraud, had an outstanding arrest warrant or was on a 'black list' held by the Department of Immigration and Emigration (para 93). The Tribunal did not accept that the applicant fell into these categories such that he would be likely to attract such penalties (para 93).
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1207025 [2012] RRTA 987	26 October 2012	16–18, 80–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1104721 [2012] RRTA 980	26 October 2012	16–18, 71–7	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • state protection <p>The applicants (applicant and his wife) were from India. The applicant claimed to fear that he, his wife or their children would be physically harmed by his wife’s previous father-in-law or members of their community, who disapproved of their marriage and would force them to divorce (para 73). The Tribunal accepted that the applicant and his wife had received threats from her previous father-in-law (paras 64, 74).</p> <p>In assessing their refugee claim, the Tribunal found that the harm feared by the applicants amounted to serious harm, in that the threats made by the previous father-in-law were threats to the life of the applicants (para 65). However, the applicants were not recognised as refugees because the harm that they feared was not for any Convention reason (para 66). Moreover, the Tribunal found that the applicants did not face a real chance of serious harm if they were to return to India (para 68).</p> <p>In assessing their complementary protection claim, the Tribunal did not accept that there was a real risk of significant harm to the applicant and his wife (para 74). Even if there were such a risk of harm, the Tribunal held that the authorities in India could provide an adequate level of state protection to the applicants (para</p>

			75).
1208998 [2012] RRTA 937	26 October 2012	26–8, 35	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112447 [2012] RRTA 967	26 October 2012	16–18, 110–11	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208757 [2012] RRTA 973	25 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1201900 [2012] RRTA 972	25 October 2012	16–18, 111–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211480 [2012] RRTA 961	25 October 2012	16–20, 114–5	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Chad. The Tribunal accepted that the applicant might face challenges in Chad, because of the poor living conditions in that country (para 114). However, the Tribunal did not accept that difficult living conditions in Chad amounted to significant harm (para 114).</p> <p>The Tribunal rejected the applicant’s claims that his Gorane ethnicity, his birth and residency in Saudi Arabia or any other factors would lead the Chadian authorities to target him (including for reason of any imputed adverse political profile), or for any other armed, tribal or other groups to target him (para 114). Hence, there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm if he returned to Jordan.</p>

1113737 [2012] RRTA 958	25 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1212669 [2012] RRTA 948	25 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1209604 [2012] RRTA 940	25 October 2012	16–18, 47–50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209236 [2012] RRTA 938	25 October 2012	16–18, 47	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1206862 [2012] RRTA 966	24 October 2012	14–16, 161	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204194 [2012] RRTA 965	24 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1208711 [2012] RRTA 963	24 October 2012	16–18, 96	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208085 [2012] RRTA 960	24 October 2012	16–18, 95	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208274 [2012] RRTA 957	24 October 2012	16–18, 81	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208597 [2012] RRTA 952	24 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1212937 [2012] RRTA 970	23 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1204586 [2012] RRTA 959	23 October 2012	16–18, 61–4	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’ <p>The applicant was an ethnic Pashtun from Khyber Pakhtunkhwa in Pakistan. He claimed to fear harm as a member of the ANP (para 46). The Tribunal accepted that the applicant was a member of the ANP, as were most ethnic Pashtuns in Khyber Pakhtunkhwa (para 50).</p>

			<p>However, the Tribunal found that the applicant’s role in the ANP was minor and that he had not had any political involvement in the last 5 years (para 63). Although the Tribunal accepted that ANP members were targeted in Khyber Pakhtunkhwa, the Tribunal did not accept that the applicant would be of a significant profile to put him at risk of being personally targeted (para 63). Hence, the Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (para 64).</p>
1212078 [2012] RRTA 954	23 October 2012	16–18, 65–77	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was a Hazara Shia from Afghanistan. He was born in Jaghori, Ghazni, and moved to Kabul in 2008. He claimed to fear harm for a number of reasons, each addressed by the Tribunal:</p> <ul style="list-style-type: none"> • <i>Hazara Shia and imputed political opinion</i>: The Tribunal held that the overall weight of the country information indicated that there was no evidence of Hazaras and Shias being persecuted on a consistent basis (para 65). On this basis, the Tribunal found that there was no real chance of the applicant being persecuted as a Hazara Shia (paras 66–7). In relation to complementary protection, the Tribunal did not accept that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm as a Hazara Shia (paras 66–7). The Tribunal considered the individual circumstances of the applicant, but did

			<p>not accept his central claim that he had been targeted by the Taliban while travelling to Jaghori from Kabul (paras 68–9).</p> <ul style="list-style-type: none"> • <i>Kuchis</i>: The applicant claimed that he was in danger as a result of the conflict between the Kuchis and Hazaras (para 70). However, the Tribunal noted that the applicant had not claimed to have ever been harmed or targeted as a result of this (para 70). Although the Tribunal accepted that there had been recent conflict between Hazaras and Kuchis outside Kabul (in Maidan Wardak), and that the applicant lived near where these clashes occurred in 2010, the Tribunal did not identify evidence of any recent conflict between the two groups in Kabul since the middle of 2010 (para 70). Hence, the Tribunal did not accept that the applicant faced a real chance of persecution from the Kuchis (para 70). In relation to complementary protection, the Tribunal found that there were no substantial grounds for believing that there was a real risk of the applicant suffering significant harm from the Kuchis (para 70). • <i>Particular social group of clean shaven men with a Western appearance</i>: The applicant claimed that he would be at risk of harm because he would be imputed as a supporter of the West, being a clean shaven man with a Western appearance (para 71). The Tribunal accepted that this might constitute a particular social group of which the applicant was a member (para 71). However, the Tribunal found that the applicant lived in Kabul for several years and was not subjected to any adverse attention by anyone while he was there (para 71). Hence, the
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			<p>Tribunal found that the applicant did not face a real chance of persecution on account of being a clean shaven man with a Western appearance (para 71). In relation to complementary protection, the Tribunal found that there were no substantial grounds for believing that there was a real risk of the applicant suffering significant harm as a clean shaven man with a Western appearance (para 71).</p> <ul style="list-style-type: none"> • <i>Failed asylum seeker from Australia or a Western country:</i> The Tribunal considered whether the applicant would be at risk on account of being a returnee or failed asylum seeker from a Western country (para 72). The Tribunal accepted that these were particular social groups, of which the applicant was a member (para 72). However, based on country information, the Tribunal found that the applicant did not face a real chance of persecution for this reason (para 72). In relation to complementary protection, the Tribunal found that there were no substantial grounds for believing that there was a real risk of the applicant suffering significant harm for this reason (para 71). • <i>Educational workers:</i> The Tribunal accepted that the applicant had worked or two universities in the past, one of which was a prominent Shia institution (para 73). The Tribunal held that, although there was evidence of the Taliban targeting education workers outside Kabul, there was no evidence indicating that university workers were being targeted in Kabul by the Taliban or anyone else (para 73). The Tribunal noted the applicant's evidence that as part of his duties, he had travelled
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			<p>to different areas of Kabul but that he did not have to travel outside Kabul (para 73). The Tribunal found that if the applicant returned to Kabul, given his high level of education and employment experience, he would be able to obtain similar work and that any discrimination that he might face would not amount to serious harm or significant harm (para 73). Hence, although the Tribunal accepted that ‘educational personnel’ and ‘educated Hazara university workers’ were particular social groups of which the applicant was a member, the Tribunal found that he did not face a real chance of persecution on account of his membership of these groups (para 74). In relation to complementary protection, the Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm on these bases (para 74).</p> <ul style="list-style-type: none"> • <i>Kabul</i>: The Tribunal considered country information relating to the security situation in Kabul. The Tribunal noted that Kabul was a large city and that Hazara Shias constituted at least 25% of the population (para 76). The Tribunal also referred to DFAT advice that their Hazara contacts had described Kabul as safe and had not raised claims of persecution, although there was discrimination (para 76). The Tribunal accepted that the applicant might, as part of his duties, need to travel to all parts of the cities, but found that the chance that he would suffer persecution in so doing was remote (para 76). In doing so, the Tribunal took into account that the applicant had not previously
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			<p>been involved in any security incident in the several years that he was in the city (para 76). Although the Tribunal noted that the applicant had family located in Jaghori, the Tribunal held that these were not immediate family members and the Tribunal did not accept that being restricted from travelling there – because of the dangers of the Taliban or other groups operating in the roads leading there – amounted to serious harm or significant harm in the applicant’s circumstances, particularly since the applicant had no economic reason to do so (para 76). In relation to complementary protection, the Tribunal found that there were no substantial grounds for believing that there was a real risk of the applicant suffering significant harm on this basis (para 76).</p>
1208722 [2012] RRTA 953	23 October 2012	16–18, 93–103	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • risk faced by the population generally <p>The applicants (applicant, his wife and their child) were from Libya. The Tribunal addressed each of their claims to fear a real risk of significant harm:</p> <ul style="list-style-type: none"> • <i>Political opinion</i>: The Tribunal accepted that the applicant and his wife had anti-Gaddafi political opinions and that they had attended demonstrations in Libya in 2011 to protest against the Gaddafi regime (para 68). The Tribunal noted that anti-Gaddafi supporters were successful in their aim to remove the Gaddafi regime, but that the country information indicated that some Gaddafi loyalists

			<p>had taken steps to destabilise the new regime and represented an ongoing threat to the daily lives of Libyans (para 95). However, the Tribunal held that this constituted generalised violence (para 96). Significant numbers of Libyans were involved in the overthrow of the Gaddafi regime and there was no evidence of widespread or targeted harm against these anti-Gaddafi individuals (para 97). The Tribunal found that there was no danger of harm that was personal to the applicants and that the Gaddafi loyalists did not pose a real risk of significant harm to the applicants (para 99).</p> <ul style="list-style-type: none">• <i>Being a woman in Libya</i>: The second applicant claimed to fear harm in Libya because she was more vulnerable, being a woman (para 101). However, the Tribunal found that there were no substantial grounds for believing that there was a real risk of significant harm to the second applicant on this basis (para 101). In reaching this conclusion, the Tribunal noted that there was some violence against women in Libya, but that ‘these instances are rare and date back primarily to circumstances during the uprising and prior to the fall of the Gaddafi regime’ (para 101). The Tribunal also took into account the evidence that there were sounds of gunfire, some checkpoints and random acts of violence faced by all Libyans (para 102). Greater steps to ensure security had been taken, based on ongoing concerns for safety (para 102). However, the Tribunal did not believe that these constituted substantial grounds for believing that the second applicant faced a real risk of significant harm (para 102).
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1113271 [2012] RRTA 950	23 October 2012	13	Recognised as refugee so no need to recognise under separate grounds
1211963 [2012] RRTA 947	23 October 2012	23–5	Recognised as refugee so no need to recognise under separate grounds
1211325 [2012] RRTA 946	23 October 2012	16–18, 43–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210727 [2012] RRTA 944	22 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1207251 [2012] RRTA 917	22 October 2012	16–18, 39, 48	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211431 [2012] RRTA 975	19 October 2012	16–17	Recognised as refugee so no need to recognise under separate grounds
1210559 [2012] RRTA 942	19 October 2012	18–20, 132–9	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Colombo, Sri Lanka. He claimed to fear significant harm for a number of reasons, each addressed by the Tribunal:</p> <ul style="list-style-type: none"> • <i>Political opinion</i>: The Tribunal held that the country information indicated that those who individuals who might face a risk of significant harm were actual or perceived opponents of the Sri Lankan government, and, in particular, individuals actually or perceived to be supporters of or involved with the LTTE (para 133). The Tribunal found that the applicant would not actually be or perceived to be an opponent of the Sri Lankan government or a supporter of the LTTE to a degree that would attract a risk of significant harm (para 133). • <i>Tamil ethnicity</i>: The Tribunal considered country

			<p>information indicating that Tamils in Sri Lanka faced a degree of discrimination and harassment (paras 75–82, 115). However, the Tribunal did not consider such harassment and discrimination to amount to cruel or inhuman treatment or punishment or degrading treatment or punishment (para 134).</p> <ul style="list-style-type: none"> • <i>Failed asylum seeker</i>: The tribunal considered country information to determine whether the applicant would face a real risk of significant harm as a failed asylum seeker (paras 83–106). The Tribunal accepted that the treatment of individual returnees referred to in the country information – including detention, lengthy interrogation and torture – amounted to significant harm as torture, cruel or inhuman treatment or punishment or degrading treatment or punishment (para 135). However, the Tribunal held that there was a real risk of this significant harm being suffered only by Tamils returning from Western countries or Tamils identified as failed asylum seekers who otherwise were regarded by the Sri Lankan authorities as actual or imputed active supporters of the LTTE or opponents of the current Sri Lankan government (para 135). The Tribunal did not accept that the applicant had a profile that would attract the adverse attention of the Sri Lankan authorities and also did not accept that there was a real risk of the applicant being identified as a failed asylum seeker if he were to return to Sri Lanka (para 135). The Tribunal accepted that the applicant, as a Tamil failed asylum seeker, might be subjected to a process of
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			<p>questioning by the Sri Lankan authorities immediately on his return to Sri Lanka (para 136). However, in light of the country information, the Tribunal did not accept that that process of questioning amounted to torture, cruel or inhuman treatment or punishment or degrading treatment or punishment (para 136). The Tribunal also found that even if the Sri Lankan authorities sought information from the applicant about the process by which he departed Sri Lanka, the risk of the applicant being questioned in a way that amounted to significant harm was less than real (para 136). Accordingly, the Tribunal was not satisfied that there was a real risk that the applicant would suffer significant harm as a result of being a failed asylum seeker (para 136).</p> <ul style="list-style-type: none"> • <i>Money owed to debtors:</i> The applicant claimed that he stopped making repayments to his debtors in 2009 and that since then, he and his wife had been subjected to verbal threats and abuse by the debtors (para 137). The Tribunal accepted that the applicant might have provided a number of excuses to the debtors over the years since 2009 for why he was unable to pay them the money he owed them, and that the debtors appeared to have accepted those excuses (para 137). The Tribunal found that if the debtors did nothing more than verbally abuse or threaten the applicant and his wife in the three years between when he stopped paying the money he owed them and when the applicant came to Australia, the chance of them doing anything more to the applicant on his return remained extremely
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			<p>low (para 138). The Tribunal found that the applicant faced a risk of being subjected to further verbal threats and abuse from the debtors on his return to Sri Lanka, but did not accept that such verbal threats and abuse in the circumstances amounted to cruel or inhuman treatment or punishment or degrading treatment or punishment or any other form of significant harm (para 138). The Tribunal found that the chance of the applicant suffering any form of significant harm at the hands of the debtors on his return to Sri Lanka was extremely low (para 138).</p>
1209432 [2012] RRTA 939	19 October 2012	20–30, 122–31	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • state protection • relocation (reasonableness) <p><i>Refugee claim</i> (paras 100–21)</p> <p>The applicant was from An Giang Province in Vietnam. He claimed to fear that people paid by [Mr A] (whom he had assaulted) would kill him if he returned to Vietnam, since [Mr A] was wealthy and well-connected (para 101).</p> <p>The Tribunal accepted that the applicant was involved with an incident with [Mr A], that the applicant may have committed a crime the subject of investigation by the authorities, and that as a result, the police were looking for him (para 104). The Tribunal considered that if the applicant returned to Vietnam and was found to have committed a crime, the punishment might</p>

		<p>involve imprisonment (para 105). However, the country information indicated that prison conditions in Vietnam, although ‘austere’, were not life-threatening and did not constitute serious harm (para 105).</p> <p>On the other hand, the Tribunal was satisfied that there was more than remote chance that the applicant would face serious harm from [Mr A] if he returned to Vietnam (para 109). However, the Tribunal found that the harm feared by the applicant from [Mr A] directly, or through the actions of gang members employed by [Mr A], was not for a Convention reason, but rather, the reason of retaliation by [Mr A] in response to the applicant assaulting him (para 110).</p> <p>Moreover, the Tribunal found that, to the extent that the applicant might be targeted by gang members and individuals, the applicant would be able to access adequate protection from the authorities and that such protection would not be withheld for a Convention reason (para 121). In reaching this conclusion, the Tribunal noted that the country information indicated that there was corruption within the local police, but also that the Vietnamese Government had put in place measures to combat corruption (para 116). The Tribunal also considered the evidence of the applicant’s former employer, who had stated that he had to call the authorities to intervene when members of [Mr A]’s group attended at his residence (para 117). The Tribunal held that the attendance by the authorities at the home of the applicant’s former employer indicated that [Mr A]’s group did not act with impunity and that it was</p>
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		<p>possible to seek protection from the authorities from [Mr A]’s group (para 118).</p> <p><i>Complementary protection claim</i> (paras 122–31) The Tribunal found that the harm feared by the applicant – being killed by members of a gang – was significant harm (para 123).</p> <p>However, the Tribunal found that the applicant could obtain, from the authorities in Vietnam, protection such that there would not be a real risk that the applicant would suffer significant harm (para 125).</p> <p>Moreover, the Tribunal found that it would be reasonable for the applicant to relocate to an area of Vietnam where there would not be a real risk that the applicant would suffer significant harm. Although the Tribunal accepted that there might be difficulties initially with relocating, the Tribunal held that it would not be unduly harsh on the applicant or his family (para 129). In reaching this conclusion, the Tribunal noted that the applicant had qualifications and skills that could be used anywhere in Vietnam and that his wife owned and operated a small market stall and therefore had skills that were transferrable elsewhere in Vietnam (para 126). The Tribunal noted that the Vietnamese Constitution provided for freedom of movement, although there was a requirement to be registered at any new address (para 126). The Tribunal noted that the applicant had temporary registration in Ho Chi Minh City and had been able to find employment and enrol his son in school (para 129). Moreover, his wife had</p>
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			<p>been able to operate a small business (para 129). According to the Tribunal, there was nothing to indicate that the applicant was of interest to the Government and would therefore be unable to relocate and be prevented from registering at a new address (para 129). The applicant claimed that he would be found through registering at the new address, since [Mr A] had good connections (para 127). However, the Tribunal did not accept that [Mr A] had the connections ascribed to him by the applicant (para 128).</p>
1208465 [2012] RRTA 918	19 October 2012	16–18, 53–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203575 [2012] RRTA 911	19 October 2012	16–18, 49–61	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • risk faced by the population generally <p>The applicant was from Lebanon. She claimed to fear harm for a number of reasons. However, the Tribunal held that there was no real chance that the applicant would suffer serious harm (refugee claim), nor substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (complementary protection claim).</p> <p><i>Sexual assault</i></p> <p>The Tribunal accepted that the applicant was sexually assaulted in 2010 (para 49). The Tribunal accepted that as a result of the assault, the applicant suffered physically and mentally for a relatively prolonged period of time (para 49). However, the Tribunal found that the attack had not occurred for a Convention</p>

		<p>reason, and that the applicant was the victim of a random and opportunistic sexual assault (para 49). In relation to complementary protection, the Tribunal did not accept that there were substantial grounds for believing that there was a real risk that she would be subjected to sexual assault or similar significant harm if she returned to Lebanon (para 49).</p> <p>The applicant claimed that she feared harm from her brothers and other relatives who might view the sexual assault as a matter of honour and hold the applicant responsible for dishonouring the family (para 50). In particular, the applicant claimed to fear harm from her brother, [Mr F], who had found out about the incident and had threatened the applicant (para 50). However, the Tribunal considered that [Mr F] did not seriously intend to act upon his threats to the applicant (para 54). Moreover, even if other male siblings or relatives were to become aware of the incident, the Tribunal found that there was no real chance that the applicant would face serious harm at the hands of her male relatives, based on information provided by the applicant about the nature of her relationship with her siblings and their past conduct towards her (para 54). In relation to complementary protection, the Tribunal did not accept that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm at the hands of any of her brothers or male relatives (para 54).</p> <p><i>Discrimination</i> The applicant claimed to have lived a difficult life and</p>
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		<p>to have suffered discrimination because of her disability (para 55). She claimed that her father loved her siblings more than her and that she was asked to do her siblings' housework. However, the Tribunal did not accept that the applicant's past experiences in this regard amounted to persecution and did not accept that there was a real chance that the applicant would suffer serious harm for a Convention reason if she were to return to Lebanon and continue to carry out housework for domestic chores on her own volition or at the request of her siblings (para 55).</p> <p>The Tribunal noted that the country information suggested that there was evidence of discrimination against persons with disabilities in Lebanon (para 56). However, the information also suggested that there were services available to the disabled (para 56). The Tribunal acknowledged that the applicant had suffered distress, since people stared at her and pitied her (para 56). The Tribunal also acknowledged that the applicant's disability severely restricted her ability to work (para 56). However, the applicant was well supported and cared for by her family: she lived with her sister, who provided for her and paid her medical bills, and the applicant also benefited from the generosity of her other siblings (para 56). The Tribunal accepted that the applicant sensed that she was a 'burden' on her siblings and found her living arrangements not to be ideal (para 56). However, the applicant did not claim that she would not be able to reside with her parents or any of her many siblings in Lebanon (para 56). Although the applicant claimed that</p>
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		<p>she would not be given a job in Lebanon, the Tribunal held that she did not claim to have searched for jobs or to have been denied employment because of her disability (para 56). Even if the applicant were to be denied employment for the reason of her disability in Lebanon, the Tribunal held that her evidence suggested that she would continue to benefit from the generosity of her extended family and her capacity to subsist would not be threatened (para 56). Hence, the Tribunal did not accept that the applicant's disability had caused her serious harm in the past and did not accept that there was a real chance that the applicant would suffer serious harm in the future (para 57). In relation to complementary protection, the Tribunal did not accept that there were substantial grounds for believing that there was a real risk that the applicant would be subjected to any form of discrimination, including disability-related discrimination, that would amount to significant harm (para 57).</p> <p><i>War and violence in Lebanon</i></p> <p>The Tribunal considered the applicant's general concerns about the war and violence in Lebanon (para 58). However, the Tribunal held that the Convention definition of 'refugee' did not encompass those fleeing generalised violence, internal turmoil or civil war para 58). The Tribunal was not satisfied that the conflict in Lebanon gave rise to a real chance of persecution for a Convention reason in the applicant's case (para 58). In reaching this conclusion, the Tribunal considered the applicant's claim that she would be unable to 'run' from the conflict, but noted that the applicant resided with</p>
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			<p>her siblings in Jabal Mohsen and that she had not claimed that any of her siblings who resided in the area had encountered difficulties as a result of the ongoing skirmishes or had had to flee or evacuate their properties (para 58). In relation to complementary protection, the Tribunal was satisfied that the violence feared by the applicant was faced by the population generally, and not by her personally. Hence, there was taken not to be a real risk that the applicant would suffer significant harm (para 59).</p>
1109165 [2012] RRTA 936	18 October 2012	15–22, 126–31	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • relocation (reasonableness) <p>The applicant was from Khyber Pukhtoon (or Pukhtun) Khwa (KPK) in Pakistan.</p> <p><i>Affiliation with ANP</i></p> <p>He claimed that he would suffer significant harm from the Taliban because of his ANP profile: he had been a member of the ANP for quite some time, his family members were affiliated with the party, and he had criticised the Taliban through his political work (para 127). The Tribunal noted that the applicant did not claim to be the leader of the ANP in his local area or anywhere else in Pakistan (para 127). The country information indicated that ANP members with leading roles, members of parliament and elected councillors had been targeted by the Taliban in KPK (para 127). The country information also indicated that the Taliban had a hit list, and the individuals on the hit list included political leaders, ministers, members of parliament,</p>

			<p>elected councillors and prominent personalities and police officers (para 127). The Tribunal held that the applicant did not fall within the categories of individuals who had been targeted in the past by the Taliban or within the categories of individuals who could be on the Taliban's hit list, and that the applicant had never been targeted by the Taliban in any adverse manner in the past (para 127). On this basis, the Tribunal was satisfied that it had no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm because of his or his family's affiliation with the ANP (para 127).</p> <p><i>Musician</i></p> <p>The Tribunal accepted that the applicant was a musician. The Tribunal also accepted, on the basis of country information, that musicians were significantly harmed by the Taliban in KPK, FATA and Peshawar (para 128). Hence, the Tribunal found that there was a real risk that the applicant would suffer significant harm if he returned to his local area in KPK (para 128).</p> <p>However, the Tribunal found that the applicant could relocate to another area in Pakistan, including Rawalpindi, Faisalabad, Lahore, Multan, Karachi or Quetta, where there would not be a real risk of significant harm (para 128). The Tribunal considered that the test in section 36(2B)(a) of the Act broadly reflected the relocation test in refugee law and therefore considered the same factors in applying both tests (para 128). Specifically, the Tribunal considered that it was reasonable for the applicant to relocate to these areas</p>
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			because he would have better chances than many others in these areas to find employment (para 122). The applicant had a university qualification; reasonably good English proficiency; four years of work experience in a reputable organisation in Pakistan; and a year of work experience in Australia (para 122). He was also proficient in Urdu (the Pakistani national language) and Pashtu (para 122). Since the applicant could reasonably relocate, in accordance with section 36(2B)(a) of the Act, the Tribunal held that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm because he was a musician (para 128).
1207853 [2012] RRTA 928	18 October 2012	16–18, 54–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210350 [2012] RRTA 932	17 October 2012	16–18, 123	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209488 [2012] RRTA 930	17 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1203831 [2012] RRTA 927	17 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1112376 [2012] RRTA 907	17 October 2012	16–18, 73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210685 [2012] RRTA 905	17 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1208583 [2012] RRTA 897	17 October 2012	16–18, 66	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210952 [2012] RRTA 879	17 October 2012	16–18, 32	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1209354 [2012] RRTA 875	17 October 2012	16–18, 59–62	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims) <p><i>Refugee claim</i> (paras 47–58) The applicant was from Fujian province in China. He claimed to fear harm because he was a Christian. However, the Tribunal rejected his claim, due to concerns about his credibility (paras 50–8). The Tribunal accepted that the applicant had taken part in a baptism ceremony and attended a local church in Australia (para 56). However, the Tribunal found that the applicant engaged in this conduct for the sole purpose of strengthening his refugee claim (para 57). Hence, the Tribunal disregarded the applicant’s conduct in Australia for the purpose of assessing his refugee claim, in accordance with section 91R(3) of the Act (para 57). The Tribunal held that there was not a real chance that the applicant would suffer persecution if he returned to China (para 58).</p> <p><i>Complementary protection claim</i> (paras 59–62) The Tribunal acknowledged that section 91R(3) of the Act did not apply to complementary protection claims (para 60). However, the Tribunal did not accept that the applicant’s baptism or church attendance in Australia would put him at a real risk of significant harm (para 60). The Tribunal held that there was no reason that the Chinese authorities would have reason to know that the applicant was baptised in Australia or attended local church services (para 61). Even if the authorities did know, or the applicant attended services on his return,</p>
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			the Tribunal held that country information indicated that the Chinese authorities were relatively tolerant of Christians in Fujian (para 61). Hence, the Tribunal held that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm if he returned to China (para 62).
1210099 [2012] RRTA 931	16 October 2012	16–18, 49–51	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p><i>Refugee claim</i> (paras 40–8) The applicant was from Accra, Ghana. The Tribunal accepted that the applicant had been in Australia for some period of years and that he had no immediate family in Ghana (para 47). However, the Tribunal noted that the applicant might have friends in Accra, with whom he studied, such as his friend who informed him of his mother’s death (para 47). The Tribunal also considered the fact that the applicant spent a lot of his time travelling in and out of Ghana before coming to Australia, living several years in Liberia and spending a significant amount of time in other West African countries (para 47). The Tribunal found that the applicant’s past experiences in various parts of the world evidenced a degree of resourcefulness which would assist the applicant to adjust and resettle in Accra (para 47). The Tribunal did not accept that there was anything before it to suggest the applicant would be denied the capacity to subsist in Ghana (para 47).</p> <p><i>Complementary protection claim</i> (paras 49–51) The Tribunal accepted that the applicant might experience difficulties in resettling in and establishing</p>

			himself in Accra after an absence of many years from the country and without his parents' presence (para 51). However, having regard to the applicant's particular circumstances, the Tribunal was not satisfied that this could be said to amount to significant harm (para 51).
1211848 [2012] RRTA 933	16 October 2012	16–18, 101	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212630 [2012] RRTA 934	16 October 2012	18–20	Recognised as refugee so no need to recognise under separate grounds
1207878 [2012] RRTA 872	16 October 2012	16–18, 56	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1205485 [2012] RRTA 869	16 October 2012	16–18, 59–61	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203218 [2012] RRTA 865	16 October 2012	16–18, 110	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208539 [2012] RRTA 929	15 October 2012	16–18, 142–50	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'significant harm' • the meaning of 'real risk' <p>The applicants (applicant, applicant's husband, and their child) were from Fujian province in China. The applicants claimed to fear a real risk of significant harm for a number of reasons, each addressed by the Tribunal:</p> <ul style="list-style-type: none"> • <i>Practice of religion</i>: The Tribunal accepted that the applicant's parents were members of a local church in China and that the applicant and her father were arrested in 2003 because of the religious practice of the applicant's parents (paras 97, 99). However, on the basis of country information, the Tribunal considered that the arrest in 2003 was a one-off

			<p>event, that there had been a marked change in the attitude of authorities towards the practice of local churches in Fujian province, and that there had been no further incidents since then (paras 100–7). Hence, the Tribunal did not accept that the applicants would face a real risk of significant harm due to their religious practices (para 143). The Tribunal found that the applicants would be able to conduct their religious practices with limited interference by the authorities in Fujian province (para 143).</p> <ul style="list-style-type: none"> • <i>Sending religious materials to China:</i> The applicant claimed that her parents had been investigated because she had sent religious materials back to China from Australia (para 106). However, on the basis of country information and the applicant’s own evidence, the Tribunal found that the applicant had not experienced difficulty in sending material back to China and that her parents had not been investigated (para 106). Hence, the Tribunal did not accept that the applicant would face a real risk of significant harm due to her sending of religious materials from Australia to China (para 144). • <i>Birth of child out of wedlock:</i> The Tribunal did not accept that the applicant’s son would face significant harm as a child born out of wedlock (para 145). The Tribunal considered that the applicant and her husband would pay the fine for the registration of their son and that he would hence have the benefit of the education and health services available for registered children (paras 146–7). • <i>Birth of second child:</i> The applicant claimed that
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			<p>she was likely to have a second child (para 126). However, the Tribunal did not accept that the applicants would face significant harm if they had a second child (para 148). The Tribunal held that the family planning regulations in China, which imposed fines to control the number of children born, were laws of general application designed to control population growth in China, and that the applicant and her husband would weigh this up in their consideration as to whether to have another child (para 134). If they decided to have a second child, the Tribunal found that the applicants would pay to have the second child registered (para 148).</p> <ul style="list-style-type: none"> • <i>Harm from family of applicant's husband:</i> The applicant claimed that she would have significant difficulties with her husband's parents, that they would seek to have the applicant's husband leave the applicant and to remove the applicant's son from the applicant (para 135). However, the Tribunal found that there was no genuine risk that the family unit would be broken up by the applicant's husband's family, although there might be a lack of support from that family (para 137). Although there might be some difficulties, the Tribunal did not believe that these were of a level to constitute significant harm to the applicants (para 149).
1109992 [2012] RRTA 926	15 October 2012	19–21	Recognised as refugee so no need to recognise under separate grounds
1210520 [2012] RRTA 877	15 October 2012	16–18, 44–50	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'significant harm' <p><i>Refugee claim</i> (paras 37–43)</p>

			<p>The applicant was from the Punjab, India. He claimed to fear harm because of his disability. He feared that he would not be able to obtain employment and that Indian society discriminated against people with a disability (para 39).</p> <p>The Tribunal found that the applicant’s evidence that he was called names, had stones thrown at him during a soccer game, and was a victim of a criminal attack and had money stolen were acts of generalised or random violence and did not amount to serious harm (para 41).</p> <p>Further, the Tribunal found that the country information did not support the applicant’s claim that members of the particular social group, ‘persons in India with a disability’ faced widespread violence, threat to life, ill-treatment and harassment in India or in the Punjab in particular (para 42). The Tribunal also noted that, although India might not be free from discrimination, it had passed the <i>Persons with a Disability Act</i>, which provided some measure of protection and equal rights for persons with physical disabilities (para 42). The Tribunal noted that the legislation required three per cent of public sector jobs to be reserved for persons with physical disabilities and that the government continued to allocate funds for programs and NGO partners to increase the number of jobs filled (para 42). Hence, the Tribunal was not satisfied that there was a real chance that the applicant would be persecuted in India for a Convention reason (para 43).</p> <p><i>Complementary protection claim</i> (paras 44–50)</p>
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		<p>The Tribunal noted that the applicant was a resourceful man who was able to travel to Australia, and live and work in Australia without family support (para 46). The Tribunal also noted that the applicant's family in India had supported him and shown concern for his wellbeing (para 46).</p> <p>The Tribunal did not accept that any difficulty in finding work would amount to significant harm, such as a denial of capacity to earn a livelihood which would threaten his capacity to subsist (para 47). The Tribunal found that the applicant would receive a level of support from his father in India while he looked for work and that his capacity to subsist would not be threatened (para 47). The Tribunal did not accept that the claimed discrimination in finding employment would amount to severe pain or suffering that was intentionally inflicted, so as to amount to cruel or inhuman treatment or punishment (para 48). Moreover, the Tribunal did not accept that the claimed difficulties in finding employment would amount to an act or omission that was intended to cause extreme humiliation, so as to amount to degrading treatment or punishment (para 49).</p> <p>In all the circumstances, the Tribunal did not accept that the discrimination feared by the applicant could reasonably be regarded as cruel or inhuman in nature (para 48). Moreover, the Tribunal did not accept that the discrimination, embarrassment and humiliation feared by the applicant could objectively be described as extreme, so as to amount to degrading treatment or</p>
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			punishment (para 48). Hence, the Tribunal did not accept that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (para 51).
1209294 [2012] RRTA 874	15 October 2012	16–18, 38–40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210861 [2012] RRTA 856	15 October 2012	16–24, 63	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210308 [2012] RRTA 855	15 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1205529 [2012] RRTA 852	15 October 2012	16–18, 91–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210684 [2012] RRTA 878	12 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1208367 [2012] RRTA 873	12 October 2012	16–18, 56	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204248 [2012] RRTA 867	12 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1204094 [2012] RRTA 866	12 October 2012	16–18, 46	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211563 [2012] RRTA 880	11 October 2012	15–17	Recognised as refugee so no need to recognise under separate grounds
1207626 [2012] RRTA 871	11 October 2012	16–18, 90	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1206863 [2012] RRTA 853	11 October 2012	14–16, 144	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203396 [2012] RRTA 838	11 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds

1209221 [2012] RRTA 835	11 October 2012	16–18, 66–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211041 [2012] RRTA 811	11 October 2012	16–18, 47, 49	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208357 [2012] RRTA 792	11 October 2012	16–18, 57, 59	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1207871 [2012] RRTA 789	11 October 2012	16–18, 69, 71	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1109960 [2012] RRTA 861	10 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1210095 [2012] RRTA 847	10 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1211442 [2012] RRTA 812	10 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1209930 [2012] RRTA 802	10 October 2012	17–19	Recognised as refugee so no need to recognise under separate grounds
1211601 [2012] RRTA 857	9 October 2012	16–18, 260–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1205034 [2012] RRTA 823	9 October 2012	16–18, 101–3	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p><i>Refugee claim</i> (paras 75–100) The applicant was from Nepal. She was a single female, separated from her husband (para 90), although not legally divorced (para 43). She claimed to fear harm at the hands of the Maoists in Nepal, although the Tribunal found that there was no real chance that she would suffer serious harm for a Convention reason on this basis (paras 80–9). The applicant also claimed to fear harm because she was a single female, separated</p>

			<p>from her husband, and because she would suffer from poverty and financial hardship (para 77). The Tribunal’s analysis of these claims is outlined below.</p> <p><i>Women in Nepal</i> The Tribunal accepted that ‘women in Nepal’ constituted a particular social group (para 92). On the basis of country information, the Tribunal accepted that the applicant, as a member of the particular social group of ‘women in Nepal’, would suffer from disadvantage (compared to men) and that she might have difficulty finding employment (para 93). Moreover, if she did find employment, there was a real chance that she would be paid at a lower rate than a man would be paid, that she might only find a lower status job and that she might face sexual harassment in the workplace (para 93). However, the Tribunal held that the evidence did not suggest that the applicant would be denied access to employment or access to an income or basic services, such that her capacity to subsist would be threatened (para 93). Hence, the Tribunal found that the disadvantage that the applicant would face as a member of the social group ‘women in Nepal’ did not constitute persecution (para 93).</p> <p><i>Women in Nepal separated from their husbands</i> The Tribunal accepted that ‘women in Nepal separated from their husbands’ constituted a particular social group (para 92). On the basis of country information, the Tribunal accepted that, despite recent legal reforms, conservative cultural attitudes prevailed in Nepal and that separated and divorced women continued to face</p>
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			<p>blame, criticism and social stigma (para 94). The Tribunal accepted that the applicant, as a member of the particular social group of ‘women in Nepal separated from their husbands’, would face hardship, social criticism and stigma in Nepal (paras 94–6). However, the Tribunal was not satisfied that this amounted to persecution (para 97).</p> <p><i>Poverty</i></p> <p>The applicant also claimed that she and her family would suffer from hunger and poverty if she returned to Nepal (para 98). The Tribunal accepted that the applicant might face disadvantage in obtaining employment in Nepal and that she might be affected by poverty (para 99). However, the Tribunal noted that the applicant had a sibling studying at university and another sibling who had travelled to the UK (para 99). The applicant herself had returned twice to Nepal since first arriving in Australia and she wanted to return there again (para 99). The Tribunal held that these factors did not equate with a family facing poverty (para 99). The applicant stated that she would be able to live with her parents and siblings in Kathmandu (para 99). Although the family lived in small premises, the applicant would not be homeless in Nepal (para 99). On this basis, the Tribunal found that the applicant’s circumstances were not such that she would be denied the capacity to subsist (para 99). As such, the circumstances that she faced in Nepal could not be regarded as persecution (para 99).</p> <p><i>Complementary protection claim</i> (paras 101–3)</p>
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			The Tribunal considered all of the applicant's claims and held that the disadvantage and treatment that she would face in Nepal did not constitute significant harm (para 103). The Tribunal found that there were no substantial grounds for believing that there was a real risk that she would suffer significant harm (para 103).
1113468 [2012] RRTA 817	9 October 2012	16–18, 105–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211729 [2012] RRTA 805	9 October 2012	16–18, 61–2, 64	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'real risk' • section 91R(3) ('contrived' refugee claims) <p><i>Refugee claim</i> (paras 55–60) The applicant was from China. He claimed to fear harm in China because he had been involved in the Mormon Church. However, the Tribunal found that the applicant was not a genuine Mormon and that he would not participate in the Mormon Church upon his return to China (para 60). The Tribunal found that the applicant's participation in the Mormon Church in Australia was engaged in for the sole purpose of strengthening his refugee claim (para 58). Hence, the Tribunal disregarded this conduct for the purpose of assessing the applicant's refugee claim, in accordance with section 91R(3) of the Act. On this basis, the Tribunal found that the applicant did not meet the refugee criteria (para 60).</p> <p><i>Complementary protection claim</i> (paras 61–2) The Tribunal acknowledged that section 91R(3) of the Act did not apply to complementary protection claims (para 61). However, the country information did not</p>

			support a finding that there were substantial grounds for believing that the applicant would suffer significant harm if the Chinese authorities were aware, or were to become aware, of his involvement with the Mormon Church in Australia (para 61). Hence, the Tribunal found that it did not have substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (para 61).
1204926 [2012] RRTA 783	9 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1200247 [2012] RRTA 1169	8 October 2012	17–25	Recognised as refugee so no need to recognise under separate grounds
1102009 [2012] RRTA 849	8 October 2012	20–22	Recognised as refugee so no need to recognise under separate grounds
1212260 [2012] RRTA 848	8 October 2012	18–20	Recognised as refugee so no need to recognise under separate grounds
1207789 [2012] RRTA 788	8 October 2012	15–17, 42–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111169 [2012] RRTA 777	8 October 2012	16–18, 95, 97	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211638 [2012] RRTA 858	5 October 2012	16–18, 234–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208584 [2012] RRTA 846	5 October 2012	16–18, 68–9	This case relates to: <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims) <i>Refugee claims</i> (paras 56–67) The applicants (mother and daughter) were from China. The Tribunal accepted that the applicant mother had a

			<p>de-facto relationship with a Chinese national in Australia and had a baby in Australia (para 68). On the basis of country information, the Tribunal found that the child was entitled to Chinese nationality (para 68). The Tribunal rejected the applicants' refugee claims, for the following reasons.</p> <p><i>Religion</i> The applicant mother claimed to fear harm as a follower of the Local Church (para 57). However, the Tribunal did not accept her claims, due to concerns about her credibility (paras 58–62). The Tribunal disregarded the applicant's involvement with Christian Churches in Australia, including her Baptism and involvement with the Local Church, in accordance with section 91R(3) of the Act, since the Tribunal was not satisfied that the applicant's conduct was engaged in otherwise than for the purpose of strengthening her claim to be a refugee (para 62).</p> <p><i>Family planning regulations</i> The Tribunal found that the applicant had the capacity to register her daughter within the family planning laws in China through the payment of a fee (para 66). Even if the applicant did not register the child through the payment of a fee, the Tribunal found that the consequences for the child could not be categorised as serious harm. In reaching this conclusion, the Tribunal referred to country information, which stated that an unregistered child might experience social stigma, bullying or teasing at school, but that they were unlikely to suffer serious social disadvantage (para 66).</p>
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			<p><i>Complementary protection claim</i> (paras 68–9) Based on the evidence before it, the Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicants would suffer significant harm if either or both of them returned to China (para 68).</p> <p><i>Religion</i> The Tribunal found that the applicant mother was not a member of the Local Church in China, that she had had contact with Christian groups in Australia, but that she did not have a genuine commitment that would see her continue her involvement with the Local Church if she returned to China (para 68). The Tribunal held that there was no evidence to suggest that the Chinese authorities were aware of her involvement with Christian groups in Australia, or that negative consequences would follow if they were to become so aware (para 68).</p> <p><i>Family planning regulations</i> The Tribunal found that the applicant had the capacity to register her child within the family planning rules of China (para 68). However, even if the applicant did not register her child, the Tribunal found that the child would be unlikely to suffer serious social disadvantage and that any harm that the child might suffer (social stigma, bullying or teasing) would not amount to significant harm (para 68).</p>
1208411 [2012] RRTA 832	5 October 2012	16–18, 96	No protection obligations, since applicant had not taken all possible steps to avail himself of a right to enter and

			reside in another country.
1206873 [2012] RRTA 828	5 October 2012	16–18, 95–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203929 [2012] RRTA 819	5 October 2012	16–18, 88–90	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112819 [2012] RRTA 816	5 October 2012	16–18, 68, 74–5, 77–85	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • relocation (reasonableness) <p>The applicant was from the Punjab, India. The Tribunal did not accept his claims to fear harm, due to concerns about his credibility (paras 64–74). In any case, the Tribunal considered that it would be reasonable for the applicant to avoid the harm that he claimed to fear by relocating within India (para 75). The Tribunal considered the same information to reach this conclusion in relation to both the applicant’s refugee and complementary protection claims.</p> <p>The applicant claimed that relocation would entail financial hardship (para 78). However, the Tribunal noted that the case law (relocating to relocation in refugee law: see para 76) suggested that a drop in living standards did not render relocation unreasonable, unless such a drop in living standards compromised the applicant’s ability to subsist (para 80). The Tribunal accepted that the applicant might prefer to remain with his family and that he might incur costs in re-establishing himself outside the Punjab (para 80). However, the Tribunal also noted the applicant’s age,</p>

			<p>and that he was a single man who could speak, read and write Punjabi and Hindi, and read and write English (para 80). The applicant had secondary education in India and had studied, worked and lived in Australia since 2009 (para 80). Given these attributes, the Tribunal considered that it would not be unreasonable for the applicant to relocate to another area in India (para 80).</p> <p>The applicant claimed that relocation would be unsafe because he was a Sikh (para 78). However, on the basis of country information, the Tribunal did not accept that the applicant would face serious harm amounting to persecution because he was a Sikh living outside the Punjab in India (para 84).</p> <p>For the same reasons, the Tribunal found, for the purposes of section 36(2B) of the Act, that it would be reasonable for the applicant to relocate to an area of India where there would not be a real risk that he would suffer significant harm (para 84). There were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (para 85).</p>
1210585 [2012] RRTA 844	4 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1200556 [2012] RRTA 818	4 October 2012	15–17, 102	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209490 [2012] RRTA 801	4 October 2012	16–18, 82–4, 86	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’

		<p><i>Refugee claim</i> (paras 66–81)</p> <p>The applicant was from Vietnam. The Tribunal accepted that the applicant would be returning to Vietnam as an unmarried single mother (para 74). The Tribunal accepted that ‘single mothers in Vietnam’ constituted a particular social group (para 75). The Tribunal accepted, on the basis of country information, that Vietnam remained a country of conservative views about unmarried mothers and children born outside of marriage (para 77). However, the Tribunal was unable to identify any reports of individual cases of women facing threats or harm from family or neighbours on the basis of their status as a single woman with a child or children (para 77). Even if the Tribunal accepted that the applicant might face some disapproval and possible adverse comment from her own family because of her status as an unmarried single mother, the Tribunal did not accept that such familial condemnation would amount to persecution (para 77). Hence, the Tribunal did not accept that the applicant faced a real chance of persecution for reason of her membership of the particular social group, single mothers in Vietnam (para 77).</p> <p>The applicant also claimed to fear that life would be a struggle in Vietnam with her baby, since she had no occupation and nowhere to live (para 78). However, the Tribunal noted that the applicant had her siblings, maternal grandmother, an aunt and an uncle in Vietnam who could provide her with support and shelter (para 78). The Tribunal accepted that the applicant might experience some difficulty finding employment, on the</p>
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			<p>basis of country information indicating the existence of discrimination against single mothers (para 78). The Tribunal accepted that the applicant might suffer some financial hardship, especially given her responsibility for a very young child (para 78). However the Tribunal did not accept, on the basis of the country information, that the applicant would be denied employment in Vietnam because of her membership of a particular social group of single mothers or any Convention reason (para 78).</p> <p><i>Complementary protection claim</i> (paras 82–4) The Tribunal held that the evidence did not indicate that what the applicant might experience upon her return to Vietnam would involve a real risk of significant harm:</p> <p>‘84. ... The Tribunal has considered the country information before it, including the research responses referred to by the applicant’s adviser, and accepts that the applicant may experience some discrimination if she returned to Vietnam. The evidence, including the country information, however, does not provide substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to Vietnam, there is a real risk that she would suffer significant harm in the form of the arbitrary deprivation of life, carrying out of the death penalty, or torture. Nor does the Tribunal consider that there is a real risk that she would suffer pain or suffering that was <i>serious</i> or otherwise reasonably to be regarded as “cruel or inhuman treatment or punishment” or the <i>extreme</i> humiliation required for an</p>
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			act or omission to be “degrading treatment or punishment”. The evidence does not support a finding that there is a real risk of a sufficiently serious breach, if any, of the applicant’s socio-economic rights for that to amount to cruel or inhuman treatment or punishment, or degrading treatment or punishment. ...’
1212406 [2012] RRTA 814	3 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1204317 [2012] RRTA 780	3 October 2012	16–18, 74–8, 82	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Bangladesh. He claimed to fear harm, inter alia, because he would be imprisoned for the offence of deserting his ship (para 74). The Tribunal accepted that that the relevant law of Bangladesh provided for a term of imprisonment up to five years, together with other financial penalties, for the offence of deserting a Bangladesh or foreign ship (para 75). However, the Tribunal noted that there was information indicating that Bangladeshis who deserted ship did not receive prison sentences (para 75). On the basis of this evidence about the practical application of the law, the Tribunal was not satisfied that there was a real risk that the applicant would be sentenced to prison (para 75). In reaching this conclusion, the Tribunal noted that the applicant’s advisor had not provided any independent information concerning a single incident of the imprisonment of a ship deserter in Bangladesh which might suggest that the applicant would suffer such a fate (para 78). The Tribunal accepted that the applicant might be arrested, that he might be required to post bail</p>

			<p>or pay a fine, that his seaman’s travel document might be cancelled and that he might be unable to find work in the merchant navy again (para 75). However, the Tribunal was not satisfied that these penalties would represent anything more than the implementation of a law of general application, adopted for the legitimate purpose of regulating Bangladesh’s maritime trade and the reliability of Bangladeshis as merchant seamen (para 75). The Tribunal was not satisfied that the law could reasonably be seen as disproportionate or excessive, or that it would lead the applicant to suffer significant harm through torture or cruel or inhuman treatment or punishment (para 75). The Tribunal was not satisfied that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (para 82).</p>
1109212 [2012] RRTA 776	3 October 2012	16–18, 91–4, 99, 101	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Sri Lanka. The applicant claimed, inter alia, that he feared going to prison for having married a second time while he was married to his first wife, and also for using fraudulent documents to depart Sri Lanka (para 93).</p> <p>The Tribunal considered the applicant’s claim to fear going to prison to be speculative, and held that it fell short of substantial grounds for believing that there was a real risk of this consequence if he returned to Sri Lanka (para 95).</p>

			<p>In any case, the Tribunal did not accept that any prison sentence would cause the applicant to suffer significant harm:</p> <p>‘97. ... [T]he Tribunal does not accept that any prison sentence would cause the applicant to be arbitrarily deprived of his life, to have the death penalty carried out on him or cause him to be subjected to torture ... Nor does the Tribunal accept that any such sanction would involve the applicant being subjected cruel or inhuman treatment or punishment or degrading treatment or punishment. Firstly the Tribunal is not satisfied that any such sanction would involve the intentional infliction of pain or suffering or would be intended to cause extreme humiliation which is unreasonable. Secondly, the Tribunal is not satisfied that such a sanction would involve anything other than lawful sanctions that are not inconsistent with the Articles of the International Covenant on Civil and Political Rights.’</p>
1209015 [2012] RRTA 793	2 October 2012	16–18, 75–8, 80	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • relocation (reasonableness) <p><i>Refugee claim</i> (paras 56–74)</p> <p>The applicant was from India. He claimed to fear harm because his ex-wife’s family wished to kill him (para 59). The Tribunal found that the applicant’s ex-wife’s family had no plans to find or harm him (para 64). The Tribunal accepted that if the applicant were to cross paths with members of her family, there was a chance that they might seek to abuse him (para 64). However,</p>

		<p>the Tribunal found that, if the applicant returned to his home town in India, the chance of the applicant running into members of his ex-wife's family was remote (para 65). Hence, there was no real chance that the applicant would be harmed by his ex-wife's family or anyone acting on their behalf (para 65).</p> <p>In any case, the Tribunal held that it would be reasonable for the applicant to live in Delhi, or other large cities in India, such as Mumbai and Bangalore (paras 72–3). In reaching this conclusion, the Tribunal noted that the applicant was a university graduate who had already obtained a government job in Chandigarh (outside his home town) (para 72). He had also lived in [Town 1], outside his home town, and had lived and worked in Australia (para 72). The Tribunal noted the applicant's claim that others would regard him as a Hindu, but the Tribunal held that this would not make it unreasonable or unsafe for him to live in Delhi, since Hinduism was the majority religion (para 72). The Tribunal acknowledged that the applicant regarded himself as a Sikh, but noted country information suggesting that Sikhs would largely have indiscriminate access to employment in a place like Delhi (para 72). The Tribunal found that the applicant would be a competitive candidate for jobs in Delhi, given his qualifications, language abilities and skills (para 72).</p> <p><i>Complementary protection claim</i> (paras 75–8) The Tribunal held that it would be reasonable for the applicant to live and work in Delhi, for the reasons given above. Hence, there was no real risk that the</p>
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			applicant would suffer significant harm, in accordance with section 36(2B)(a) of the Act (paras 76–8).
1205695 [2012] RRTA 785	2 October 2012	16–18, 100–3	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims) <p><i>Refugee claim</i> (paras 83–99) The applicant was from Lebanon. He claimed to fear harm because of his homosexuality (para 84). However, the Tribunal rejected his claims, due to concerns about his credibility (paras 85–96). The Tribunal accepted that the applicant had attended gay venues in Australia. However, the Tribunal was not satisfied that the applicant had engaged in this conduct otherwise than for the purpose of strengthening his refugee claim. Hence, this conduct was disregarded for the purpose of assessing his refugee claim, in accordance with section 91R(3) of the Act (paras 97–8). The Tribunal also held that, even if it was known to others that the applicant had attended gay venues, the Tribunal did not believe that this had given rise to any belief in any other person that the applicant was genuinely homosexual (para 98). The Tribunal rejected the applicant’s refugee claim.</p> <p><i>Complementary protection claim</i> (para 100) The Tribunal acknowledged that the applicant’s attendance at gay venues in Australia could not be disregarded in considering his complementary protection claim (para 100). However, the Tribunal did not believe that, even where that conduct was known to others, anybody would believe the applicant was genuinely homosexual (para 100). The Tribunal</p>

			believed that the applicant was not perceived to be homosexual and that his conduct would merely be viewed as being undertaken for the purpose of trying to secure a visa to remain in Australia (para 100). The Tribunal did not consider that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (para 100).
1210003 [2012] RRTA 803	1 October 2012	16–18, 132–5, 137	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200137 [2012] RRTA 779	1 October 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1209732 [2012] RRTA 903	26 September 2012	16–18, 33–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208705 [2012] RRTA 898	26 September 2012	16–18, 54	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209234 [2012] RRTA 901	25 September 2012	16–18, 41	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210250 [2012] RRTA 971	24 September 2012	15–17	Recognised as refugee so no need to recognise under separate grounds
1206075 [2012] RRTA 969	24 September 2012	17–19, 101–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208934 [2012] RRTA 900	24 September 2012	16–18, 36–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210639 [2012] RRTA 964	21 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1113757 [2012] RRTA 955	21 September 2012	16–18, 116	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1104572 [2012] RRTA 935	21 September 2012	19–21, 133–47	This case relates to: <ul style="list-style-type: none"> the meaning of ‘real risk’

			<p>The applicant was a Shia Muslim from Afghanistan. The Tribunal addressed each of her complementary protection claims in turn:</p> <ul style="list-style-type: none"> • <i>Sectarian violence</i>: The Tribunal noted that the applicant had stopped practising her religion (para 143). The Tribunal held that it was unlikely that the applicant would attend a mosque or participate in religious processions (para 143). Hence, the Tribunal held that it was unlikely that the applicant would be caught up in any attacks against mosques or would participate in religious activities or processions, where much of the violence against Shias in Iraq had been directed (para 143). • <i>Harm faced as a woman in Iraq</i>: The applicant claimed that as a woman, she faced a risk of harm if she returned to Iraq (para 144). The Tribunal considered the <i>UK Country of Origin Report on Iraq</i>, which the applicant referred to (para 144). However, the Tribunal found that the factors referred to in the report did not apply to the applicant: she was not the sole head of her household; had not claimed that she was subject to domestic violence, accused of ‘dishonourable’ acts or forced into an unwanted marriage; had not claimed that she had been ostracized from her family or that she was politically or publically active or the subject of threats from relatives; and had not claimed to have been subjected to threats on account of any perceived non-adherence to a dress code or for selling alcohol (para 144). • <i>Harm directed at ordinary citizens or Iraqis returning after a long period in a Western country</i>:
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			The Tribunal did not accept that there was a real risk that the applicant, with her profile, would be kidnapped or otherwise harmed on her return to Iraq on account of having family members overseas, on account of having travelled to Australia, on account of her religion or her perceived or actual financial position (para 146). The Tribunal also found that the risk to the applicant being harmed through kidnapping was remote, and that there was not a real risk that the applicant would be subject to harm from the security forces or other rogue elements (para 146).
1204057 [2012] RRTA 913	21 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1210232 [2012] RRTA 904	21 September 2012	16–18, 30–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209400 [2012] RRTA 902	21 September 2012	16–18, 31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208890 [2012] RRTA 925	20 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1208609 [2012] RRTA 924	20 September 2012	Conclusions (after para 62)	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1207002 [2012] RRTA 916	20 September 2012	16–18, 67	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201460 [2012] RRTA 910	20 September 2012	16–18, 74, 76	This case relates to: <ul style="list-style-type: none"> • the meaning of ‘real risk’ • risk faced by the population generally <i>Refugee claim</i> (paras 62–73) The applicant was from Hasaka, Syria. She claimed to fear harm, inter alia, because of the ongoing conflict

			<p>and strife in Syria (para 73). However, the Tribunal held that the Convention definition of ‘refugee’ did not encompass those fleeing generalised violence, internal turmoil or civil war (para 73). The Tribunal found that there was nothing in the applicant’s circumstances to suggest that, as a result of the political violence in Syria, she would be subjected to persecution for a Convention reason (para 73). There was no evidence to suggest that the applicant would be selectively or discriminatorily affected by the violence in Syria (para 73).</p> <p><i>Complementary protection claim</i> (paras 74, 76) The Tribunal held that the applicant feared violence faced by the population generally, and not by her personally (para 74). Hence, there was taken not to be a real risk that the applicant would suffer significant harm in Syria as a result of general violence and lack of security (para 74).</p>
1202004 [2012] RRTA 837	20 September 2012	16–18, 69–73	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • risk faced by the population generally <p><i>Refugee claim</i> (paras 58–68) The applicant was from Damascus, Syria. He claimed to fear harm due to his past employment, his race and religion, and because of the conflict in Syria.</p> <p><i>Past employment</i> The Tribunal accepted that the applicant had worked as a security guard at an international school in Damascus</p>

			<p>from February to April 2009 (para 60). The Tribunal accepted that, after foiling an attempted break and enter into the school by four individuals, thought to be Muslim extremists by the applicant and his colleagues, the applicant was stopped on his way home, his ID was taken and he was warned to leave his job (para 60). The applicant claimed that those who had taken his ID, by virtue of the personal information contained in the document, knew his name, address and other personal details (para 61). They also knew that he was an Assyrian Christian (para 61). He claimed that these persons visited his home every now and then, enquiring as to his whereabouts and if he had left his job as a security guard, and that they went to the international school to ensure he was not working there (para 61). The Tribunal held that the applicant's evidence suggested that the extent of the Islamists' interest in him was their desire for him to leave his job, which he did a few days after the attempted break and enter at the school (paras 60–1). The Tribunal held that it was clear from the evidence that they had no other interest in, and no intention to harm, him (para 61). They had ample opportunity to harm him between April and December 2009, but did not harm him and did not engage in any conduct to indicate that they had any intention to harm him (para 61). Hence, the Tribunal found that there was no real chance that the applicant would continue to be visited or monitored by those who had visited his house in the past (para 62).</p> <p><i>Race and religion</i> The Tribunal held that the country information</p>
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		<p>indicated that Christians in Syria were not generally subject to systematic mistreatment or targeting by government forces or other social groups (para 64). Moreover, the Tribunal found no information to suggest that Assyrians, or Assyrian Christians, in Damascus were being targeted or harmed by anyone (para 66). Hence, the Tribunal found that the applicant’s chance of facing harm for reason of his religion and/or race was remote (para 66).</p> <p><i>Conflict in Syria</i> The Tribunal held that the Convention definition of ‘refugee’ did not encompass those fleeing generalised violence, internal turmoil or civil war (para 67). The Tribunal found that there was nothing in the applicant’s circumstances to suggest that, as a result of the political violence in Syria, he would be subjected to persecution for a Convention reason (para 67). There was no evidence to suggest that the applicant would be selectively or discriminatorily affected by the violence in Syria (para 67).</p> <p><i>Complementary protection claim (paras 69–73)</i> The Tribunal considered the applicant’s circumstances, including his race, religion and his past employment as a security guard, but was not satisfied that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (para 69).</p> <p>In relation to the ongoing conflict in Syria, the Tribunal held that the applicant feared violence faced by the</p>
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		<p>population generally, and not by him personally (para 70). Hence, there was taken not to be a real risk that the applicant would suffer significant harm in Syria as a result of general violence and lack of security (para 70).</p> <p>The Tribunal noted that the applicant's Psychological Report indicated that the applicant's psychological condition was 'severe and prognosis for recovery nil if returned to Syria' (para 71). However, the Tribunal held:</p> <p>'71. ... [T]he Tribunal is not satisfied that if the applicant, upon being removed to Syria, were to continue to suffer from the psychological ailments he has been diagnosed with, this would be the result of an act or omission by which severe pain or suffering, whether physical or mental, is intentionally inflicted on the applicant for the reasons specified in paragraphs (a)-(e) of the definition of torture in s.5(1). The Tribunal is not satisfied that there are substantial grounds for believing that there is a real risk that the applicant will suffer harm from the authorities that would involve the infliction of severe pain or suffering, either physical or mental, such as to meet the definition of cruel or inhuman treatment or punishment in s.5(1). Nor is it satisfied that it has substantial grounds for believing that there is a real risk that he will suffer such harm as to meet the definition of degrading treatment or punishment in s.5(1) which refers to an act or omission that causes, and is intended to cause, extreme humiliation which is unreasonable. The Tribunal is not satisfied that it has substantial grounds for believing</p>
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			<p>that there is a real risk that the applicant will suffer arbitrary deprivation of his life or the death penalty ...’</p> <p>Hence, the Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (para 71).</p>
1206653 [2012] RRTA 915	19 September 2012	16–18, 68	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204916 [2012] RRTA 914	19 September 2012	16–18, 68–77	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from India. The Tribunal accepted that she had a serious medical condition (para 57).</p> <p>The applicant claimed that she would not be able to access suitable medical treatment in India and that her condition would deteriorate (para 65). However, the Tribunal did not accept that her claimed difficulties in obtaining health care would amount to significant harm (paras 71–4). The Tribunal found that the applicant would have access to medical treatment in India and that her family in India would continue to financially support her (para 71). The Tribunal found that the applicant’s medical condition was stable, her neurological functioning was normal, and there was no medical evidence that her condition would deteriorate because of the climate in India (para 71).</p> <p>The applicant also claimed that she would be denied work in India because she was a single woman or because she was a single woman with a disability (para</p>

			63). However, the Tribunal did not accept that the applicant's difficulty in finding work would amount to significant harm (paras 71–4). The Tribunal found that the applicant would receive a level of family support in India while she looked for work and that her capacity to subsist would not be threatened (para 71).
1203865 [2012] RRTA 912	19 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1112829 [2012] RRTA 908	19 September 2012	15–17, 88–91	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'significant harm' • the meaning of 'real risk' <p>The applicant was from Nepal. He claimed to have been targeted by the Maoists in Nepal because of his membership of the Nepali Congress, that he had been a victim of extortion by the Maoists, and that the Maoists had attempted to abduct his daughter (para 89). The Tribunal rejected the applicant's claim that the Maoists had an adverse interest in him and that he had received hostile conduct from the Maoists in the past (para 88).</p> <p>However, the Tribunal held that, even if the applicant's claims were accepted, the applicant faced no hostile conduct from the Maoists for more than 3 years while residing in Kathmandu before he left Nepal for Australia in late 2009, and he received no threats from them for about 6 months before the date of the Tribunal hearing (para 89). Moreover, recent country information indicated that Maoists were not targeting Nepali Congress activists and members and that they were trying to create a government of national consensus with them; that extortion activities by the Maoists of</p>

			<p>persons including business persons had decreased in Nepal; that there was a lull in extortion activities due to police crackdown on activities involving extortion by the Maoists; that the conflict era mentality of the Maoists cadres was fading; that the Maoists were now in a weakened position because of the split in the UPCM-M (Maoists) and infighting and because they were fighting other communists (para 89). Due to these circumstances, the Tribunal was not satisfied that it had substantial grounds for believing that there was a real risk that the applicant would suffer significant harm from the Maoists (para 89).</p> <p>The Tribunal accepted country information that there was a ‘fragile law and order situation’ in Nepal (para 90). However, the Tribunal was not satisfied that it had substantial grounds for believing that there was a real risk that the applicant would suffer significant harm for this reason (para 90).</p>
1208765 [2012] RRTA 919	18 September 2012	16–18, 62	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201325 [2012] RRTA 909	18 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1201377 [2012] RRTA 895	18 September 2012	16–18, 63	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1207483 [2012] RRTA 893	18 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1204839 [2012] RRTA 890	18 September 2012	16–18, 81	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204107 [2012] RRTA 889	18 September 2012	16–18, 81–3	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’

			<ul style="list-style-type: none"> • relocation (reasonableness) <p>The applicant was from Chitwan, Nepal. He claimed that if he returned to Nepal, the Maoists would target him (para 61). The Tribunal accepted the applicant's claims that he had a pro-Nepali Congress party and an anti-Maoist profile in his village, for which he had been beaten by the Maoists before he came to Australia (para 67). The Tribunal also accepted the applicant's claims that these Maoists extorted money and valuables from him before he came to Australia because of his pro-Nepali Congress party and anti-Maoist profile and because they perceived him to have money as a returnee from an overseas country, being Qatar (para 67).</p> <p>However, the Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm. In reaching this conclusion, the Tribunal noted the applicant's evidence that, during the past three and a half years, while the applicant had been residing in Australia, the Maoists had made no contact with his father, his wife or his children (para 81). The Maoists had made no contact with the applicant in Australia either (para 81). The Tribunal held that these circumstances indicated that the Maoists no longer had any adverse interest in the applicant (para 81).</p> <p>In any case, the Tribunal held that it would be reasonable for the applicant to relocate from his local area to Kathmandu, where there would not be a real risk that the applicant would suffer significant harm (para</p>
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			<p>82). The Tribunal considered that the test in section 36(2B)(a) (for complementary protection claims) broadly reflected the relocation test in refugee law (para 82). The Tribunal found that the applicant would be able to support himself and his family in Kathmandu, just as he was able to during the 11 months immediately before he left Nepal for Australia in March 2009 (para 77). The applicant now had further work skills and experience, since he had worked as a cook for a few years in Australia, and as a labourer and plumber in Qatar (para 77). The applicant had also developed some English language skills on top of his Nepali and Hindi language skills, which would assist him to find employment in Kathmandu (para 77). The Tribunal also found that the applicant would be able to obtain some support from his land in his village, and that his wife, with tailoring skills and experience, would also be able to generate some income in Kathmandu (para 77).</p>
1200210 [2012] RRTA 888	18 September 2012	16–18, 83–5	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from the Khyber-Pakhtunkhwa Province of Pakistan (para 67). The Tribunal accepted that there was information suggesting that the situation in Pakistan was volatile and that most residents in the Khyber-Pakhtunkhwa area had been affected in some way by the violence and conflict in that area over the last few years (para 84). However, the country information indicated that the violence in Pakistan had decreased in 2011 and early 2012, although militant attacks took place from time to time (para 84). The</p>

			Tribunal did not consider that the country information indicated that the applicant would face a real risk of significant harm in Pakistan (para 84).
1212724 [2012] RRTA 887	18 September 2012	16–18, 53	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210593 [2012] RRTA 923	17 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1206066 [2012] RRTA 896	17 September 2012	16–18, 74–96	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’ <p>The applicant was from Slovakia. The Tribunal accepted that the applicant had been employed in senior positions in the [Company 1] supermarket chain during the 1990s (para 76). The Tribunal also accepted that corruption flourished in many areas of Slovakian society following the fall of communism in the late 1980s and the consequential rise in the privatisation in various industries (para 76). The Tribunal was also prepared to accept that the applicant had a limited role in reporting corruption in 1996 and that he suffered some adverse consequences at that time (para 76). However, the Tribunal was not satisfied that some 16 years after the applicant exposed the corruption and observed unlawful activities that any persons would have any continuing interest in him such that they would seek him out upon his return to Slovakia (paras 76, 95). Having regard to all the evidence, the Tribunal was not satisfied that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm if he returned to Slovakia (para 96).</p>

1207274 [2012] RRTA 892	17 September 2012	17–26, 47–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208444 [2012] RRTA 883	17 September 2012	16–18, 82–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1207102 [2012] RRTA 881	17 September 2012	14–16, 59–62	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • risk faced by the population generally <p>The applicant was from Nigeria. He claimed that he could not find work in Nigeria because of the deterioration in Nigeria’s economy (para 55). He also referred to general danger in Nigeria because of terrorist groups conducting random bombings (para 56).</p> <p>The Tribunal found that economic hardship was a risk faced by the population of Nigeria generally and not one faced by the applicant personally (para 60). Similarly, although the Tribunal accepted that the applicant was a Christian, the applicant made no claim that he was personally at risk of being targeted by terrorist groups because he was a Christian or for any other reason (para 60). The Tribunal held that any risk arising from terrorist bombings in Nigeria was a risk faced by the population of Nigeria generally and not one faced by the applicant personally (para 60). Hence, pursuant to section 36(2B)(c) of the Act, there was taken to be no real risk that the applicant would suffer significant harm in Nigeria (para 61).</p>
1208407 [2012] RRTA 894	14 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds

1212317 [2012] RRTA 886	14 September 2012	16–18, 72	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1210332 [2012] RRTA 885	14 September 2012	16–18, 89–94	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p><i>Refugee claim</i> (paras 71–88)</p> <p>The applicant was an infant from China. Her parents claimed that she would face a real chance of persecution in China:</p> <ul style="list-style-type: none"> • as a ‘black child’ without household registration • as a child conceived before her parents’ marriage • as the child of practising Catholics, who might herself become a practising Catholic and/or Christian in the future (para 71). <p>The Tribunal addressed each claim in turn:</p> <ul style="list-style-type: none"> • The Tribunal accepted that the applicant’s parents would be required to pay a social compensation fee in order to obtain registration for their child, since she had been born before the parents’ legal age (20 years for women and 22 years for men) (para 75). However, the Tribunal found that the applicant’s parents would be able to meet the fee with the support of their families (para 77). Hence, the Tribunal found that the applicant would be able to obtain household registration and that the consequences of being a ‘black child’ or a child without household registration would not arise (para 78). • On the evidence before it, the Tribunal was not satisfied that any prejudice that the applicant might

			<p>face, as a child conceived before her parents married, would amount to serious harm (para 80). In reaching this conclusion, the Tribunal noted that although the applicant was conceived before her parents married, they married before her birth, and the applicant was not illegitimate (para 81). The Tribunal held that the situation might be different if the applicant had been illegitimate (para 81).</p> <ul style="list-style-type: none"> • The Tribunal found that the applicant’s parents were not practising Catholics and/or Christians with profiles which would lead them to face a real chance of persecution in China (para 86). Hence, the Tribunal was satisfied that the applicant did not face a real chance of persecution because of her parents’ claimed profiles as practising Christians (para 87). Moreover, the Tribunal found that it was merely speculative that the applicant might become a practising Christian herself and that she would then face a real chance of persecution for that reason (para 88). <p><i>Complementary protection claim</i> (paras 89–94) The Tribunal addressed each of the applicant’s claims against the complementary protection criteria:</p> <ul style="list-style-type: none"> • Having found that the applicant would be able to obtain household registration on return to China and that therefore the consequences of being a 'black child' or without household registration did not arise, the Tribunal was satisfied that there were no substantial grounds for believing there was a real risk that the applicant would suffer significant harm for this reason (para 91).
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			<ul style="list-style-type: none"> • The Tribunal did not accept that the applicant, as a child conceived before her parents married, would face a real risk of significant harm (para 92). • Having found that the applicant’s parents were not practising Catholics and/or Christians with profiles which would lead them to face a real chance of persecution in China, the Tribunal was satisfied that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm for this reason (para 94).
1210299 [2012] RRTA 884	14 September 2012	16–18, 28–30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1207112 [2012] RRTA 882	14 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1112842 [2012] RRTA 863	14 September 2012	16–18, 165–8	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims) <p><i>Refugee claim</i> (paras 120–164) The applicants (applicant mother, applicant father and applicant child) were from Fujian Province in China.</p> <p><i>Religion</i> The Tribunal considered whether the applicant parents would face persecution in China for reason of their religion. The applicant mother claimed to fear persecution in China because of her membership of the Local Church (para 120). The applicant father made no claims of his own, although he gave evidence that he joined the Local Church in Sydney (para 120).</p>

			<p>The Tribunal did not accept that the applicants were genuine Local Church adherents and did not consider that, if they returned to China, they would seek to join a Local Church congregation (paras 136–7). The Tribunal was not satisfied that the applicant parents had attended the Local Church in Sydney otherwise than for the purpose of strengthening their refugee claims (para 140). Hence, the Tribunal disregarded their conduct in Australia for the purpose of assessing their refugee claims, in accordance with section 91R(3) of the Act (para 140). The Tribunal found that there was no real chance that the applicant parents would face persecution in China for reason of their religion (para 141).</p> <p><i>Child born outside of marriage</i></p> <p>The applicant parents claimed to fear persecution because they had had a child born outside of marriage (para 142). They also claimed that their child would face persecution as a child born outside marriage or an unregistered child (para 144). The Tribunal accepted that the applicant child was born outside marriage and therefore a child born outside the family planning laws in China (para 147). If the applicant parents returned to China, they would be required to pay a social compensation fee before their child could be registered (para 147).</p> <p>The Tribunal held that the family planning laws of China were laws of general application and did not accept that the laws were applied in a Convention-</p>
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			<p>related discriminatory manner (paras 145–6).</p> <p>Moreover, the Tribunal did not accept the applicant mother’s claims that the couple would not be able to pay the social compensation fee if they returned to China (para 148). The Tribunal accepted that the applicant mother was pregnant with her second child (para 149). The country information indicated that if the applicant parents had a second child, they would face a larger social compensation fee, although if they married before the birth, they would not be required to pay this fee (para 150). The Tribunal accepted that this fee, when combined with the fee for the first child born outside marriage, would be more financially onerous (para 150). However, the Tribunal considered that the applicant parents had the resources and the commitment to pay the necessary social compensation fees (paras 150, 153).</p> <p>With respect to discrimination against both the parents and the child, the Tribunal considered country information indicating that although there was some social disapproval of children born outside marriage, social attitudes were changing and that the situation in Fujian was better than that in some other provinces (para 159). In any event, the Tribunal held that any discrimination which might be encountered by any of the applicants would not be serious enough to constitute serious harm (para 159). If the applicants paid the social compensation fee, the applicant child would be registered and would not suffer any disadvantage in education and other public services (para 160). If the</p>
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			<p>applicant parents did not pay the social compensation fee, the applicant child would not be registered and not entitled to public education (para 161). However, the child would have access to private schools and other services in Fujian Province (para 161). He might have some difficulty accessing other public services, but he would be able to access health services for payment (para 161).</p> <p>Taking into account all the evidence, the Tribunal was not satisfied that any of the applicants had a well-founded fear of persecution for any Convention reason (para 164).</p> <p><i>Complementary protection claim</i> (paras 165–8)</p> <p><i>Religion</i> The Tribunal did not accept that the applicant parents would seek to join a Local Church congregation in China, for reasons set out above (para 166). Although the Tribunal accepted the applicants’ attendance at Local Church gatherings in Australia and their baptism, the Tribunal held that there was no evidence that there was a real risk that they would suffer significant harm in relation to that conduct (para 166).</p> <p><i>Child born outside of marriage</i> The Tribunal accepted that the applicants might face social discrimination for reasons of their status as unwed parents and child (para 167).</p> <p>The Tribunal did not accept that the applicant parents</p>
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			<p>would face financial difficulties, for the reasons given above, and the Tribunal considered that they would work to support themselves and their son from their own resources (para 167). Even if the applicant parents separated, the Tribunal considered that the applicant mother could support herself and her son with some assistance from her family (para 167).</p> <p>In relation to discrimination, the Tribunal found that any discrimination suffered by the applicants would be low-level discrimination and that it would not amount to significant harm (para 167).</p> <p>Hence, the Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicants would suffer significant harm if they returned to China.</p>
1204781 [2012] RRTA 868	13 September 2012	16–18, 69–73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112662 [2012] RRTA 862	13 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1209985 [2012] RRTA 876	12 September 2012	17–26, 44–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1103307 [2012] RRTA 860	12 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1208140 [2012] RRTA 854	12 September 2012	16–18, 118–21	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1206637 [2012] RRTA 840	12 September 2012	16–18, 83	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201934 [2012] RRTA 836	12 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds

1209080 [2012] RRTA 834	12 September 2012	16–18, 29	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211227 [2012] RRTA 759	12 September 2012	15	Recognised as refugee so no need to recognise under separate grounds
1210877 [2012] RRTA 845	11 September 2012	13	Recognised as refugee so no need to recognise under separate grounds
1208252 [2012] RRTA 843	11 September 2012	16–18, 65–7	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was from the Republic of Korea. She had been in Australia since 2004, and wished to remain because of her health situation and because she was concerned about a lack of adequate support (personal, financial and medical) if she had to return to Korea (para 62). She claimed that she might be unable to access the best forms of treatment for her medical condition if returned to Korea (para 66).</p> <p>The Tribunal accepted country information indicating that Korea had an established health system, available to citizens who were unable to afford treatment, through the Medical Aid Program, and that such a program would be available to the applicant if she sought treatment in Korea (para 66). The Tribunal held that it was not required to determine whether such treatment would be equivalent to that which was available to the applicant if she was able to remain in Australia and continue to access her current treatment regime (para 66). On the material before it, the Tribunal was not satisfied the extent and type of access the applicant would have to such treatment if she returned to Korea</p>

			amounted to ‘significant harm’ (para 66). Hence, the Tribunal was not satisfied that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm if she returned to Korea (para 67).
1207667 [2012] RRTA 842	11 September 2012	16–18, 82–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1207103 [2012] RRTA 841	11 September 2012	18–20, 60	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1206667 [2012] RRTA 827	11 September 2012	16–18, 52	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204751 [2012] RRTA 822	11 September 2012	N/A	No protection obligations, since applicant not in Australia
1207291 [2012] RRTA 870	10 September 2012	18–20	Recognised as refugee so no need to recognise under separate grounds
1203800 [2012] RRTA 850	10 September 2012	16–18, 159–70	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • arbitrary deprivation of life • cruel or inhuman treatment or punishment • degrading treatment or punishment <p>The applicant was from Turkey. She claimed that she had been mistreated in Turkey because of her dwarfism (para 134). The Tribunal accepted that the applicant had dwarfism (para 135). However, the Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm.</p> <p><i>Self-harm</i></p> <p>In relation to the applicant’s claims about self-harm and</p>

		<p>whether they could constitute ‘significant harm’, the Tribunal held:</p> <p>‘161. In regard to the application of s.36(2)(aa) to harm inflicted by a person upon themselves, the descriptions of the types of significant harm in s.36(2A) are passively worded, referring to the non-citizen being <i>arbitrarily deprived of his or her life</i>, the death penalty being <i>carried out on the non-citizen</i>, and harm that the non-citizen <i>will be subjected to</i>. Each of these phrases suggests harm being inflicted by a third party on the non-citizen. ...’</p> <p>In any case, the Tribunal made an adverse credibility finding in respect of the applicant’s claims of self-harm. Although the Tribunal accepted that the applicant’s circumstances were difficult and that she might feel frustration or depressed from time to time, the Tribunal did not accept that she would attempt suicide or self-harm if she returned to Turkey (para 161).</p> <p><i>Mocking and teasing</i></p> <p>The Tribunal accepted that the applicant had been mocked and teased by people because of her dwarfism, that this was distressing for the applicant, and that it might occur again if the applicant returned to Turkey (para 158). However, the Tribunal did not accept that this amounted to cruel or inhuman treatment or punishment, or that it amounted to conduct that was intended to cause extreme humiliation (para 168).</p> <p><i>Difficulty using public transport</i></p>
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			The Tribunal accepted the applicant's claims that she had difficulty using public transport in Turkey, and that this issue might again arise if she returned to Turkey (para 169). The Tribunal considered that other groups of the general population would face the same difficulties, such as the elderly, the frail and the injured (para 169). The Tribunal did not accept that this difficulty in using public transport amounted to cruel or inhuman treatment or punishment, or that it amounted to conduct that was intended to cause extreme humiliation (para 169).
1204420 [2012] RRTA 839	10 September 2012	16–18, 108–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208222 [2012] RRTA 831	10 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1207449 [2012] RRTA 829	10 September 2012	17–19	Recognised as refugee so no need to recognise under separate grounds
1208548 [2012] RRTA 833	7 September 2012	16–18, 73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208040 [2012] RRTA 830	7 September 2012	16–18, 62–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1205751 [2012] RRTA 825	7 September 2012	16–18, 33	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1205049 [2012] RRTA 824	7 September 2012	16–18, 107	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204596 [2012] RRTA 821	7 September 2012	16–18, 83–7	This case relates to: <ul style="list-style-type: none"> • the meaning of 'real risk' • section 91R(3) ('contrived' refugee claims) <i>Refugee claim</i> (paras 61–82)

			<p>The applicant claimed to fear harm in China because he was a Falun Gong practitioner. However, the Tribunal did not accept the applicant’s claims (para 82). The Tribunal accepted that the applicant had attended Falun Gong sessions and study groups in Australia (para 70), but found that the claimant’s motivation for engaging in these activities was for the sole purpose of strengthening his refugee claim (para 71). Hence, the Tribunal disregarded the applicant’s conduct in Australia for the purpose of assessing his refugee claim, in accordance with section 91R(3) of the Act (para 71). The Tribunal was not satisfied that the applicant had a well-founded fear of persecution, as claimed (para 82).</p> <p><i>Complementary protection claim</i> (paras 83–6) The Tribunal found that the applicant had not practiced Falun Gong in China, did not have a profile as a Falun Gong practitioner in that country, and would not practise Falun Gong on his return to China (para 84). The Tribunal also considered the applicant’s Falun Gong practice and conduct in Australia (para 85). The Tribunal held that although the applicant had submitted photos of himself at Falun Gong activities in Sydney, there was no evidence presented that such actions would have come to the attention of Chinese authorities (para 85). Hence, the Tribunal did not accept that there was a real risk that the applicant would suffer significant harm on his return to China (para 85).</p>
1204108 [2012] RRTA 820	7 September 2012	14–16, 116–26	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • risk faced by the population generally

			<p>The applicant a national of Yemen. His family originated from South Yemen.</p> <p>The Tribunal held that, although there was a view that southern Yemenis were marginalised, there was no persuasive evidence of the specific forms of marginalisation or that any such marginalisation would amount to cruel or inhuman treatment or punishment or degrading treatment or punishment (para 125).</p> <p>The Tribunal held that, given the turmoil in Yemen, it was possible that the applicant could be killed, although the Tribunal did not consider that there was a real risk of that happening (para 126). Even if the Tribunal were to accept that the applicant faced a real risk of arbitrary deprivation of life during an outbreak of civil strife or a random act of violence, the Tribunal held that this would be a risk faced by the population of the country generally and not by the applicant personally. The applicant would therefore be excluded by section 36(2B) of the Act (para 126).</p>
1111645 [2012] RRTA 815	7 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1208635 [2012] RRTA 810	6 September 2012	16–18, 30, 32	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1205139 [2012] RRTA 809	6 September 2012	28–30, 36, 38	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1205309 [2012] RRTA 784	6 September 2012	18–21, 118, 120	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’

			<p>The applicant was from Hunan province in China. He claimed to fear harm on two bases:</p> <ul style="list-style-type: none">• <i>One Child Policy</i>: The Tribunal accepted that the applicant had breached the One Child Policy by having 4 children and that he had been subject to financial penalties (para 106). The Tribunal also accepted that when the applicant was unable to pay the fines, local family planning authorities had abused and assaulted the applicant and stole some property (paras 107, 118). However, the Tribunal did not accept that there were further examples of mistreatment of the applicant, and hence found that there were no substantial grounds for believing that officials would inflict significant harm on the applicant on this basis (para 118).• <i>Snakeheads/loan sharks</i>: The Tribunal rejected the applicant's claim that loan sharks would physically harm him, that they had demanded the 'sale' of his eldest daughter and might do likewise for his other daughters, and that they would continue to harass the family (para 114). The Tribunal accepted that the applicant, if he returned to China, would go to Shanghai or another city to work, and that this might in part be because of pressure from the snakeheads to repay the loan (para 114). The Tribunal accepted that this would likely mean that the applicant would continue to be separated from his family and that he would experience ongoing financial strain as he tried to meet both his family's ongoing expenses as well as the debt repayments (para 115). However, the Tribunal held that this did
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			not amount to serious harm, for the purposes of determining his refugee claim (para 115). In relation to his complementary protection claim, the Tribunal held that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (para 118).
1208940 [2012] RRTA 758	6 September 2012	16–18, 89, 91	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’ <p><i>Refugee claim</i> (paras 65–88)</p> <p>The applicant was from Fujian in China. The Tribunal accepted that she considered herself to be a Christian, that she attended home church gatherings in China and that she attended church in Australia (para 69). The Tribunal found that the most accurate indication as to her future Christian practice was her actual current practice and conduct in Australia, where she claimed no fear of engaging in Christian activities, and where she made no claim to have modified her behaviour due to fear (para 83). Based on the applicant’s account of her activities in Australia, the Tribunal found that the applicant would wish to attend church, attend bible study, and read the bible (para 83). The Tribunal found that she would not, for reasons not related to any fear, evangelise in any way, whether by speaking with people or distributing Christian material (paras 79, 84). The Tribunal found that the applicant did not have a public or political profile or any record with police in China, and that she would not acquire any such profile or record in the future, based on what the Tribunal found that she would do if she returned to China (para 85).</p>

			<p>The Tribunal considered country information indicating that the authorities in Fujian were one of the most lenient on unregistered Christians in China; those authorities were more concerned with groups that were capable of staging large-scale concerted action; large numbers of Christians existed in Fujian and a significant proportion of them worshipped in unregistered groups; small groups meeting in private dwellings were not of particular concern to authorities; few arrests had been reported; and senior Christian leaders or those with a public or political profile might run higher risks of adverse attention (para 86). Based on what the Tribunal found that the applicant would do if she returned to China, the Tribunal held that the chance that she would come to the attention of the authorities and that they would act to harm her was remote (para 87).</p> <p><i>Complementary protection claim</i> (para 89) Since the Tribunal found that the chance of the applicant being harmed in China by any person or organisation, for any reason, was remote, the Tribunal found that there were no substantial grounds for believing that there was a real risk that she would suffer significant harm (para 89).</p>
1114009 [2012] RRTA 808	5 September 2012	16–18, 111, 113	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211766 [2012] RRTA 806	5 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1209102 [2012] RRTA 794	5 September 2012	16–18, 54	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1208186 [2012] RRTA 791	5 September 2012	16–18, 40, 42	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204807 [2012] RRTA 782	5 September 2012	16–18, 37, 39	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204288 [2012] RRTA 760	5 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1206558 [2012] RRTA 826	4 September 2012	16–18, 55	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1211828 [2012] RRTA 807	4 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1209405 [2012] RRTA 800	4 September 2012	16–18, 29, 31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209218 [2012] RRTA 799	4 September 2012	16–18, 29, 31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209217 [2012] RRTA 798	4 September 2012	16–18, 28, 30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209216 [2012] RRTA 797	4 September 2012	16–18, 28, 30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209214 [2012] RRTA 796	4 September 2012	16–18, 31, 33	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209189 [2012] RRTA 795	4 September 2012	16–18, 31, 33	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212213 [2012] RRTA 774	4 September 2012	16–18, 66–8, 70	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1206677 [2012] RRTA 787	3 September 2012	14–16, 157, 159	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1205735 [2012] RRTA 786	3 September 2012	16–18, 56, 58	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1111231 [2012] RRTA 778	3 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1207970 [2012] RRTA 757	3 September 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1209025 [2012] RRTA 773	31 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1202568 [2012] RRTA 764	31 August 2012	16–18, 162–4, 166	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200548 [2012] RRTA 762	31 August 2012	16–18, 88	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208414 [2012] RRTA 745	31 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1204407 [2012] RRTA 740	31 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1204517 [2012] RRTA 781	30 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1206437 [2012] RRTA 753	30 August 2012	14–16, 132, 134	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1208191 [2012] RRTA 744	30 August 2012	16–18, 61–3, 65	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • relocation (reasonableness) <p>The applicant was from India. He claimed to face a risk of harm due to a dispute over property (para 54). He claimed to have been pressured by his uncles to relinquish his ownership or control over the property, which his uncles wished to redevelop and sell off (para 54). The Tribunal did not accept that the applicant had been threatened or assaulted, or that he faced any</p>

			<p>threatened or actual harm from his uncles (para 61). On this basis, the Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (para 61).</p> <p>In any case, the Tribunal held that it would be reasonably open to the applicant to avoid the harm he claimed to fear, either by relocating within India or by simply acceding to the uncles' demands (para 62). The Tribunal rejected the applicant's claim that he would have nowhere to live if he acceded to his uncles' demands. The Tribunal noted that the uncles' proposal was to redevelop the property so that the profits could be shared by all three brothers, including the applicant's father (para 60). The Tribunal acknowledged that if there were such a proposal, it might necessitate the finding of interim or alternative accommodation for the applicant's family, as the profits might not be realised until the completion of the redevelopment (para 60). However, given the applicant's evidence about his father's occupation (as a holder of exclusive food distribution licences), the Tribunal held that there was no reason why the applicant's father would not have the means to obtain such accommodation if required (para 60).</p>
1205058 [2012] RRTA 769	29 August 2012	15–17, 82–5, 87	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'significant harm' • the meaning of 'real risk' • degrading treatment or punishment <p>The applicant was from Fiji. The Tribunal accepted</p>

			<p>that, as a necessary and foreseeable consequence of the applicant being returned to Fiji, he would be unemployed for a period and that he and his family might suffer some financial hardship (para 84). However, the Tribunal formed the view that the applicant would be able to find employment in the future and support his family, as he had done previously (para 84). Although the Tribunal accepted that it might be difficult for the applicant to support his large family in the manner that he wished to, the Tribunal found that there were no substantial grounds for believing that the applicant would not be able to support his family's basic needs in the future (para 84). The Tribunal held that, although the applicant might suffer some personal humiliation if his children were not afforded the opportunities that he would like them to have and if they had to live in circumstances which he considered to be harmful for them (including living in proximity to armed soldiers or an army base), the Tribunal did not consider such humiliation to be 'extreme' such that it would amount to degrading treatment or punishment (para 84).</p>
1205035 [2012] RRTA 768	29 August 2012	16–18, 65–7, 69	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202459 [2012] RRTA 763	29 August 2012	16–18, 84–5	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'significant harm' • the meaning of 'real risk' <p><i>Refugee claim</i> (paras 59–83) The applicants (applicant, applicant's husband and their child) were from China. The applicant claimed to fear</p>

		<p>harm, inter alia, because she and her husband had had a child born out of wedlock and were required to pay a fine for contravening family planning policies in China (paras 78–9).</p> <p>The Tribunal considered that the family planning laws in China were laws of general application, and that there was no real chance that the application of the policy in the circumstances of the applicant and her partner would involve discriminatory enforcement of the law such as to amount to persecution (paras 79–81).</p> <p>The Tribunal considered the applicant’s evidence that she and her partner could not afford to pay the social compensation fee (para 82). However, the Tribunal noted that the applicant’s partner was an able-bodied young male with twelve years of education in China and three years of education in Australia (para 82). The couple had supported themselves in Australia, and there were no barriers to their employment in China (para 82). The country information indicated that the fine could be paid in instalments and was based on family income, and that after the payment of the fine, the children could be registered and would have access to education, medical care, and social programs (para 82). Hence, the Tribunal held that the applicants, including the minor applicant, would not face a real chance of persecution for reasons of any breach of family planning laws in China, and that, in any event, any impact on them would not amount to persecution for any Convention-related reason (para 82).</p>
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			<i>Complementary protection claim</i> (para 84) The Tribunal found that there was no real risk that the applicants would suffer significant harm because the daughter had been born out of wedlock (para 84).
1211349 [2012] RRTA 746	29 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1204527 [2012] RRTA 741	29 August 2012	18–20, 52, 54	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209977 [2012] RRTA 735	29 August 2012	16–18, 36, 38	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1212321 [2012] RRTA 775	28 August 2012	18–20	Recognised as refugee so no need to recognise under separate grounds
1207568 [2012] RRTA 771	28 August 2012	16–18, 86–9, 91	This case relates to: <ul style="list-style-type: none"> • the meaning of ‘significant harm’ <p>The applicant was from Turkey. The Tribunal accepted that her family might shun her upon her return to Turkey, as a result of her interest in and involvement with Christianity (para 89). However, the Tribunal did not accept that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (para 89).</p>
1203428 [2012] RRTA 766	28 August 2012	15–22, 74–8	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112127 [2012] RRTA 748	28 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1201591 [2012] RRTA 739	28 August 2012	16–18, 64–71	This case relates to: <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • state protection

		<ul style="list-style-type: none"> • relocation (reasonableness) <p>The applicant was from Bitola, Macedonia. The Tribunal considered that the abuse which the applicant experienced at the hands of his father while growing up may have amounted to cruel or inhuman treatment or punishment, or degrading treatment or punishment (para 67). However, the Tribunal did not consider that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm at the hands of his father if he returned to Macedonia. The applicant was now an adult, and had essentially conceded that the physical power imbalance between himself and his father had been reversed (para 67). Moreover, the applicant's mother and sister continued to reside with his father and there was no suggestion that any harm had befallen them since the applicant had come to Australia (para 70). The Tribunal inferred that any threats against them which were communicated by the father to the applicant, and which the applicant said were designed to manipulate him into returning home, were in fact empty threats (para 70).</p> <p>In any event, the Tribunal held that state protection was available to the applicant (para 66) and that the applicant could reasonably relocate within Macedonia (paras 68–9).</p> <p>Despite the applicant's reservations about the efficacy of state protection, the documentary evidence that he had provided indicated that when his father caused property damage in a drunken state in September 2008,</p>
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			<p>he was promptly arrested, charged, convicted, imprisoned for one month, and treated in a psychiatric facility for a further six months (para 66).</p> <p>Moreover, the Tribunal held that it was reasonably open to the applicant to relocate within Macedonia, such as to Skopje where he had lived in the past (para 68). The Tribunal acknowledged that unemployment was a problem in Macedonia, and that some public sector positions might be effectively reserved for people with links to the ruling party, but also noted that the applicant had worked in Macedonia in the past, and that since coming to Australia he had obtained further experience and had acquired considerable proficiency in the English language (para 68). Furthermore, the evidence suggested that the applicant could, if necessary, access the support of his mother (para 68). The Tribunal rejected the applicant's claim that his father might seek him out and threaten him elsewhere in Macedonia, since there was no evidence to suggest that he had done so in the past (para 69).</p>
1211829 [2012] RRTA 737	28 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1113223 [2012] RRTA 728	28 August 2012	16–18, 71–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204208 [2012] RRTA 767	27 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1111240 [2012] RRTA 761	27 August 2012	18–20, 144, 146	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1207507 [2012] RRTA 756	27 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds

1204513 [2012] RRTA 751	27 August 2012	16–18, 75–9, 81	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was from Kenya. The Tribunal acknowledged that he was being treated for depression and anxiety and his psychologist had indicated that the applicant had self-harmed (para 77). The Tribunal acknowledged that the applicant was unlikely to receive treatment to the level that he was receiving in Australia (para 77). However, the Tribunal was not satisfied that any difficulties that the applicant might have accessing treatment in Kenya would amount to cruel or inhuman treatment, or degrading treatment or punishment, since it would not be intentionally inflicted on him or an act or omission that was intended to cause extreme humiliation (para 77).</p>
1207722 [2012] RRTA 772	24 August 2012	18–27, 75–79, 81	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1207428 [2012] RRTA 770	24 August 2012	16–18, 32, 34	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1206748 [2012] RRTA 754	24 August 2012	15–17, 107, 109	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1206312 [2012] RRTA 752	24 August 2012	16–18, 85–9, 91	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was from Malaysia. The Tribunal accepted that he might have some difficulty finding employment or establishing a business in Malaysia (para 87). On the applicant’s own evidence, this was mainly because the money he had made from his previous business was diminishing and it would be</p>

		<p>difficult to find work because he had been away for nearly 2 years (para 87). The Tribunal found that these circumstances did not amount to significant harm (para 87). In reaching this conclusion, the Tribunal noted the applicant's evidence that his sister might provide him with some financial support (para 87). The Tribunal also noted that the applicant had a father in Malaysia and brothers living and working in Malaysia (para 87). Moreover, his wife and daughter were living in Malaysia and the applicant had not indicated that they were faced with hardship, other than that caused by diminishing savings (para 87). The Tribunal also noted that the applicant had claimed that his wife did not have permission to work in Malaysia due to her immigration status as a temporary resident (para 87).</p> <p>The Tribunal considered the applicant's claim that if he returned to Malaysia, he could borrow money from his sister and open a shop in the same area, but that he feared that thugs would come back (para 88). However, the Tribunal held that the applicant was not limited to this option for sustaining his livelihood in Malaysia (para 88). He had other options, such as obtaining employment similar to that which he had before coming to Australia, or opening a business in another part of Malaysia (para 88). The Tribunal noted the applicant's claims that he was not familiar with other places, that he did not have much money and that he was not young anymore (para 88). Although the Tribunal accepted that these circumstances might pose difficulties for the applicant, the Tribunal held that they were not insurmountable difficulties and did not make it</p>
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			unreasonable for the applicant to pursue these options (para 88). Hence, the Tribunal found that there was not a real risk that the applicant would suffer significant harm if he returned to Malaysia (para 88).
1201948 [2012] RRTA 750	24 August 2012	16–18, 75, 77	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113349 [2012] RRTA 749	24 August 2012	16–18, 102–5, 107	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1110141 [2012] RRTA 747	24 August 2012	16–18, 82–6, 88	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1103611 [2012] RRTA 738	24 August 2012	20–22	Recognised as refugee so no need to recognise under separate grounds
1207489 [2012] RRTA 733	24 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1206840 [2012] RRTA 732	24 August 2012	16–18, 115–117, 121	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • state protection <p>The applicants were Afghan citizens, who had permanent residency status in Germany (para 91). The Tribunal therefore considered the claims of the applicant mother and applicant child in relation to Germany (para 94).</p> <p>The Tribunal accepted that the applicant mother had suffered persistent physical and emotional abuse from her husband over an extended period of years in Germany and that there was a real risk that this would continue if she returned to her husband’s household in Germany (para 115). The Tribunal also accepted that the applicant minor child had to some extent suffered</p>

			<p>abuse in the past, and that this might continue if he returned to his father's household in Germany (para 115). The Tribunal was satisfied that domestic violence could amount to significant harm: in particular, cruel or inhuman treatment or punishment or degrading treatment or punishment (para 115).</p> <p>However, the Tribunal was satisfied, on the basis of country information, that protection was available from the German authorities such that there would not be a real risk that the applicants would suffer significant harm (paras 101–10, 117). Hence, in accordance with section 36(2B), there were no substantial grounds for believing that there was a real risk that the applicants would suffer significant harm (paras 116–17).</p>
1203147 [2012] RRTA 765	23 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1210312 [2012] RRTA 736	23 August 2012	16–18, 96, 98	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209884 [2012] RRTA 734	23 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1204874 [2012] RRTA 731	23 August 2012	16–18, 181–194, 202	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'significant harm' • the meaning of 'real risk' • relocation (reasonableness) <p>The applicant was from Saigon, Vietnam. She had divorced her husband in March 2011 (para 78). She claimed, inter alia, that when she returned to Vietnam in September 2011, her neighbours in Saigon had gossiped, asking why she had not stayed with her</p>

		<p>husband (paras 102, 104). The applicant also claimed that she had been hassled by the authorities during her stay: the local police had come to her and questioned her on four occasions in one week about why she had sent her children away and why they had not returned with her (para 103). The Tribunal accepted that the applicant feared that, if she returned to Vietnam, she would be harassed by the police in the manner that occurred during her trip in September 2011, and she would be the subject of gossip in her community (para 185). The Tribunal accepted that there was a real risk that these things would occur if the applicant returned to Vietnam (para 185). However, even taking into account the applicant's personal circumstances – including her strong aversion to other persons talking about her former husband and her children – the Tribunal was not satisfied that the harm that the applicant feared amounted to significant harm (para 185).</p> <p>The Tribunal also considered the applicant's claim that her former husband would harm her if she returned to Vietnam (para 186). The Tribunal accepted that her former husband physically assaulted her on many occasions during their marriage (para 187). The Tribunal also accepted that her former husband physically assaulted her during her trip to Vietnam in March 2011 after she told him that he could not live with his girlfriend in her house (para 188). However, the Tribunal found that the applicant returned to Vietnam in September 2011, after she was divorced, and that she chose to stay in her house in Saigon, rather</p>
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		<p>than attempt to visit Saigon without her former husband's knowledge (para 189). The Tribunal found that the applicant's former husband visited her house on two occasions during this time in order to collect some of his belongings, and she spoke to him in the street on these occasions, but she did not experience any problems from him (para 189).</p> <p>Moreover, the Tribunal found that it would be reasonable for the applicant to relocate to Dalat, where her cousin lived, and where there would not be a real risk that she would suffer significant harm (para 190). The Tribunal noted that the applicant owned a house and a block of land in Saigon and also a block of land in Dalat, and that although the loan that she had taken out to pay for her children's tuition in Australia was secured over at least the house property, she had some financial assets (para 192). The Tribunal found that the applicant had travelled to Dalat during each of her trips to Vietnam since 2007 and that her cousin in Dalat had been very supportive of her for many years (para 193). The Tribunal was not satisfied that there was a real risk that the applicant's former husband would pursue her and harm her if she relocated to an area of Vietnam other than Saigon (para 191). The Tribunal accepted that the applicant's former husband pursued her to Dalat when she went there with her children in 1995, but the Tribunal found that if the applicant returned to Vietnam, the circumstances would be very different for a range of reasons including the fact that the applicant was now divorced from her husband (para 191).</p>
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1203480 [2012] RRTA 730	23 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1206515 [2012] RRTA 642	23 August 2012	16–18, 93, 95	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1207460 [2012] RRTA 755	22 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1103306 [2012] RRTA 726	22 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1203012 [2012] RRTA 729	22 August 2012	16–18, 81–2, 84	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • risk faced by the population generally <p>The applicant was from Afghanistan. He claimed to fear harm, inter alia, because of general violence in Afghanistan. However, the Tribunal held that there was no evidence to suggest that the violence feared by the applicant was faced by him personally (para 81). The Tribunal was satisfied that the applicant feared violence faced by the population generally and not by him personally (para 81). Hence, the Tribunal found that there was not a real risk that the applicant would suffer significant harm in Afghanistan.</p>
1207452 [2012] RRTA 645	22 August 2012	16–18, 64–6, 68	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209306 [2012] RRTA 636	22 August 2012	20–2, 27, 29	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1206875 [2012] RRTA 633	22 August 2012	16–18, 41–3, 45	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209934 [2012] RRTA 723	21 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds

1208464 [2012] RRTA 721	21 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1207079 [2012] RRTA 717	21 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1205668 [2012] RRTA 711	21 August 2012	16–18, 64–6, 68	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • risk faced by the population generally <p>The applicant was from India. He provided material to the Tribunal indicating that militant and terrorist groups were active in India, and also gave evidence of terrorist attacks in India (para 65). There was no suggestion that any of these materials related to the applicant personally, and, on this basis, the Tribunal inferred that the applicant had a fear of generalised terrorist attacks (para 65). The Tribunal did not accept that the applicant <i>personally</i> faced a real risk of being a victim of general terrorist/militant activity in India and hence held, in accordance with section 36(2B), that there were no substantial grounds for believing that there was a real risk that the applicant would face significant harm (para 65).</p>
1204651 [2012] RRTA 705	21 August 2012	16–18, 58–63, 65	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from India. He claimed to fear harm because he was a Sikh, and also because he would not be able to make enough money to survive in India (para 50).</p>

			<p>On the basis of country information, the Tribunal did not accept that there were substantial grounds for believing that there was a real risk that the applicant would suffer significant harm because of his Sikh religion and race (para 52).</p> <p>The Tribunal also did not accept the applicant's claim that his family was so poor that there was a real risk that he would suffer significant harm in the form of significant economic hardship that threatened his capacity to subsist (para 59). The Tribunal found that the applicant would receive some level of family support, as he had in Australia, and his capacity to subsist would not be threatened (para 59). The Tribunal also found that the applicant was a resourceful single man who was able to travel to Australia on a student visa with his wife in June 2008, and who returned to India in May 2009 and in October 2009 (para 59). The Tribunal did not accept that applicant would be unable to work and make a living because he was a farmer in India or because of his medical conditions (para 59).</p> <p>The Tribunal did not accept in all the circumstances that the applicant would be subjected to cruel or inhuman treatment or punishment if he returned to India (para 60). The Tribunal did not accept that the applicant's claimed difficulties in finding employment or accessing health care would amount to severe pain or suffering that was intentionally inflicted (para 60).</p> <p>The Tribunal also did not accept that in all the circumstances the applicant would be subjected to</p>
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			degrading treatment or punishment if he returned to India (para 61).
1207123 [2012] RRTA 644	21 August 2012	16–18, 73–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1207806 [2012] RRTA 634	21 August 2012	16–18, 41, 44	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ <p>The applicant was from Samoa. Her husband and three children were New Zealand citizens residing in Australia (para 20). The Tribunal did not accept that the applicant’s separation from her husband and children or her family’s limited financial resources to travel to visit her or support her in Samoa raised complementary protection claims (para 41). The applicant also made submissions regarding the ravages of gambling and how this caused many to commit suicide, the expense of bringing up children and the applicant’s husband’s wish to not return to New Zealand, his deep and enduring relations with the applicant’s family in Australia, and the applicant and her husband’s deep entrenchment in Australian society (para 41). However, the Tribunal was unclear as to how some of these claims were relevant to the applicant, and did not accept that her concerns constituted significant harm (para 41).</p>
1206644 [2012] RRTA 714	20 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1201566 [2012] RRTA 677	20 August 2012	16–18, 65–70, 75	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • cruel or inhuman treatment or punishment • degrading treatment or punishment • the meaning of ‘real risk’

			<p>The applicant was from Kenya. She suffered from depression. She claimed to fear harm, inter alia, because she would be placed at Mathari Hospital or some other mental health facility in Kenya, where she claimed that she would suffer harm by being mistreated (para 68). The Tribunal considered country information indicating that patients at Mathari Hospital in Kenya were treated poorly, that the hospital was understaffed and overcrowded, and that the buildings were dilapidated, isolated and poorly ventilated (paras 47–53). The Tribunal considered whether the poor level of medical treatment or mistreatment feared by the applicant could amount to cruel or inhuman treatment, or degrading treatment or punishment (para 67).</p> <p>The Tribunal found that the chance of the applicant being detained at a mental health care facility to be remote, given the nature of her illness (paras 62, 69). The Tribunal also held that, even if it accepted that the applicant would be so placed, it did not accept that ‘the poor and abusive treatment found in such facilities, as highlighted by the CNN report, is inflicted intentionally by the authorities to cause pain, suffering, or extreme humiliation’ (para 69). Hence, the Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm.</p>
1207472 [2012] RRTA 646	20 August 2012	17–26, 48–50, 52	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1205066 [2012] RRTA 641	20 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds

1207041 [2012] RRTA 715	17 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1204557 [2012] RRTA 704	17 August 2012	16–18, 76, 78	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112220 [2012] RRTA 661	17 August 2012	16–18, 106, 108	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1101502 [2012] RRTA 651	17 August 2012	18–20, 157, 161	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1206621 [2012] RRTA 643	17 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1109879 [2012] RRTA 727	16 August 2010	16–18, 104–5, 107	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201492 [2012] RRTA 725	16 August 2012	16–23	Recognised as refugee so no need to recognise under separate grounds
1203952 [2012] RRTA 693	16 August 2012	17–19, 62, 64	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202900 [2012] RRTA 681	16 August 2012	15–16, 86–88, 90	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was a Jordanian citizen of Palestinian origin. The Tribunal accepted that people of Palestinian origin experienced some discrimination in Jordan, in relation to matters such as underrepresentation in parliament and senior positions in the government and the military, as well as admission to public universities (para 86). However, the Tribunal was not satisfied that the applicant had suffered significant harm in the past (para 87). Having regard to all of the circumstances, including the independent information about the treatment of people of Palestinian origin, the Tribunal</p>

			was not satisfied that it had substantial grounds for believing that there was a real risk that the applicant would suffer significant harm (para 87).
1208664 [2012] RRTA 635	16 August 2012	16–18, 38, 40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1209195 [2012] RRTA 722	15 August 2012	16–18, 77, 79	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1205182 [2012] RRTA 708	15 August 2012	16–18, 130–131, 133	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204154 [2012] RRTA 696	15 August 2012	16–18, 68–69, 73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204063 [2012] RRTA 694	15 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1113259 [2012] RRTA 665	15 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1210726 [2012] RRTA 637	15 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1207053 [2012] RRTA 716	14 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1203846 [2012] RRTA 692	14 August 2012	16–18, 101–2	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p><i>Refugee claim</i> (paras 85–100) The applicant was from Sudan. The Tribunal accepted that he was a very committed Coptic Christian (para 87). On the basis of country information about discrimination against Christians in Sudan, the Tribunal accepted that the applicant might encounter discrimination if he returned to Sudan, but did not</p>

		<p>accept that this discrimination would be serious enough as to amount to persecution (para 96). The Tribunal held that although the applicant might not be able to pursue his preferred options in Sudan, he was able to work there up to the time that he left, and the Tribunal did not accept that a highly-educated person such as the applicant, who had relatives in Sudan who had been helpful in the past, would not be able to subsist in Sudan (para 96).</p> <p>The Tribunal also considered country information on the state of religious freedom in Sudan (para 97). The Tribunal held that there was no evidence that Coptic Christians were prevented from practising their religion (para 97). Hence, the Tribunal was not satisfied that there was a real chance that the applicant would be seriously harmed in Sudan by being prevented from practising his faith (para 97).</p> <p>The Tribunal accepted that, as a very committed Christian, the applicant would be likely to speak about his faith to others and that this might cause him to be verbally abused or insulted (para 98). However, the Tribunal did not accept that this harm was serious enough to amount to persecution (para 98). The Tribunal did not accept that the applicant would seek to convert people to Christianity and hence did not accept that there was a real risk that the applicant would be persecuted for proselytising (para 98).</p> <p>On the evidence before it, the Tribunal was not satisfied that there was a real chance that the applicant would</p>
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			<p>suffer serious harm (para 100).</p> <p><i>Complementary protection claim</i> (paras 101–2) Although the Tribunal accepted that the applicant might suffer discrimination or verbal insults, the Tribunal did not accept that these would be sufficiently serious as to amount to significant harm (para 101).</p>
1112073 [2012] RRTA 659	14 August 2012	16–18, 92, 96–7, 99, 101, 103	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’ <p><i>Refugee and complementary protection claims</i> (paras 85–101) The applicant was from Egypt. He claimed to fear harm because of his political opinions (paras 88–92). The Tribunal accepted that the applicant had engaged in some low-level political activity, but the Tribunal did not consider that there was any more than a remote possibility that the applicant would participate, or want to participate, in any political activity in Egypt which would give rise to a real chance of serious harm or a real risk of significant harm (para 92). Based on the applicant’s low level of involvement in political activities in Australia, the Tribunal did not consider the applicant’s lack of want to actively participate in political activity if he returned to Egypt would be because of a fear of persecution (para 92).</p> <p>The applicant also claimed to fear harm because he would be required to undertake compulsory military service in Egypt; he objected to serving in the Egyptian military for political reasons, in particular because he did not approve of the army acting against civilians; he</p>

		<p>would refuse to obey orders to act against civilians; he would be persecuted by the army for refusing to participate in compulsory military service, for disobeying orders which would require him to harm civilians, and would be discovered to have, and to have voiced, political opinions in opposition to the army (para 87). The Tribunal accepted that those refusing to undertake compulsory military service in Egypt, who were otherwise legally required to undertake such service, faced jail terms (para 93). However, the Tribunal was satisfied that the applicant would be able to avail himself of an existing exemption to military service (para 94). The country information indicated that there was an exemption which applied where a potential conscript had brothers who had migrated, leaving the potential conscript as the only one supporting the family in Egypt (para 95). The Tribunal was satisfied that the applicant would be able to rely on this exemption (para 95). Hence, the Tribunal was not satisfied that the applicant would face any harm for refusing to serve in the army (paras 95, 98).</p> <p>The Tribunal also considered whether the applicant would have to ‘act discreetly’ in expressing his political opposition due to a fear of persecution (para 99). However, based on the applicant’s low level political activities in Australia, the Tribunal was not satisfied that the applicant had any intention of raising the intensity or visibility of his political activity if he returned to Egypt, and was not satisfied that his current level of political activity, if continued in Egypt, would give rise to a real chance of serious harm or a real risk</p>
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			of significant harm to the applicant (para 99).
1204532 [2012] RRTA 640	14 August 2012	16–18, 72–3, 75	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200206 [2012] RRTA 613	14 August 2012	16–18, 37–41, 43	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1205086 [2012] RRTA 707	13 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1111880 [2012] RRTA 658	13 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1210131 [2012] RRTA 724	10 August 2012	16–18, 54, 56, 58	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was from Samoa. He had left Samoa when he was young and had spent much of his life in Australia (para 53). The Tribunal accepted that returning to Samoa would involve a major adjustment for the applicant, that it would not be at all easy or congenial for him to make such a transition, and that in doing so he would be forced to accept a standard of living markedly lower than that he had enjoyed in Australia (para 53). Moreover, he would face the problem of leaving behind his friends and the family members he grew up with in Australia (para 53). The Tribunal accepted, although with some hesitation, that he would also be leaving behind his fiancée (para 53). The Tribunal also accepted that he would be recognised as a person who had spent much of his life in Australia (para 53). However, the Tribunal was unable to be satisfied that these difficulties would represent significant harm sufficient to bring the applicant within</p>

			the scope of the complementary protection provisions (para 54). Specifically, the Tribunal was not satisfied that they would involve cruel and inhuman treatment, degrading treatment or arbitrary deprivation of life (para 54).
1204554 [2012] RRTA 703	10 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1105008 [2012] RRTA 653	10 August 2012	20–22	Recognised as refugee so no need to recognise under separate grounds
1204314 [2012] RRTA 625	10 August 2012	16–18, 42, 44	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204276 [2012] RRTA 700	9 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1202327 [2012] RRTA 679	9 August 2012	16–18, 78–80	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p><i>Refugee claim</i> (paras 60–77)</p> <p>The applicant was from India. The Tribunal accepted that he was a member of the DSS (para 62). He claimed to fear harm from opponents of the DSS (para 61). The Tribunal accepted that the applicant had been involved in an altercation in 2008 with another group who were opposed to the DSS (para 66). However, the applicant had not been injured in this altercation and the Tribunal did not consider that the incident was sufficiently serious as to constitute persecution (para 66).</p> <p>The Tribunal acknowledged that a lack of past serious harm, although indicative of the chance of future harm, was not conclusive (para 67). Hence, the Tribunal considered whether, on the country information before</p>

			<p>it, the applicant faced a real chance of serious harm if he returned to India (para 67). The Tribunal accepted that the applicant, like any DSS member, might suffer harm in the future that would be ‘low-level harassment, public inflammatory rhetoric or posturing, or perhaps annoying disruption to some religious activities’ (para 73). However, the Tribunal found that this would not disrupt the applicant’s ability to practice his religion and that it did not amount to serious harm (para 73). The Tribunal held that it was supported in this finding by the fact that the applicant had not indicated that his father, a longstanding committed member of the DSS, had any difficulties or encountered any incidents of harm in India (para 73).</p> <p>The Tribunal noted that only DSS members who participated in DSS’ wider community events or who were willing to become publicly active might find themselves subject to systematic violent conduct growing out of a DSS/anti-DSS clash (para 74). However, the Tribunal was not satisfied that the applicant would have any greater commitment as a DSS member than he did in 2008: that is, he would not attend special events or be active in either publicly promoting or defending DSS (para 74). Hence, the Tribunal found that the applicant would not be a participant in any clash that might occur (para 74). Moreover, the Tribunal held that, even if the applicant were to be caught up in protest or demonstrations that turned violent (which the Tribunal did not believe), any harm that the applicant might suffer would be the result of a situation that had escalated to general violence and</p>
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			<p>would not be due to systematic conduct targeting the applicant because of his DSS membership. Hence, the conduct would not amount to persecution (para 74).</p> <p><i>Complementary protection claim</i> (paras 78–80) The Tribunal held:</p> <p>‘78. ... The Tribunal has found that the only harm the applicant may suffer if he returns to India is low-level harassment, public inflammatory rhetoric or posturing, or perhaps annoying disruption to some religious activities. What constitutes “significant harm” is exhaustively defined in ss.36(2A) and 5(1) of the Act. None of the harm that the applicant may suffer meets the definitions of arbitrary deprivation of life, the death penalty, torture, or cruel and inhuman treatment or punishment. The Tribunal further finds that the harm, were it to occur, would not be due to an act or omission that causes, and is intended to cause, extreme humiliation which is unreasonable because, while the applicant may experience some harassment it will not reach the level of extreme humiliation. Therefore, the Tribunal is satisfied that the applicant will not suffer degrading treatment or punishment.’</p>
1200450 [2012] RRTA 674	9 August 2012	16–18, 101–104, 106	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200055 [2012] RRTA 672	9 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1112173 [2012] RRTA 660	9 August 2012	15–22	Recognised as refugee so no need to recognise under separate grounds

1206683 [2012] RRTA 632	9 August 2012	16–18, 54	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1206190 [2012] RRTA 631	9 August 2012	16–18, 40–41	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204879 [2012] RRTA 626	9 August 2012	16–18, 39	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113683 [2012] RRTA 611	9 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1203560 [2012] RRTA 687	8 August 2012	16–18, 62, 64	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111869 [2012] RRTA 657	8 August 2012	19–21, 74–5	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1206030 [2012] RRTA 712	7 August 2012	16–18, 108–110, 112	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203761 [2012] RRTA 690	7 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1103155 [2012] RRTA 652	7 August 2012	16–18, 123–9, 131	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • state protection <p><i>Refugee claim</i> (paras 115–22) The applicant was from Nepal. The Tribunal rejected his claim that he, or his father, had been seriously harmed in the past, either because of the applicant’s political opinion or for any other Convention reason (paras 115–21). The Tribunal acknowledged that past experiences were not necessarily indicative of what might happen to the applicant in the future and hence took into account the risk of harm to the applicant from generalised sectarian, caste and political violence in</p>

			<p>India (para 122). The Tribunal noted that the applicant did not intend to be involved in politics if he were to return to India (para 122). Since the applicant had not experienced serious harm in the past, and since he did not intend to have any future political involvement, the Tribunal did not accept that the applicant faced a real chance of serious harm in Nepal (para 122).</p> <p><i>Complementary protection claim</i> (paras 123–9) As above, the Tribunal did not accept that the applicant had been targeted or harmed in the past (paras 115–21, 125–6). However, the Tribunal held that, even if the applicant’s claims were accepted, the applicant would not be at risk of harm because of the passage of time since the claimed events had occurred (para 126). The Tribunal held that, even if there was a risk to the applicant, there was no real risk that he would suffer significant harm, pursuant to section 36(2B)(b) (state protection) (para 127).</p>
1203766 [2012] RRTA 691	6 August 2012	16–18, 91–2, 94	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202786 [2012] RRTA 680	6 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1113822 [2012] RRTA 667	6 August 2012	18–20, 91–3	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p><i>Refugee claim</i> (paras 80–90) The applicants (applicant wife and her sons) were from Lebanon. The Tribunal accepted that the applicant (now deceased) was a member of the Lebanese Forces; that he may have assisted in the escape of [Mr C] from</p>

			<p>Lebanon in the mid-1990s; that he, along with [Mr B], who was a minor at the time, was briefly detained in 1998; and that prior to the applicant wife's departure from Lebanon in 2002, the LAF had visited her house asking about her husband, which had caused her annoyance (paras 82, 91).</p> <p>The Tribunal referred to country information indicating that the Lebanese Forces militia and political party had been banned by the Lebanese government in 1994 (para 83). However, the ban was lifted in 2005 and the Lebanese Forces party had since become a legitimate part of the Lebanese electoral landscape (para 83). The Tribunal found no evidence suggesting that members and supporters of the Lebanese Forces or persons involved in or associated with the Lebanese Forces militia were at risk of serious harm by the Lebanese authorities (para 84). Moreover, the Tribunal found no evidence suggesting that relatives of members and supporters of the Lebanese Forces and its militia, regardless of their profile, were at risk of serious harm by the authorities in Lebanon (para 88). On this basis, the Tribunal held that there was no real chance that the applicant wife and her sons would be subjected to serious harm if they returned to Lebanon (para 89).</p> <p><i>Complementary protection claim</i> (para 91) The Tribunal accepted that the applicant was a member of the Lebanese Forces; that he may have assisted in the escape of [Mr C] from Lebanon in the mid-1990s; that he, along with [Mr B], who was a minor at the time, was briefly detained in 1998; and that prior to the</p>
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			applicant wife's departure from Lebanon in 2002 the LAF had visited her house asking about her husband, which had caused her annoyance (para 91). However, on the basis of the evidence available to it, the Tribunal found that there were no substantial grounds for believing that there was a real risk that the applicant and her sons would suffer significant harm (para 91).
1206257 [2012] RRTA 713	3 August 2012	16–18, 112	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113571 [2012] RRTA 666	3 August 2012	17–19, 101–102	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111619 [2012] RRTA 656	3 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1208265 [2012] RRTA 720	2 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1204067 [2012] RRTA 695	2 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1203219 [2012] RRTA 684	2 August 2012	15–17	Recognised as refugee so no need to recognise under separate grounds
1203062 [2012] RRTA 683	2 August 2012	16–18, 66, 68	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1114033 [2012] RRTA 669	2 August 2012	16–18, 138–9, 142	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'significant harm' • the meaning of 'real risk' <p><i>Refugee claim</i> (paras 100–37) The applicant was from Fiji. In relation to those claims that the Tribunal accepted, the Tribunal made the following findings:</p> <ul style="list-style-type: none"> • The Tribunal accepted that the applicant had been

			<p>questioned by police about the whereabouts of her cousin, [Mr B], who had written a book that was considered to be anti-government (para 115). However, the Tribunal found that there were sporadic enquiries made by the Fijian authorities about [Mr B]’s whereabouts in 2010 and 2011, and no evidence that they had been searching for him in 2012 (para 116). The Tribunal was not satisfied that these actions by the authorities could be said to represent serious harm (para 130). Hence, the Tribunal found that the applicant did not have a well-founded fear of persecution for any reason connected with [Mr B] (para 131).</p> <ul style="list-style-type: none">• The applicant claimed that it would be difficult to return to Fiji without her husband, who was a New Zealand citizen residing permanently in Australia (para 134). The applicant was pregnant with his child and she assisted him in his care of the children that he had shared custody of (paras 105–6). The Tribunal found that although the applicant was pregnant, she could return to Fiji without her husband and two stepchildren (para 136). The Tribunal accepted that this would be distressing for the applicant, but held that there was no evidence to suggest that this would amount to serious harm (para 136). There was no evidence that the applicant would have any difficulties in subsisting if she returned to Fiji (para 137). It would be possible for the applicant to live with her family or her husband’s family in Fiji (although preferable for her to live with her husband’s family) (para 135).
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			<p><i>Complementary protection claim</i> (paras 138–9)</p> <p>The Tribunal accepted that the applicant was married to a New Zealand citizen who resided permanently in Australia, and that she was pregnant with his child, and that she assisted him in his care of the children he had shared custody of. The Tribunal also accepted that both his family and her family remained in Fiji, and that they would both be prepared to take her in, although according to society’s mores, it would be best if she resided with her husband's family (para 138).</p> <p>The Tribunal found that although the applicant and her family members had in the past been asked by the authorities about the whereabouts of [Mr B], there was no evidence that they were currently interested in his whereabouts, nor that, at least since he arrived in Australia in September 2009, they had ever taken any steps other than perfunctory ones to locate him. The Tribunal was not satisfied that the authorities would question the applicant about [Mr B] if she returned to Fiji (para 138).</p> <p>Considering all of the applicant’s circumstances as a whole, the Tribunal found that there was no evidence to support a finding that there were substantial grounds for believing that there was a real risk of significant harm to the applicant (para 139).</p>
1204241 [2012] RRTA 699	1 August 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1203538 [2012] RRTA 686	1 August 2012	13–15, 156, 158	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1113536 [2012] RRTA 610	1 August 2012	16–18, 77, 79	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200158 [2012] RRTA 673	31 July 2012	18–20	Recognised as refugee so no need to recognise under separate grounds
1204149 [2012] RRTA 648	31 July 2012	16–18, 59–61	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1205093 [2012] RRTA 628	31 July 2012	16–18, 49, 51	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201020 [2012] RRTA 676	30 July 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1113968 [2012] RRTA 668	30 July 2012	92–4, 113–121, 123	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • risk faced by the population generally <p>The applicant was from Colombia. The Tribunal addressed each of his claims in turn:</p> <p><i>Conversion to Islam</i> (paras 114–6) The Tribunal accepted that the applicant had converted from Catholicism to Islam (para 98). However, the Tribunal found that the applicant would still be free to practise his religion (para 114). Although he might feel alienated from his family due to their reaction to his conversion, the Tribunal did not consider that such treatment would constitute significant harm (para 114).</p> <p>The applicant claimed to fear being killed or harmed, harassed, intimidated and discriminated against in Colombia as a Muslim. However, the Tribunal found that the country information did not indicate that</p>

		<p>Muslims were targeted for reasons of their religion, and that there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm on this basis (para 115).</p> <p>The applicant also claimed that he was at risk from the <i>sicarios</i> who might be recruited to kill him by anyone who did not like his conversion (para 108). However, the Tribunal held that, in light of the absence of country information to suggest that <i>sicarios</i> were used to harm religious converts, there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm on this basis (para 116).</p> <p><i>Violence in Colombia</i> (paras 117–9) The applicant also referred to generalised violence in Colombia. However, the Tribunal held that there was no evidence that the applicant came within any of the groups that were particularly targeted in the conflict in Colombia (para 117). The Tribunal accepted that Colombia, and in particular Medellin, experienced high levels of crime. However, in light of Colombia’s large population, and the fact that the applicant did not fall within one of the targeted groups, the Tribunal was satisfied there are no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm on this basis (para 117).</p> <p>Moreover, even if there were a real risk of the applicant suffering significant harm through generalised violence in Colombia, the Tribunal held that the risk was one</p>
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			<p>faced by the population of the country generally and was not faced by the applicant personally (para 118). The Tribunal rejected the applicant's claim that his religion placed him at a greater risk than the general population (para 118). Hence, the applicant was excluded by section 36(2B)(c) of the Act (para 118).</p> <p><i>Economic conditions</i> (para 120) The applicant also referred to the economic situation in Colombia. However, the Tribunal found that the applicant would not be deprived of the ability to earn a living in Colombia. Hence, there were no substantial grounds for believing that there was a real risk that the applicant would suffer significant harm on this basis (para 120).</p>
1204146 [2012] RRTA 624	30 July 2012	59–60, 69–70, 72	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202029 [2012] RRTA 615	30 July 2012	16–18, 37	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113911 [2012] RRTA 612	30 July 2012	16–18, 45–49, 51	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204244 [2012] RRTA 649	27 July 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1207435 [2012] RRTA 650	27 July 2012	16–18, 34–36, 38	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203111 [2012] RRTA 619	27 July 2012	16–18, 62–3, 65	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203032 [2012] RRTA 617	27 July 2012	16–18, 67, 69	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1205048 [2012] RRTA 627	26 July 2012	17–19, 32–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204050 [2012] RRTA 623	26 July 2012	17–19, 101–4, 106	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ <p>The applicant was from Nepal. On the basis of the applicant’s evidence and country information about extortion, the Tribunal accepted that his father faced continuing demands for money and made regular payments to the YCL, and that the applicant might be subject to extortion demands, as a person returning from an overseas country (para 88).</p> <p>The Tribunal also accepted that the applicant was of the Damai caste and accepted that, as a result, the applicant had experienced harassment and discrimination; he was treated badly at school; discriminated against by the families of other school children; and discriminated against by his teachers and that these experiences had lowered his self-esteem and contributed to his reluctance to returning to Nepal (para 96). However, the Tribunal also noted that in Nepal, the applicant had completed 12 years of schooling, followed by studies at a tertiary level. Further, he was able to access sufficient funds to be able to travel to Australia and study in the vocational education and training sector (para 97).</p> <p>In relation to the applicant’s complementary protection claim, the Tribunal held:</p> <p>‘103. The Tribunal considered the applicant’s claim that his father is being asked to pay money on a regular</p>

			basis and the Tribunal's finding that the applicant may be subject to similar demands on return to Nepal. The Tribunal also considered the applicant's claim that he will continue to suffer discrimination on the grounds of his low caste status and the adverse effect that this will have on him. The Tribunal accepts that if the applicant is subjected to these experiences they will cause him a level of stress and anxiety. However the Tribunal does not accept that they will cause him significant harm as required by the legislation at s.36(2A) and s.5(1).'
1203120 [2012] RRTA 620	26 July 2012	16–18, 73, 75	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1107377 [2012] RRTA 654	25 July 2012	39–41	Recognised as refugee so no need to recognise under separate grounds
1113003 [2012] RRTA 609	25 July 2012	112–114, 130–1, 133, 135	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204942 [2012] RRTA 1162	24 July 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1200568 [2012] RRTA 675	24 July 2012	17–19, 63–4, 66	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112393 [2012] RRTA 662	24 July 2012	16–18, 113–5	This case relates to: <ul style="list-style-type: none"> the meaning of 'significant harm' <p>The applicant was from China, who claimed to fear harm in China because he was a Christian. The Tribunal rejected a number of his claims, due to concerns about his credibility (paras 96–112). The Tribunal did accept that the applicant had attended church in Australia and that he wished to continue practising his Christian faith in the future (para 113). The Tribunal found, on the basis of the applicant's evidence and independent</p>

			<p>information, that the applicant would be able to do this in the registered Christian churches in China. The Tribunal held:</p> <p>‘113. ... On his own evidence the applicant has participated in registered Christian church activities in China in the past, and only stopped attending because the practical suggestions he made to the deacon at one registered church were not accepted and he felt humiliated by the way his suggestions were dismissed. When pressed on his objections to the participating in the registered Church in China his responses did not reveal any concerns regarding being able to express his faith in the registered church, but revealed only a reluctance to continue attending a church where he felt his pride was insulted because his practical suggestions were not accepted. While the Tribunal accepts that the applicant may feel some embarrassment about attending the registered church where his practical suggestions were not accepted, the Tribunal considers it relevant that the incidents he refers to, in which his suggestions were not accepted, occurred around 9 years ago in 2003. While the Tribunal accepts that the applicant may feel some reluctance to participate in the church where he feels he was disrespected around 9 years ago, the Tribunal does not consider this to amount to a persecution involving serious harm as anticipated by s.91R(1)(b) or 91R(2), nor significant harm as anticipated by s36(2)(aa) or 36(2A) of the Act.’</p>
1205969 [2012] RRTA 630	24 July 2012	16–18, 34, 37	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1205212 [2012] RRTA 629	24 July 2012	16–18, 43	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203813 [2012] RRTA 622	24 July 2012	15–17, 37, 39	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203444 [2012] RRTA 621	24 July 2012	16–18, 61–2, 64	<p>This case relates to:</p> <ul style="list-style-type: none"> • relocation (reasonableness) <p>The applicant was from Jos in Nigeria. The Tribunal accepted there was a real risk that the applicant would suffer significant harm if he returned to Jos because of the ongoing sectarian violence (para 61). The Tribunal was satisfied, on the basis of country information, that there was no sectarian violence, and hence no real risk of significant harm to the applicant, in the south-eastern states of Nigeria (para 61). The Tribunal held that it would be reasonable for the applicant to relocate to the south-eastern states of Nigeria, because ‘the applicant is an educated and resourceful person who has proved his capacity to run his own business and shown his ability to relocate outside of Jos by spending a year in the Delta State and over a year in [Country 1]’ (para 58).</p>
1108848 [2012] RRTA 603	24 July 2012	16–18, 127–8, 131	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • cruel or inhuman treatment • degrading treatment <p><i>Refugee claim</i> (paras 109–26)</p> <p>The applicant was from Vietnam. His claims referred, inter alia, to action taken by authorities in relation to his parents’ lease of land (para 110). According to a statement made by the applicant’s father, the authorities</p>

			<p>would not grant a new lease, and the applicant’s father had incurred costs expanding his business in anticipation of the lease being granted (para 126). However, the Tribunal did not accept that the official action in relation to the land involved serious harm (such as significant economic hardship, or the denial of capacity to earn a livelihood of any kind, that would threaten the capacity of the applicant’s family, or of the applicant himself, to subsist) (para 126). In any event, the Tribunal did not accept that the essential and significant reason for the official action in relation to the land related to the applicant or anything about the applicant (para 126).</p> <p><i>Complementary protection claim</i> (paras 127–8) The Tribunal held:</p> <p>‘128. Considering in this context the claims concerning the official action in relation to the lease of land, the Tribunal concludes that there are not substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to Vietnam, there is a real risk that he will suffer significant harm in the sense of becoming destitute or having to live below minimum subsistence level and so experiencing cruel or inhuman or degrading treatment.’</p>
1204196 [2012] RRTA 697	23 July 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1203739 [2012] RRTA 689	23 July 2012	14–16, 105–106, 108	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims)

			<p><i>Refugee claim</i> (paras 86–104) The applicant was from China. She claimed to fear persecution in China because she practised Falun Gong, but the Tribunal rejected this claim due to concerns about her credibility (paras 86–100). Although the Tribunal accepted that the applicant had obtained a Falun Gong DVD and had practised Falun Gong in Australia, the Tribunal was not satisfied that she had engaged in this conduct otherwise than for the purpose of strengthening her claim to be a refugee. Hence, the Tribunal disregarded this conduct for the purpose of assessing her claim to be a refugee, in accordance with section 91R(3) of the Act (para 102). Having disregarded this conduct and having rejected all the applicant’s claims about events in China, the Tribunal held that the applicant did not face a real chance of persecution in China (para 103).</p> <p><i>Complementary protection claim</i> (paras 105–6) The Tribunal held that section 91R(3) was not relevant for the purpose of assessing complementary protection claims (para 105). However, given that the applicant only obtained the Falun Gong DVD, learned about Falun Gong and practised Falun Gong exercises to strengthen her claims for protection, the Tribunal was satisfied that in the event that she were to return to China, she would have no interest in continuing any association with Falun Gong (para 105). Hence, there were no substantial grounds for believing that there was a real risk that she would suffer significant harm (para 106).</p>
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1201040 [2012] RRTA 638	23 July 2012	15–17, 69	No protection obligations, since applicant had not taken all possible steps to avail himself of a right to enter and reside in another country.
1203097 [2012] RRTA 618	23 July 2012	16–18, 32, 34	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201790 [2012] RRTA 614	23 July 2012	16–18, 83–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1103150 [2012] RRTA 586	23 July 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1202217 [2012] RRTA 639	20 July 2012	15–17, 113–117, 119	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was a national of Jordan, of Palestinian origin (para 91). The Tribunal accepted that Palestinians in Jordan faced some degree of discrimination and marginalisation in Jordan and that Palestinians were said to be under-represented within the Jordanian government and by the Jordanian electoral system (para 113). There were also reports that Jordanians of Palestinian descent faced discrimination in employment by the government and the military, and in admission to universities (para 113). However, the Tribunal was not satisfied that the applicant had suffered significant harm in the past (para 113). Moreover, the Tribunal was not satisfied that there were substantial grounds for believing that there was a real risk that applicant would suffer significant harm. This is because the applicant’s family was secure and stable and had access to education and employment or business opportunities (para 115). On this basis, the Tribunal was of the view that the applicant would have access to employment or business</p>

			opportunities and further study (para 115). Any discrimination or marginalisation faced by the applicant on return to Jordan would not amount to significant harm (para 115).
1205348 [2012] RRTA 709	19 July 2012	16–18, 39, 41	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204239 [2012] RRTA 698	19 July 2012	16–18, 79, 81	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202911 [2012] RRTA 682	19 July 2012	16–18, 48, 50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202236 [2012] RRTA 678	19 July 2012	16–18, 54–55	Recognised as refugee so no need to recognise under separate grounds
1202599 [2012] RRTA 616	19 July 2012	16–17, 27, 29	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1109528 [2012] RRTA 608	19 July 2012	17–20, 74, 76	<p>This case relates to:</p> <ul style="list-style-type: none"> • state protection <p>The applicants were from Singapore. The first named applicant claimed that she would be harmed by her estranged husband if she returned to Singapore (para 59). Her children feared their father and the father had hit the second visa applicant (para 59).</p> <p>The Tribunal accepted that the first named applicant was subjected to domestic violence by her husband (para 65). However, the Tribunal held that state protection was available such that there would not be a real risk of significant harm (para 74):</p> <p>‘70. ... [T]he information from the sources consulted by the Tribunal indicate that the law in Singapore</p>

			<p>criminalises domestic violence, Singapore has an impartial and effective judiciary and legal system, and an effective police force. The first named visa applicant has provided reports concerning the limits of state protection with respect to victims of domestic violence including a report about a husband who breached a domestic violence order several times before killing his wife. However, no state can guarantee its citizens will be safe from violence at all times. On the basis of the information in the sources consulted by the Tribunal, the Tribunal finds that the Singaporean authorities can and do provide adequate and effective state protection to its citizens which meets international standards.’</p> <p>State protection was also available to the applicant’s children, including the second named applicant (para 73).</p>
1207357 [2012] RRTA 718	18 July 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1204375 [2012] RRTA 702	17 July 2012	16–18, 71, 73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1114145 [2012] RRTA 670	17 July 2012	16–18, 95–102, 104	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Kenya. In relation to one of his claims, the Tribunal relevantly held:</p> <p>‘100. The Tribunal does not accept the applicant’s claims regarding difficulties he may face finding work or continuing his studies in Kenya and his concern regarding his ability to support his mother and sister,</p>

			particularly during times of famine, can be characterised as significant harm within the meaning of s.36(2A), particularly when consideration is given to the fact the applicant is educated, has work experience in Australia and he could return to Nairobi, where he lived for more than a year before his departure from Kenya, where more employment and study opportunities would be available. The Tribunal therefore does not accept that there are substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to Kenya, there is a real risk that he will suffer significant harm as defined in subsection 36(2A) of the Act because of possible complications he may with further education and employment on his return.’
1110677 [2012] RRTA 655	17 July 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1203318 [2012] RRTA 647	17 July 2012	16–18, 51	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112186 [2012] RRTA 607	17 July 2012	18–20, 92–5, 97	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203687 [2012] RRTA 688	16 July 2012	16–18, 59–60, 62	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1207583 [2012] RRTA 719	16 July 2012	16–18, 42, 44	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204341 [2012] RRTA 595	16 July 2012	17–19, 67, 69	This case relates to: <ul style="list-style-type: none"> • the meaning of ‘significant harm’ <p>The applicant was a minor from Fiji. His parents claimed that there was a real risk of significant harm to</p>

			<p>the applicant because of, inter alia, the unstable political environment in Fiji and the fact that the applicant considered himself a resident of Australia and ‘would be affected by the surroundings and conditions in Fiji’ (paras 65–6). In relation to these claims, the Tribunal held:</p> <p>‘67. ... The Tribunal does not accept that the unstable political situation in Fiji will result in the applicant being arbitrarily deprived of his life or the death penalty. Nor does the Tribunal consider that there is any intention to inflict pain or suffering on the applicant for one of the stated five purposes and finds that the applicant will not be subjected to torture. Nor does the Tribunal consider that the applicant will be subjected to cruel or inhuman treatment or punishment or to degrading treatment or punishment as it does not accept that there is any intention to inflict pain or suffering to the applicant or any intention to cause extreme humiliation. Therefore, the Tribunal finds that the political instability in Fiji does not amount to significant harm to the applicant. The Tribunal further finds that the applicant considering himself a resident of Australia and being unfamiliar with the surroundings and conditions of Fiji does not amount to significant harm ...’</p>
1204398 [2012] RRTA 596	16 July 2012	13	Recognised as refugee so no need to recognise under separate grounds
1111399 [2012] RRTA 606	13 July 2012	16–18, 118–27	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ <p>The applicant was from Egypt. The applicant made a</p>

			<p>number of claims which were rejected by the Tribunal, due to concerns about his credibility (paras 103–22). The applicant also claimed to fear harm in the form of penalties for jumping ship to remain in Australia (based on breach of contract between him and the shipping company) (para 123). However, the Tribunal was not satisfied that the applicant would be unable to repay the contractual debts he owed to his employer for ship jumping (para 125). Further, on the applicant’s own evidence, he would face jail only if he did not repay his debts (para 125). The Tribunal held:</p> <p>‘125. ... [T]he Tribunal does not consider the enforcement of an employment contract, or the consequence of facing jail time for breach of the terms of his contract and failing to repay money owed by him under that contract, to amount to: significant harm as anticipated by section 36(2A) of the Act...’</p>
1112713 [2012] RRTA 663	12 July 2012	20–26, 120–32, 137	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • cruel or inhuman treatment or punishment • degrading treatment or punishment <p><i>Refugee claim</i> (paras 94–119)</p> <p>The applicant was from Vietnam. She claimed to fear discrimination from her family and society because she gave birth to a child outside wedlock in Vietnam (para 94). The Tribunal found that after the applicant had given birth, she lived at home with her family (a situation that continued after she married), although there were tensions and unpleasant exchanges</p>

			<p>sometimes (para 105). Members of her family rebuked her on occasion and some neighbours spurned her (para 105). At least one neighbour spat on her (para 105). After the applicant's husband died, the applicant had a relationship with an Australian citizen (which ultimately ended) and gave birth to a second child in Australia (para 94). Her family did not know about the second child (para 94).</p> <p>The Tribunal found that the applicant was a member of a particular social group, comprising single mothers in Vietnam who had illegitimate children (para 106). However, the Tribunal was not satisfied that that she faced a real chance of persecution (paras 109–16), for the following reasons:</p> <ul style="list-style-type: none"> • The Tribunal first made the general observation that the country information did not support a finding that the applicant would be denied access to basic services where that would threaten her capacity to subsist (para 110). To the extent that the applicant would continue receiving financial support from her second child's father, the applicant would be protected from significant hardship (para 110). Although the Tribunal acknowledged the difficulty for a sole parent of very young children to earn a reasonable income, the Tribunal noted that the applicant had a trade and that, when she was in Vietnam with her first child, she was able to work, including doing work from home (para 110). • In relation to the harm feared from her family (that is, rejection), the Tribunal cited the remarks of Madgwick J in <i>MMM v MIMA</i> [1998] FCA 1664:
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			<p>namely, that familial rejection and denial of support could not be regarded as persecution because it was a purely private matter: ‘Persecution for the purposes of the Convention connotes some official approbation of the feared conduct, or at least official failure or inability to do something about it, when the general standards of civilised countries would entitle the putative refugee to the protection of the State.’ (Note that Madgwick J, in making this remark, relied on Brennan CJ’s judgment in <i>Applicant A v MIEA</i> [1997] HCA 4) (para 112).</p> <ul style="list-style-type: none"> • In relation to the harm feared from members of society, the Tribunal held that the treatment that the applicant had experienced, and the treatment that she might fear suffering now or in the reasonably foreseeable future given her changed circumstances (that is, the birth of her second child out of wedlock), was not so intensive, repetitive or prolonged as to amount to persecution (para 116). • The Tribunal considered that there was no basis for concluding that there was a real chance that police or other officials would withhold protection for a Convention reason (para 118). • The Tribunal did not consider it necessary to consider in detail whether relocation would be reasonable. However, the Tribunal made the following observations: ‘first ... discrimination against single mothers appears widespread even if more significant in rural areas and, secondly ... the applicant’s circumstances, especially if she were to have sole responsibility for one or more young children, would impair her capacity to relocate.’
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			<p>(para 119)</p> <p><i>Complementary protection claim</i> (paras 120–32) The Tribunal noted the following statement by the ECHR in <i>Becciev v Moldova</i> (2008) 45 EHRR 31:</p> <p>‘The Court has considered treatment to be ‘inhuman’ when, <i>inter alia</i>, it was premeditated, was applied for hours at a stretch and caused either actual bodily injury or intense physical and mental suffering. It has deemed treatment to be ‘degrading’ when it was such as to arouse in the victims feelings of fear, anguish and inferiority capable of humiliating and debasing them’ (at paragraph [39])</p> <p>The Tribunal did not consider that there were substantial grounds for believing that there was a real risk that the applicant would suffer cruel or inhuman treatment or punishment, or degrading treatment or punishment, in the sense that those expressions were discussed in <i>Becciev v Moldova</i>.</p> <p><i>Further submissions</i> (paras 127–32) The applicant made further submissions, in relation to both her refugee and complementary protection claims. In particular, she referred to the potential fate of her daughters, given the state of women’s rights in Vietnam (para 128). The Tribunal considered that there was a possibility of some disadvantage to her children, but that there was not a real chance of serious harm to the children which would amount to serious harm to the applicant for the purpose of her refugee claim, or to a</p>
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			real risk of significant harm for the purpose of her complementary protection claim (para 129).
1202241 [2012] RRTA 605	12 July 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1113207 [2012] RRTA 599	12 July 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1108242 [2012] RRTA 597	12 July 2012	17–19	Recognised as refugee so no need to recognise under separate grounds
1204101 [2012] RRTA 601	11 July 2012	17–19, 55–59	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1109151 [2012] RRTA 598	11 July 2012	19–21, 98, 101	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112983 [2012] RRTA 664	10 July 2012	13, 77	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200698 [2012] RRTA 577	10 July 2012	16–18, 38, 40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204285 [2012] RRTA 701	9 July 2012	16–18, 128–131, 133	<p>This case relates to:</p> <ul style="list-style-type: none"> relocation (reasonableness) <p>The applicant was from Nigeria and engaged in missionary activities. The Tribunal accepted that there was a real risk that the applicant would suffer significant harm if he returned to the northern states of Nigeria, such as Niger state (para 129). This was because of the activities of Boko Haram in these parts of Nigeria, which had included the targeting of Christian individuals and churches (para 129). This would put the applicant particularly at risk given his future vocation as a missionary (para 129).</p> <p>However, the Tribunal found that the applicant could</p>

			<p>safely and reasonably relocate to one of the southern, Christian dominated states of Nigeria (para 130). The applicant would not face a real chance of significant harm if he were to relocate to one of these southern states (para 130). In particular, the Tribunal considered the following factors:</p> <ul style="list-style-type: none"> • Although the applicant’s language skills might limit his capacity to perform missionary work to some extent, the Tribunal was satisfied that such limitations would be limited given that the applicant spoke the official language for the country as a whole, as well as a tribal language used in at least one of the southern states (Edo). The applicant had also shown an aptitude to work and study in various parts of Nigeria, as well as in Australia (para 121). • The Tribunal acknowledged that relocation might limit to some extent the applicant’s options for future work as a missionary in Nigeria (para 124). The Tribunal also took into account the applicant’s claim that he would wish to speak out against injustice and that he would never know who was listening to one of his public sermons (and he therefore might feel apprehensive about fully expressing his views) (para 124). However, the Tribunal was satisfied that he would be reasonably able to pursue his vocation and ideals as a missionary in one of the southern states of Nigeria (para 124). • The Tribunal took into account that there were tribal divisions within Nigeria, which might give rise to discrimination against persons who sought to relocate to a state from which they did not originate,
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			<p>particularly where they did not possess an indigeneity certificate. However, the Tribunal noted that the applicant had shown an aptitude for living and studying in several parts of Nigeria already. Moreover, in the case of Edo state, the prospect of the applicant suffering discrimination was very low, given that the applicant and his family originated from this region and he spoke the language (para 125).</p> <p>Hence, although the Tribunal acknowledged that internal location would involve a limited restriction on the applicant's freedoms, the Tribunal held that any such restriction would not be sufficient in this case as to render relocation unreasonable (para 130).</p>
1204733 [2012] RRTA 706	9 July 2012	16–18, 34, 36	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112340 [2012] RRTA 574	9 July 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1202112 [2012] RRTA 581	6 July 2012	16–18, 76	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111854 [2012] RRTA 573	6 July 2012	13, 100–1	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1109183 [2012] RRTA 567	6 July 2012	19–21, 113, 115	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201944 [2012] RRTA 592	5 July 2012	16–18, 118–9, 121	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'real risk' • section 91R(3) ('contrived' refugee claims) <p><i>Refugee claim</i> (paras 101–17) The applicant was from China. She claimed to fear</p>

			<p>persecution because she was a follower of the unregistered family church (para 101). However, the Tribunal did not accept her claims, due to concerns about her credibility (paras 101–19). The Tribunal accepted that the applicant had been involved in church activities in Australia, but was not satisfied that her conduct in relation to Christianity in Australia was engaged in otherwise than for the purpose of strengthening her claim to be a refugee (para 113). The Tribunal was not satisfied that the applicant was a follower of Christianity who would pursue her religion in China if she was removed from Australia to China (para 116). On this basis, the Tribunal was not satisfied that the applicant faced a real chance of serious harm if she returned to China (para 117).</p> <p><i>Complementary protection claim</i> (paras 118–19) The Tribunal was not satisfied that the applicant was a follower of Christianity who would pursue her religion in China if she was removed from Australia to China (para 118). The Tribunal was also not satisfied on the evidence that there was a real risk that she would suffer significant harm on the basis of her activities in Australia relating to Christianity, including her attendance at church services and activities and her baptism, if she was removed from Australia to China (para 118).</p>
1203347 [2012] RRTA 535	5 July 2012	16–18, 44, 46	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203385 [2012] RRTA 685	4 July 2012	16–18, 43	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1202087 [2012] RRTA 580	4 July 2012	16–18, 94, 96	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113716 [2012] RRTA 576	4 July 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1201451 [2012] RRTA 533	4 July 2012	16–18, 36, 38	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203951 [2012] RRTA 582	3 July 2012	16–18, 60–6, 69	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was from Thailand. Her children were Australian citizens. The Tribunal accepted that removing the applicant to Thailand might cause the separation of the applicant from her children (para 62). The Tribunal accepted that the applicant would suffer considerable harm as a result of her removal from Australia and her three minor children (para 63). However, the Tribunal was not satisfied that the act of removing the applicant from Australia and separating her from her children constituted ‘significant harm’ (para 63).</p> <p><i>Torture and cruel or inhuman treatment or punishment</i> The Tribunal held:</p> <p>‘63. ... The Tribunal considers that the structure of s.5(1) in the context of both ‘torture’ and ‘cruel or inhuman treatment or punishment’ suggests that there must be an intention to inflict pain or suffering. ... The applicant’s removal from Australia and from her children is intended simply to remove her from the Australian jurisdiction because she does not have a visa,</p>

			<p>and it is the intention of the government to enforce migration laws which allow for the removal of such persons from the Australian jurisdiction. It is not the intention of the Australian government to inflict pain or suffering. The Tribunal finds, therefore, that there is not a real risk that the applicant will suffer torture or cruel or inhuman treatment or punishment within the meaning of ss.36(2A)(c) and (d) and s.5(1).'</p> <p><i>Degrading treatment or punishment</i> The Tribunal held:</p> <p>'64. The final type of harm, 'degrading treatment or punishment' requires an act or omission that causes, and is intended to cause, extreme humiliation which is unreasonable. The Tribunal is not satisfied that the act of removing the applicant from her children in Australia will be intended to cause the applicant extreme humiliation which is unreasonable. Although this aspect of the legislation is worded differently from the above definitions of 'torture' or cruel or inhuman treatment or punishment, the Tribunal is not satisfied that there is any practical difference and considers that there must be an intention to cause extreme humiliation which is unreasonable. The Tribunal is not satisfied that by removing the applicant from Australia and her children, there is any intention to cause her extreme humiliation which is unreasonable. As indicated above, the Tribunal considers that the intention is to remove the applicant from the Australian jurisdiction because she does not have a visa and that it is the intention of the Australian government to enforce its migration laws</p>
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			<p>regarding the removal of such persons. The Tribunal finds, therefore, that there is not a real risk that the applicant will suffer degrading treatment or punishment within the meaning of ss.36(2A)(e) and s.5(1).’</p> <p><i>Arbitrary deprivation of life and death penalty</i> The Tribunal held that there was not a real risk that the applicant would suffer arbitrary deprivation of life or the death penalty (paras 62, 65).</p>
1202813 [2012] RRTA 593	3 July 2012	14–16, 72–76	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • risk faced by the population generally <p>The applicant was from Turkey.</p> <p><i>Risk faced by applicant as a soldier</i> (paras 73–5) The applicant claimed to fear a risk of harm from undertaking military duties as a soldier (para 73). The Tribunal accepted that the applicant might face some risk of deployment to conflict zones or situations, and that if that occurred, there would be some risk of the applicant being subjected to significant harm (para 73). However, the applicant did not provide any evidence upon which to base a finding that there were substantial grounds for believing that there was a real risk of significant harm, within the finite period of his military service (para 73). Instead, the applicant relied on the vague assertion that it was dangerous (para 74). The Tribunal held:</p> <p>‘75. The possibility of any harm occurring to the applicant depends on the happenstance that an attack</p>

			<p>takes place in the window of time in which he is doing his military service and that he is present when and where an attack takes place. Whilst the Tribunal cannot eliminate the possibility that the applicant is harmed as he undertakes his military duties, on the evidence before it, the Tribunal is not satisfied that there is a real risk of the applicant sustaining significant harm if he is returned to Turkey.’</p> <p><i>Risk faced by applicant as a civilian (para 76)</i> The applicant expressed a fear of being harmed by a random act of violence in Turkey, which occurs particularly between terrorists and government forces (para 76). The Tribunal accepts that there was such a risk but that this was a real risk faced by the population of the country generally and not by the applicant personally. Hence, he was excluded by section 36(2B) of the Act (para 76).</p>
1201967 [2012] RRTA 579	3 July 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1205487 [2012] RRTA 710	2 July 2012	17–19, 121	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p><i>Refugee claim (paras</i> The applicant, from Hungary, was part-Jewish and part-Roma (para 105). He claimed to fear persecution as a ‘Gypsy Jew’ (para 102).</p> <p>The Tribunal considered country information, which indicated that anti-Semitism persisted in various forms in Hungary (para 105). The country information also</p>

		<p>indicated that the Roma minority in Hungary suffered pervasive discrimination and disadvantage, in areas such as education, employment and day-to-day life (para 105). However, the Tribunal held that the applicant's education, employment, housing, business interests and other aspects of his life in Hungary indicated that the applicant had not suffered discrimination amounting to persecution in the past, as a part-Jew, part-Roma or for any other Convention reason (para 106). The Tribunal formed the opinion that there was nothing in the applicant's attributes that caused people in Hungary to enquire about his origins or to treat him differently, and that the applicant did not have to modify his conduct or otherwise try to conceal his origins (para 106). In sum, the applicant's personal and family circumstances did not reveal any evidence of him being subject to general discrimination amounting to persecution (para 107).</p> <p>The applicant referred to being involved in some fights in the past, which had resulted in injuries (para 108). However, on the limited evidence before it, the Tribunal did not accept that the essential and significant reasons for such altercations were his race, religion or any Convention ground (para 108). In reaching this conclusion, the Tribunal took into account the applicant's conduct before coming to Australia, including his return to Hungary from Israel in 2007, and his continued residence in Budapest (para 108). The Tribunal considered that this was inconsistent with any claim to have been identified and targeted as a member of an ethnic minority or minorities (para 108).</p>
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			<p>The applicant also claimed that he was targeted by a criminal gang, although the Tribunal did not accept this claim due to concerns about the credibility of his evidence (paras 110–16).</p> <p><i>Complementary protection claim</i> (para 121) Having found that the applicant’s Jewish/Roma ancestry had not resulted in any measurable discrimination in the past, and that he had not been targeted by a criminal gang, the Tribunal found that there were no substantial grounds for believing that there was a real risk of significant harm (para 121).</p>
1114080 [2012] RRTA 600	2 July 2012	16–18, 88–100	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1205816 [2012] RRTA 602	2 July 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1112039 [2012] RRTA 507	30 June 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1111302 [2012] RRTA 494	30 June 2012	19–21, 122	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1106980 [2012] RRTA 493	30 June 2012	18–20, 91, 93	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112199 [2012] RRTA 481	30 June 2012	16–18, 55–60, 62	<p>This case relates to:</p> <ul style="list-style-type: none"> • state protection <p>The applicant was from India. The Tribunal did not accept his claim to fear the family of the girl with whom he claimed to be in a relationship (para 56). The Tribunal also did not accept his claim to be at risk of harm from [Mr A] (para 57). However, the Tribunal</p>

			held that, even if there were a risk of the applicant being harmed by the girl's family or [Mr A] upon his return to India, the applicant could obtain state protection from the Indian authorities, such that there would not be a real risk that the applicant would suffer significant harm (para 58). The evidence before the Tribunal indicated that there was a well-established and effective police force in the applicant's local area and that [Mr A] had been prosecuted following a subsequent crime in April 2011 (para 58). Hence, even if there were a risk to the applicant, the Tribunal held that, pursuant to s.36(2B)(b), there was no real risk that the applicant will suffer significant harm (para 58).
1110710 [2012] RRTA 477	30 June 2012	13, 98–9	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200607 [2012] RRTA 512	29 June 2012	16–18, 141–2, 144	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'real risk' • section 91R(3) ('contrived' refugee claims) <p><i>Refugee claim</i> (paras 120–40) The applicant was from China. She claimed that she feared persecution because of her involvement in the local church in China (para 121). However, the Tribunal did not accept her claims, due to concerns about her credibility (paras 123–35). The Tribunal was not satisfied that the applicant had attended church in Australia otherwise than for the purpose of strengthening her claim to be a refugee (paras 136–7). Hence, this conduct was disregarded for the purpose of assessing her refugee claim, in accordance with section 91R(3) of the Act (para 137).</p>

			<i>Complementary protection claim</i> (paras 141–2) The Tribunal took into account the applicant’s claimed attendance at Christian gatherings in Australia associated with the local church (para 141). However, the Tribunal was not satisfied that the applicant attended the gatherings for any reason other than to strengthen her claims for a protection visa and was not satisfied that she would attend Christian gatherings of any kind, including of the local church, if she returned to China (para 141). Hence, the Tribunal was not satisfied that there were substantial grounds for believing that there was a real risk that applicant would suffer significant harm (para 142).
1201632 [2012] RRTA 495	29 June 2012	16–18, 98, 100	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202540 [2012] RRTA 473	29 June 2012	16–18, 81–3, 85	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200544 [2012] RRTA 471	29 June 2012	16–18	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202645 [2012] RRTA 456	29 June 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1202977 [2012] RRTA 446	29 June 2012	15–17, 71, 73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112702 [2012] RRTA 522	28 June 2012	16–18, 142, 144	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201522 [2012] RRTA 513	28 June 2012	16–18, 95	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201260 [2012] RRTA 491	28 June 2012	16–18, 81, 83	This case relates to: <ul style="list-style-type: none"> • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims)

			<p><i>Refugee claim</i> (paras 70–80) The applicant was from China. He claimed, inter alia, that he feared persecution because he was a member of the Local Church in China (para 71). However, the Tribunal did not accept his claims, due to concerns about his credibility (paras 72–80). The Tribunal was not satisfied that the applicant had attended church and was baptised in Australia otherwise than for the purpose of strengthening his claim to be a refugee (para 76). Hence, this conduct was disregarded for the purpose of assessing his refugee claim, in accordance with section 91R(3) of the Act (para 76).</p> <p><i>Complementary protection claim</i> (para 81) The Tribunal did not accept that the applicant would practice his religious beliefs on return to China. Although the Tribunal accepted that the applicant had attended church gatherings in Australia and had been baptised, there was no evidence before it that there was a real risk that he would suffer significant harm in relation to that conduct. On the information before it, the Tribunal found that there were no substantial grounds for believing that there is a real risk that the applicant would suffer significant harm (para 81).</p>
1200494 [2012] RRTA 489	28 June 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1200292 [2012] RRTA 488	28 June 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1200028 [2012] RRTA 486	28 June 2012	16–18	Recognised as refugee so no need to recognise under separate grounds

1200723 [2012] RRTA 472	28 June 2012	16–18, 73–4, 76	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p><i>Refugee claim</i> (paras 66–72) The applicant was from Nepal. The Tribunal was not satisfied on the applicant’s evidence that she had engaged in an intercaste marriage or that she was raped (para 69). The Tribunal did accept, on the basis of independent country information, that there was discrimination against women in Nepal (para 71). However, the Tribunal did not find that such discrimination amounted to persecution (para 71). Moreover, there was no independent information before the Tribunal to support the claim that widows in Nepal were at risk of serious harm from anyone (para 71). The Tribunal held that, while the applicant might be a single woman, she could obtain protection from her own family members against any insulting or abusive behaviour she might encounter as a widow in Nepal (para 71). The Tribunal was not satisfied that there was a real chance that the applicant would be persecuted in Nepal (para 72).</p> <p><i>Complementary protection claim</i> (paras 73–4) The Tribunal held that even if the applicant’s claims regarding her marriage and her rape were truthful, there was no evidence to support the claim that she would be targeted by anyone for harm if she returned to Nepal, even though she might be subjected to discrimination as a woman in Nepal (para 73).</p>
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1203639 [2012] RRTA 457	28 June 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1202515 [2012] RRTA 455	28 June 2012	15–17, 51	This case relates to: <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was from India. The Tribunal accepted that the applicant did not have a good relationship with his family and could not expect to be provided with financial support from them (para 46). The Tribunal also accepted as genuine the applicant’s fears that he would not be able to secure a well-paying job if he returned to India (para 46). However, the Tribunal held that the harm feared by the applicant was not significant harm (para 51).</p>
1200417 [2012] RRTA 454	28 June 2012	15–16	Recognised as refugee so no need to recognise under separate grounds
1113615 [2012] RRTA 439	28 June 2012	16–18, 43, 45	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203339 [2012] RRTA 515	27 June 2012	16–18, 76	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1207216 [2012] RRTA 492	27 June 2012	16–18, 49	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200504 [2012] RRTA 444	27 June 2012	16–18, 38	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1114337 [2012] RRTA 509	26 June 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1110275 [2012] RRTA 506	26 June 2012	16–17	Recognised as refugee so no need to recognise under separate grounds
1204665 [2012] RRTA 475	26 June 2012	16–18	Recognised as refugee so no need to recognise under separate grounds

1112318 [2012] RRTA 466	26 June 2012	16–18, 100–101, 103	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204459 [2012] RRTA 453	26 June 2012	15–17, 45, 47	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111720 [2012] RRTA 437	26 June 2012	13, 49	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • state protection <p><i>Refugee claim</i> (paras 43–9) The applicant was from India. She was a member of the DSS. The Tribunal accepted that there had been riots and clashes from time to time between members of the DSS and the orthodox Sikhs (para 44). However, there was nothing in the independent evidence available to the Tribunal to suggest that members of the DSS had been being killed simply because they were members of the DSS as distinct from being unfortunate enough to be caught up in one of these riots or clashes (para 44).</p> <p>In relation to state protection, the Tribunal drew on the judgment of Gleeson CJ, Hayne and Heydon JJ in <i>MIMA v Respondents S152/2003</i> [2004] HCA 18 that ‘[n]o country can guarantee that its citizens will at all times, and in all circumstances, be safe from violence’. It has said that the State is obliged ‘to take reasonable measures to protect the lives and safety of its citizens, and those measures would include an appropriate criminal law, and the provision of a reasonably effective and impartial police force and justice system’ (para 47). On this basis, the Tribunal held:</p> <p>‘48. ... I do not accept on the basis of the information</p>

			<p>available to me that the Government of Punjab is not meeting international standards (as referred to in <i>Respondents S152/2003</i> at [26] and [27] per Gleeson CJ, Hayne and Heydon JJ) in relation to the protection it provides to members of the DSS. The DSS claims to have over 10 million followers in India ...and, as I put to the applicant, I do not accept that there is a real chance that, as one of those 10 million followers, she will be persecuted for reasons of her membership of the DSS if she returns to India now or in the reasonably foreseeable future.’</p> <p><i>Complementary protection claim</i> (para 49) For the same reasons as those above, the Tribunal considered that the applicant would be able to obtain protection from the authorities in Punjab such that there would not be a real risk that she would suffer significant harm. Hence, the Tribunal did not accept that there were substantial grounds for believing that there was a real risk of significant harm (para 49).</p>
1207093 [2012] RRTA 519	25 June 2012	16–23, 62–78, 80	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • arbitrary deprivation of life • torture • cruel or inhuman treatment or punishment • degrading treatment or punishment <p>The applicant was from New Zealand. The Tribunal accepted that:</p> <ul style="list-style-type: none"> • If the applicant returned to NZ, he would be ‘physically isolated from his family, including his

			<p>de facto spouse and stepchild and that this will be an extremely difficult situation for both the applicant and his family’ (para 63).</p> <ul style="list-style-type: none"> • ‘[T]here is a possibility that the applicant will reoffend and may resort to using illicit drugs, and that, although not pursued during the hearing, the applicant indicated during the Department’s interview that he may resort to self harm’ (para 63). • The applicant might have ‘difficulty reintegrating and difficulty finding employment’ (para 63). <p>In this case, it was submitted that the act of removing the applicant from Australia and his family was what would result in significant harm (para 64). The applicant did not claim, and the Tribunal did not accept, that the applicant would be at risk of significant harm as a result of actions of the NZ state or any persons or groups in NZ (para 73).</p> <p><i>Whether act of removal from Australia can itself give rise to a real risk of significant harm</i></p> <p>The Tribunal rejected the applicant’s claim that the act of removing him from Australia could <i>itself</i> give rise to a real risk of significant harm.</p> <p>In relation to torture, cruel or inhuman treatment or punishment, and degrading treatment or punishment, the Tribunal held:</p> <p>‘64. [T]he wording of those sections require that a real risk of significant harm arise as a necessary and foreseeable consequence of the applicant being</p>
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		<p>removed from Australia, and also require an ‘act or omission’ The Tribunal considers that it is circular to suggest that a real risk of the act of Australia in removing the applicant (thereby inflicting severe pain or suffering or extreme humiliation) could be said to arise as a necessary and foreseeable consequence of the same act. It may be that as a necessary and foreseeable consequence of the applicant being removed from Australia to New Zealand that there may be a real risk of pain or suffering, or extreme humiliation. However there is not, as a necessary and foreseeable consequence of the applicant being removed from Australia to New Zealand, a real risk of an act or omission (namely, removal) by which such pain or suffering is inflicted, or extreme humiliation caused.’</p> <p>In relation to arbitrary deprivation of life and the death penalty, the Tribunal held:</p> <p>‘65. By contrast, in respect of the first 2 types of significant harm, arbitrary deprivation of life and the death penalty, all that is required by the definition is that the real risk arises as a necessary and foreseeable consequence of removal and does not require some act or omission, as is required by [torture, cruel or inhuman treatment or punishment, and degrading treatment or punishment]. The Tribunal considers it doubtful that the first 2 types of significant harm would be intended to apply differently than the final 3 types of significant harm...’</p> <p><i>Whether claimed harms amounted to ‘significant harm’</i></p>
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		<p>In any event, the Tribunal held that the applicant would not suffer ‘significant harm’, as defined in sections 5(1) and 36(2A):</p> <p>In relation to arbitrary deprivation, the Tribunal held:</p> <p>‘66. ...[T]he Tribunal has considered the applicant’s claims regarding his difficulties in obtaining employment, the effect on him because of the separation from his family, his potential to reoffend, to become involved in illicit drug use, or to self harm. The applicant claimed, when this issue was discussed during the hearing, that if ‘life’ means not having his family he will be arbitrarily deprived of his life. The representative has also submitted that the right to life includes human dignity with the minimum necessities of life, including a basic level of social interaction and connection to family. The Tribunal considers that when this aspect of significant harm is considered in the context of the other aspects of significant harm within the definition that it contemplates that a person will be deprived, arbitrarily, of his or her life and that this means his or her physical life, rather than a deprivation of human dignity, a basic level of social interaction and connection with a person’s family. The Tribunal is not satisfied that the separation from his family and his removal from a country where he has grown up is such that the applicant will be arbitrarily deprived of his life. Nor is the Tribunal satisfied that any of the other economic or personal problems that the applicant may suffer are such that they will result in arbitrary deprivation of his life. The Tribunal also does not</p>
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		<p>accept that any acts of self harm which would be perpetrated by the applicant against himself are such that he will suffer arbitrary deprivation of his life. The Tribunal considers that the term ‘arbitrary deprivation of life’ contemplates that it is the act or omission of a third party that causes the deprivation of life and that it requires some action taken by another person or group. The Tribunal is not satisfied that self harm, including suicidal acts, is contemplated by this type of significant harm. The Tribunal finds, therefore, that there is not a real risk that the applicant will suffer arbitrary deprivation of his life in New Zealand.’</p> <p>The applicant did not claim that he would suffer the death penalty and the Tribunal was not satisfied that the applicant would suffer the death penalty in NZ (para 66).</p> <p>In relation to torture, and cruel or inhuman treatment or punishment, the Tribunal held:</p> <p>‘70. ...[T]he Tribunal is not satisfied that the act of removing the applicant from Australia and separating him from his family is an act which intentionally inflicts pain or suffering, whether mental or physical as required by the definition of ‘torture’ and ‘cruel or inhuman treatment or punishment’ The Tribunal considers that the structure of s.5(1) in the context of both ‘torture’ and ‘cruel or inhuman treatment or punishment’ suggests that there must be an intention to inflict pain or suffering. The Tribunal considers that the pain and suffering result from the applicant’s personal</p>
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			<p>circumstances and will not be intentionally inflicted upon the applicant by removing him from Australia and his family. As indicated above, the applicant's Subclass 444 visa was cancelled by the Minister such that he no longer has a visa to enable him to reside lawfully in Australia. The Tribunal considers that the applicant's removal from Australia and from his family is intended simply to remove him from the Australian jurisdiction because he does not have a visa, and it is the intention of the government to enforce migration laws which allow for the removal of such persons from the Australian jurisdiction, and it is not the intention of the Australian government to inflict pain or suffering. The Tribunal further considers that any self harm, reoffending or substance abuse would be inflicted upon the applicant by himself and would not arise as a result of the act or omission of a third party. The Tribunal is not satisfied that these 2 types of harm, torture or cruel or inhuman treatment or punishment, are intended to encompass acts or omissions that are inflicted by a person upon himself or herself. The Tribunal finds, therefore, that there is not a real risk that the applicant will suffer torture or cruel or inhuman treatment or punishment within the meaning of ss.36(2A)(c) and (d) and s.5(1).'</p> <p>In relation to degrading treatment or punishment, the Tribunal held:</p> <p>'71. The final type of harm, 'degrading treatment or punishment' requires an act or omission that causes, <i>and is intended to cause</i>, extreme humiliation</p>
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			<p>which is unreasonable. The Tribunal is not satisfied that the act of removing from the applicant from Australia and his family will be intended to cause the applicant extreme humiliation which is unreasonable. Although this aspect of the legislation is worded differently from the above definitions of ‘torture’ or cruel or inhuman treatment or punishment, the Tribunal is not satisfied that there is any practical difference and considers that there must be an intention to cause extreme humiliation which is unreasonable. The Tribunal is also not satisfied that by removing the applicant from Australia and his family that there is any intention to cause him extreme humiliation which is unreasonable. As indicated above, the Tribunal considers that the intention is to remove the applicant from the Australian jurisdiction because he does not have a visa and that it is the intention of the Australian government to enforce its migration laws regarding the removal of such persons. As also stated above, the Tribunal also considers that the any self harm, reoffending or substance abuse would be inflicted by the applicant himself and would not arise as a result of the act or omission of a third party. The Tribunal is not satisfied that this final type of harm is intended to encompass acts or omissions that are inflicted by a person upon himself or herself. The Tribunal finds, therefore, that there is not a real risk that the applicant will suffer degrading treatment or punishment within the meaning of ss.36(2A)(e) and s.5(1).’ (emphasis original)</p>
1205694 [2012] RRTA 517	25 June 2012	16–18, 92–5	<p>This case relates to:</p> <ul style="list-style-type: none"> • section 36(3) (right to enter and reside in another country)

		<ul style="list-style-type: none"> • the meaning of ‘significant harm’ • state protection <p><i>Refugee claim</i> (paras 68–91) The Tribunal found that the applicant had a well-founded fear of being persecuted in Hungary for the Convention reason of his race (his Roma ethnicity) (para 85). However, the Tribunal held that the applicant had a right to enter and reside elsewhere in the EU, including Austria, Norway, Spain and the UK, and that he had not taken all possible steps to avail himself of that right for the purposes of section 36(3) of the Act (para 89). The country information did not support the applicant’s proposition that he faced a real chance of serious harm in Austria, Norway, Spain or the UK, and the Tribunal therefore found that the applicant did not have a well-founded fear of being persecuted for a Convention reason in those countries (para 91). Hence, section 36(4) did not apply to the applicant (para 91).</p> <p><i>Complementary protection</i> (paras 92–5) The Tribunal held: ‘92. The Tribunal has also considered whether the information about the circumstances facing Roma people indicates the existence of substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed to Austria, Norway, Spain or the United Kingdom, he would suffer significant harm. However, in the view of the Tribunal the USSD reports do not support such an inference. The country information does not, for example, suggest that there is a real risk that the</p>
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			<p>applicant would face the death penalty, or be subjected to the torture. Furthermore, and in contrast to the situation in Hungary itself, and in some other European countries such as the Czech Republic, the country information about Austria, Norway, Spain or the United Kingdom does not support the proposition that the applicant would be arbitrarily deprived of his life, or subjected to cruel or inhuman treatment or punishment, or degrading treatment or punishment Furthermore, to the extent that Roma or other minorities are experiencing some problems in these countries, the country information evidence suggests for the purposes of s.36(2B)(c) that they, and by inference the applicant, are able to obtain from an authority of the country, protection such that there is not a real risk of suffering significant harm.’</p> <p>Hence, section 36(4) was not enlivened in this case (para 93). Moreover, the Tribunal held that it was not ‘not satisfied that the applicant is at risk of <i>refoulement</i> to Hungary from elsewhere in the EU, whether in the strict Convention sense for the purposes of section 36(5), or with respect to him facing other significant harm in that country for the purposes of subsection 36(5A)’ (para 94). Hence, the Tribunal also found that subsections 36(5) and (5A) of the Act were not enlivened in this case (para 94). Accordingly, the Tribunal concluded that Australia did not have protection obligations to the applicant (para 95).</p>
1203702 [2012] RRTA 448	25 June 2012	16–18, 55	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1114031 [2012] RRTA 440	24 June 2012	13, 68	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111796 [2012] RRTA 438	24 June 2012	16–18, 48–9, 51	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1205126 [2012] RRTA 516	22 June 2012	16–18, 92–103, 105	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • relocation (reasonableness) <p>The applicant was from India. The Tribunal accepted that, while in India, his reluctance to attend temple had on one occasion caused conflict with his family and villagers, which led to the applicant’s father beating him, injuring his ear (para 101). However, the Tribunal held that this did not give rise to substantial grounds for believing that there was a real risk that applicant would suffer significant harm. In making this assessment, the Tribunal noted that it had not been suggested that this was other than an isolated incident, and that no medical evidence had been presented to the Tribunal as to the nature or extent of the applicant’s injuries (para 101). Moreover, there was evidence suggesting that the applicant retained the support of his family (para 101).</p> <p>Further, the Tribunal held that it would be reasonable for the applicant to relocate within India:</p> <p>‘102. That relocation must be ‘reasonable’ is also a requirement when considering the definition of ‘refugee’ and the tribunal draws guidance from the judgments of the High Court in <i>SZATV v MIAC</i> and <i>SZFDV v MIAC</i> which held that whether</p>

			<p>relocation is reasonable, in the sense of ‘practicable’, must depend upon the particular circumstances of the applicant and the impact upon that person of relocation within his or her country: <i>SZATV v MIAC</i> [2007] HCA 40; (2007) 233 CLR 18 and <i>SZFDV v MIAC</i> [2007] HCA 41; (2007) 233 CLR 51, per Gummow, Hayne & Crennan JJ, Callinan J agreeing.’</p> <p>In this case, the Tribunal noted that the applicant was young and without dependants and that he undertook some tertiary education in Australia where he had also worked on farms for periods of time (para 103). It had not been suggested that the applicant suffered from any medical conditions (para 103). The Tribunal was satisfied that it would be reasonable for the applicant to relocate to an area of India outside of his home village where there would not be a real risk that the applicant will suffer significant harm from his family or villagers (para 103).</p>
1111735 [2012] RRTA 521	22 June 2012	16–18, 50–52, 54	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicant was from Sri Lanka. The Tribunal made the following findings in relation to his claims:</p> <ul style="list-style-type: none"> • The Tribunal noted the applicant’s oral evidence in the hearing that he did not believe that he would be targeted for significant harm if he returned to Sri Lanka because of his or his uncle’s support of the UNP (para 52). • The Tribunal did not accept that what appeared to be a brief friendship the applicant had with a Tamil

			<p>person some time ago, for which he experienced no problems in the past other than possible disapproval from family, would result in the applicant being at real risk of significant harm (para 52).</p> <ul style="list-style-type: none"> • The Tribunal accepted that the applicant did not want to return to Sri Lanka because he believed that he had nowhere to go (para 49). The Tribunal accepted that the applicant may have sold everything he owned to come to Australia (para 49). However, the Tribunal noted that the applicant had family in Sri Lanka and had difficulty accepting that his family would not provide him with a place to stay and assistance until he established himself again in the country (para 49). Alternatively, the Tribunal noted the applicant's evidence that he had lived away from his family from the age of thirteen or fourteen with friends, and that he continued to have friends in Sri Lanka who might be in a position to help him (para 49). The applicant was educated and had experience working in Australia, which might assist him to find employment on his return to the country (para 49). The Tribunal noted the applicant had not suggested that he would be denied employment (para 49). The Tribunal did not accept that the applicant's claims regarding him having nowhere to go could be characterised as significant harm (para 52). <p>Hence, the Tribunal concluded that there were no substantial grounds for believing that there was a real risk that applicant would suffer significant harm (para 52).</p>
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1204400 [2012] RRTA 452	22 June 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1204361 [2012] RRTA 451	22 June 2012	16–18, 37	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1206549 [2012] RRTA 518	21 June 2012	16–18, 93, 95	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202628 [2012] RRTA 514	21 June 2012	16–18, 89–95	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p>The applicants (referred to as applicant, applicant wife, and applicant child) were from Mauritius.</p> <p><i>Applicant and applicant wife</i></p> <p>The Tribunal made the following findings in relation to the complementary protection claim of the applicant and applicant wife:</p> <ul style="list-style-type: none"> • The Tribunal accepted that the applicant’s parents may have been unhappy about his relationship with the applicant wife and that they may have disapproved of his subsequent marriage to her. However, the Tribunal did not accept on the evidence before it that there was a real risk of significant harm to the applicant from his parents (para 91). • The Tribunal did not accept that any consequences that the applicant might be subjected to as a result of not repaying his loan from the bank would constitute significant harm (para 91). • The Tribunal did not accept that the applicant’s claims regarding his ability to access services and

			<p>support in relation to the applicant child's developmental issues and his concern regarding general issues such as crime, prostitution, domestic violence and pollution could be characterised as significant harm (para 91).</p> <p><i>Applicant child</i> The Tribunal considered the applicant's claims that the applicant child would personally suffer harm due to the inferior health care and resources that he would have access to in Mauritius, as compared to Australia. The Tribunal recognised that the applicant child had issues regarding his development and that there was the possibility, as yet undetermined, of the applicant child being diagnosed with a development disorder. However, the Tribunal did not accept that the applicant child's late development or possible developmental disability would involve a real risk of significant harm (para 93).</p>
1202960 [2012] RRTA 474	21 June 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1203704 [2012] RRTA 449	21 June 2012	16–18, 51	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202316 [2012] RRTA 445	21 June 2012	16–18, 74	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201116 [2012] RRTA 490	20 June 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1114172 [2012] RRTA 442	20 June 2012	17–19, 53	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111353 [2012] RRTA 527	19 June 2012	16–18	Recognised as refugee so no need to recognise under separate grounds

1113449 [2012] RRTA 508	19 June 2012	16–18, 106, 108	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200273 [2012] RRTA 487	19 June 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1110171 [2012] RRTA 505	18 June 2012	18–20	Recognised as refugee so no need to recognise under separate grounds
1203383 [2012] RRTA 523	15 June 2012	16–18, 99	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201558 [2012] RRTA 411	15 June 2012	15–17, 69	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’ <p>The applicant was from Nepal. The Tribunal rejected a part of his claims, due to concerns about his credibility (paras 56–65). However, the Tribunal did consider the applicant’s general claims about the economic and political situation in Nepal and his claims that he might be the victim of ethnic conflict and fighting (paras 66, 69). The Tribunal accepted that there were generalised economic and political problems in Nepal and ethnic conflicts in the Terai and some other areas (para 69). However, the applicant was from Kathmandu, where had always resided, and he had not had any difficulties in the past for these reasons (para 69). On this basis, the Tribunal held that there were no substantial grounds for believing that there was a real risk that applicant would suffer significant harm (para 69).</p>
1111151 [2012] RRTA 520	14 June 2012	16–22, 110–111	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’ section 91R(3) (‘contrived’ refugee claims) state protection

			<p><i>Domestic violence</i> (paras 89–100, 111) The applicant was from Fiji. She applicant claimed fear harm because of domestic violence from her ex-husband. The Tribunal accepted that the applicant had suffered violence and abuse at the hands of her ex-husband in the past (paras 89, 111). However, the Tribunal was not satisfied that the applicant had been threatened by her ex-husband since 2007 (paras 98, 111). The Tribunal was also of the view that the applicant could seek assistance from the authorities, as she had done in the past, if she was threatened by him (paras 100, 111). Hence, the Tribunal was not satisfied that the applicant’s claims in relation to domestic violence gave rise to substantial grounds for believing that there was a real risk of significant harm (para 111).</p> <p><i>Freedom and Democracy Movement</i> (paras 101–9, 110) The applicant also claimed fear of harm if she returned to Fiji because she had been active in the Fiji Democracy and Freedom Movement (FDFM). The Tribunal was not satisfied that the applicant had become involved in the FDFM for any other reason than for the purpose of strengthening her claim to be a refugee, and hence disregarded her limited involvement in the FDFM, pursuant to section 91R(3), for the purpose of assessing her refugee claim (para 107). The Tribunal noted that section 91R(3) did not apply to complementary protection. However, the Tribunal took into account the applicant’s extremely limited involvement of the applicant in the FDFM and also the advice of DFAT regarding the treatment of persons returning to Fiji who had been involved in organisations</p>
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			such as the FDFM. On this basis, the Tribunal was not satisfied that the applicant's limited involvement in FDFM activities in Australia would be known to the Fijian authorities and that any such involvement would result in a real risk of significant harm to the applicant (para 110).
1114139 [2012] RRTA 485	14 June 2012	16–18, 123–4, 126	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202438, 1202473 [2012] RRTA 418	14 June 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1203573 [2012] RRTA 415	14 June 2012	16–18, 50–2, 54	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of 'real risk' <p>The applicant was from Mauritius. He was not a member or supporter of any political party, although his father was a member of the MLP and engaged in activities to support this party during elections (para 52). The Tribunal found that neither the applicant's father nor the applicant had experienced any problems over the many years that his father supported the MLP because of his father's political opinion (para 52). Given that the applicant had never been involved in politics and expressed his dislike of politics in the hearing, and that neither the applicant nor his father had been targeted in the past because of his father's political opinion, the Tribunal did not accept that there was a real risk of the applicant being arbitrarily deprived of his lived, subjected to the death penalty, tortured or subjected to cruel or inhuman or degrading treatment or punishment (para 52).</p>

1203323 [2012] RRTA 414	14 June 2012	22–4, 35	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200250 [2012] RRTA 407	14 June 2012	16–18, 46	Recognised as refugee so no need to recognise under separate grounds
1112109 [2012] RRTA 480	13 June 2012	15–22, 118–120	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201354 [2012] RRTA 409	13 June 2012	16–18, 113	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1114411 [2012] RRTA 378	13 June 2012	16–18, 53–54, 56	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200145 [2012] RRTA 406	12 June 2012	16–18, 105, 107	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113199 [2012] RRTA 403	12 June 2012	16–18, 92–3	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims) <p><i>Refugee claims</i> (paras 77–91)</p> <p>The applicants (referred to as applicant and applicant’s child) were from China. The Tribunal made the following findings in relation to their claims:</p> <ul style="list-style-type: none"> • The applicant claimed that she had become a Christian since she had come to Australia and that she feared persecution in China because of her religious beliefs (para 78). However, the Tribunal rejected her claims, due to concerns about her credibility (paras 78–85). The Tribunal accepted that the applicant had attended church gatherings in Australia and had been baptised (para 92). However, the Tribunal was not satisfied that she had engaged in such conduct in Australia otherwise than

			<p>for the purpose of strengthening her refugee claim, and therefore disregarded this conduct for the purpose of determining her refugee claim, in accordance with section 91R(3) of the Act (para 84).</p> <ul style="list-style-type: none"> • The applicant referred to difficulties she would face in paying a social compensation fee for breach of family planning regulations in China (paras 86–7). She claimed that a heavier fee would be imposed on her because of corruption (para 87). However, the Tribunal held that there was no evidence to suggest that the laws would be enforced against the applicant in a discriminatory manner for any reason, and that such fines did not amount to persecutory harm (para 87). • The applicant referred to financial difficulties she would experience in raising her child (paras 87–8). However, the Tribunal found that she would work to support herself and her child and would have financial support from her family in China (para 88). The Tribunal did not accept that any financial costs in relation to raising her would involve significant economic hardship that would threaten her capacity to subsist. Hence, it did not amount to serious harm (para 88). • The applicants claimed to fear persecution because they would be discriminated against in China (the applicant for having a child out of wedlock, and applicant’s child for being a child born out of wedlock) (para 78). The Tribunal accepted that the applicants might face societal discrimination in China (paras 89–90). In relation to the applicant, the
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			<p>Tribunal was prepared to accept, on the basis of independent information, that she might be subjected to societal discrimination. However, the Tribunal found that she would have family support and considered that any discrimination suffered would not be at a level so as to constitute serious harm (para 89). The Tribunal also accepted, on the basis of independent information, that there might be low-level discrimination against the applicant's child. However, the information indicated that societal views were likely to be changing. In any case, the Tribunal found that low level discrimination did not constitute serious harm (para 90).</p> <p>The Tribunal concluded that it was not satisfied that there was a real chance that the applicants would suffer serious harm (para 91).</p> <p><i>Complementary protection claims</i> (para 92) In relation to those claims that were accepted by the Tribunal, the Tribunal held:</p> <ul style="list-style-type: none"> • Any societal discrimination against the applicants would be low-level discrimination and it would not amount to significant harm (para 92). • The Tribunal considered the applicant's church attendance and baptism for the purpose of determining her complementary protection claim. However, there was no evidence that there was a real risk that the applicant would suffer significant harm in relation to that conduct (para 92).
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			The Tribunal concluded that there were no substantial grounds for believing that there was a real risk that applicants would suffer significant harm (para 92).
1112689 [2012] RRTA 402	12 June 2012	16–17, 97	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1109332 [2012] RRTA 399	12 June 2012	20–22	Recognised as refugee so no need to recognise under separate grounds
1202754 [2012] RRTA 382	12 June 2012	16–18, 47, 49	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203013 [2012] RRTA 413	8 June 2012	13, 115	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202825 [2012] RRTA 383	8 June 2012	16–18, 27, 29	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113204 [2012] RRTA 484	7 June 2012	19–21, 146–7	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims) <p><i>Refugee claim</i> (paras 97–145) The applicant was from China. She claimed that she faced persecution as she was a practising member of the Local Church (para 98). However, the Tribunal did not accept her claims, due to concerns about her credibility (paras 102–40). The Tribunal considered that the applicant had attended church in Australia solely for the purpose of strengthening her claim to be a refugee and therefore rejected her conduct in Australia, in accordance with section 91R(3), for the purpose of determining her refugee claim (paras 141–2). The Tribunal was not satisfied that the applicant had a well-founded fear of persecution for any Convention reason if she returned to China (para 145).</p>

			<p><i>Complementary protection claim</i> (paras 146–7) The Tribunal held that the applicant did not have a profile as a Local Church practitioner in China. Hence, the Tribunal did not accept that there was a real risk that the applicant would suffer significant harm as a result of her Local Church attendance in Australia. The Tribunal was not satisfied on the evidence that there was a real risk of significant harm for the applicant if she returned to China (paras 146–7).</p>
1201862 [2012] RRTA 412	7 June 2012	16–18, 86–8	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p><i>Refugee claims</i> (paras 66–85) The applicant and his wife were from Nepal.</p> <p>The Tribunal rejected the applicant’s claims, due to concerns about his credibility (paras 66–80). In relation to the applicant’s claim that he would be targeted for extortion or kidnapping, as he was returning from a foreign country and would therefore be presumed to be wealthy, the Tribunal found that the chance that the applicant would be targeted on his return because of his wealth was remote (para 77). Moreover, any harm which would be done to him would be done for criminal reasons, rather than Convention reasons (para 77).</p> <p>The applicant’s wife claimed that she faced harm in Nepal because she had entered into an intercaste marriage. She claimed that her family had cut off all ties with her (para 84). The Tribunal accepted that this</p>

			<p>was distressing for her (para 84). However, the Tribunal held that ostracism by her family or community was not sufficiently serious to amount to persecution, given that she had the protection of her husband (para 84).</p> <p><i>Complementary protection claims</i> (paras 86–8) The Tribunal found that the applicant had not suffered significant harm in Nepal and that there were no substantial grounds for believing that there was a real risk that applicant would suffer significant harm if he returned (para 86).</p> <p>In relation to the applicant’s wife, the Tribunal was not satisfied that the ostracism that she might suffer from her family and community as a result of entering into an intercaste marriage would amount to ‘significant harm’ (para 87).</p>
1203039 [2012] RRTA 397	7 June 2012	13, 48–49	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204616 [2012] RRTA 387	7 June 2012	16–17, 3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204591 [2012] RRTA 386	7 June 2012	16–18, 39	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202355 [2012] RRTA 380	7 June 2012	16–18, 58–59, 61	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202530 [2012] RRTA 381	6 June 2012	16–18, 48, 50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203894 [2012] RRTA 416	5 June 2012	16–18, 28, 97	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201414 [2012] RRTA 410	5 June 2012	16–18, 48–9	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’

			<p>The applicant was from the Philippines. She claimed a fear of harm for a number of reasons:</p> <ul style="list-style-type: none"> • Fear of being humiliated because she would be returning to the Philippines without her children (para 44) • Fear of having difficulty finding employment in the Philippines (para 46) • Fear for her safety, given the situation in the Mindanao region of the Philippines (para 47). The Tribunal accepted that the Mindanao region ‘has for decades been a site of ongoing armed conflict between the state and militant Islamic groups’ (para 47). The Tribunal noted, however, that the applicant’s evidence regarding the harm she feared was vague and lacking in detail (para 47). <p>The Tribunal held that there were no substantial grounds for believing that there was a real risk that applicant would suffer significant harm:</p> <p>‘49. ... In relation to the applicant’s claims regarding possible humiliation she may feel because she is returning to the Philippines without her children, difficulties she may experience finding employment and her safety in Mindanao, the Tribunal finds these problems, although unfortunate, do not constitute significant harm. Whilst the Tribunal accepts that humiliation, in some circumstances, may be considered degrading treatment, the Tribunal notes that the legislation refers specifically to extreme humiliation which is considered unreasonable. On the evidence</p>
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			before it, the Tribunal does not accept that the applicant will be subjected to an act or omission that causes or is intended to cause extreme or gross humiliation. ...’
1114357 [2012] RRTA 405	5 June 2012	16–18, 105–6	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims) <p>The applicant was from China. He claimed that that he feared persecution in China as he was a practicing Christian (para 82). The Tribunal rejected the applicant’s claims due to concerns about his credibility. The Tribunal found that the applicant had attended church in Australia a few times, solely for the purpose of strengthening his refugee claim. Hence, the Tribunal disregarded this conduct for the purpose of determining the applicant’s refugee claim, pursuant to section 91R(3) of the Act (paras 100–2).</p> <p>In relation to the applicant’s complementary protection claim, the Tribunal held that there was no real risk that the applicant would suffer significant harm if he returned to China, as a result of his limited church attendance in Australia (para 106).</p>
1114138 [2012] RRTA 404	5 June 2012	17–19, 52–74	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p><i>Refugee claim</i> (paras 52–72)</p> <p>The applicant was from India. The Tribunal accepted that he was a supporter of the Congress Party and may have attended gatherings and rallies from time to time (para 52). The Tribunal also accepted that the</p>

		<p>applicant's father, who died a long time ago, was a strong Congress Party supporter, as was the applicant's mother (para 52). The applicant claimed to be targeted by TRS people (para 58).</p> <p>The Tribunal rejected a number of claims made by the applicant about past harm that he had suffered, because of concerns about his credibility. However, the Tribunal did not explicitly reject the applicant's claim that 'there had been small issues when TRS youths had said things like he should leave, sometimes involving the applicant being held by the collar and spoken to in vulgar way' (para 59). The Tribunal accepted that 'politics in India, particularly when young people are involved and about an issue as divisive as the creation of a separate state of Telangana, can be conducted in a robust manner and involve verbal and physical harassment of the kind described by the applicant' (para 59). However, even if the applicant was treated in the way that he described, this conduct fell short of 'serious harm' (para 59).</p> <p>In relation to the applicant's fear of future harm:</p> <ul style="list-style-type: none"> • The applicant claimed that he feared that he would be kidnapped, killed and harassed if he were to return to India, on account of his involvement with the Congress Party and that he feared that TRS people would do this to him (para 68). However, the Tribunal considered the risk of such treatment to be 'very remote and insubstantial', given the nature and extent of the applicant's political activity and his association with the Congress Party (para 68). • The Tribunal accepted that the applicant might seek
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			<p>to take part in activities in support of the Congress Party if he returned to India. The Tribunal held that '[t]here can be scuffles and fights at rallies and in the conduct of political activity but such treatment does not mean that what a person experiences is of a seriousness so as to constitute persecution' (para 69). Moreover, given the applicant's limited political profile, the Tribunal did not consider that there was anything more than a remote chance that he would come to serious harm while taking part in activities in support of the Congress Party (para 69).</p> <ul style="list-style-type: none"> • The applicant also referred to outbreaks of communal violence in Hyderabad (para 70). However, the Tribunal considered the chance that the applicant would be caught up in outbreaks of generalised violence of this kind to be remote (para 70). • The applicant described himself as an Adhraite and claimed that his family moved to Hyderabad, part of what may become Telangana, when he was a child. The Tribunal considered whether the applicant's non-Telangana origin would have implications for him in the event that he returned to Hyderabad (para 71). However, the Tribunal held that his claim that he would face treatment amounting to persecution was 'highly speculative and far-fetched' (para 71). <p>Hence, the Tribunal concluded that the applicant did not have a well-founded fear of persecution for a Convention reason (para 72).</p> <p><i>Complementary protection claim (paras 73–4)</i></p>
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			<p>The Tribunal also rejected the applicant's complementary protection claim:</p> <p>'72. ...The material before me does not indicate that what the applicant might face on account of his political support for the Congress Party and its policy positions in relation to Telangana, or for any other reason, will involve a real risk of him being arbitrarily deprived of his life; having the death penalty carried out on him; or being subjected to torture; or to cruel or inhuman treatment or punishment; or to degrading treatment or punishment.'</p>
1112577 [2012] RRTA 401	5 June 2012	16–18, 96, 98	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203544 [2012] RRTA 385	5 June 2012	16–18, 44, 46	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203202 [2012] RRTA 384	5 June 2012	16–18, 43	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113631 [2012] RRTA 370	5 June 2012	16–18, 45	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'real risk' • section 91R(3) ('contrived' refugee claims) <p>The applicant was from Lebanon. He claimed that although he was born into the Sunni Muslim faith, he became interested in Jehovah's Witness in Lebanon (para 33). He claimed that soon after his arrival in Australia, he met [Mr A], who has been instructing him in the Jehovah's Witness faith (para 33). He claimed a fear of being harmed by 'his family, relatives and other radical Muslims who do not accept his conversion to Jehovah's Witness' (para 34).</p>

			<p>However, the Tribunal did not accept that the applicant had converted from Islam (para 42), and was not satisfied that the applicant had attended bible study with [Mr A] for any reason other than to strengthen his claim for refugee status (para 41). Hence, this conduct in Australia was disregarded for the purpose of assessing his refugee claim, pursuant to section 91R(3) of the Act (para 41).</p> <p>The Tribunal held that section 91R(3) was not applicable to assessing the applicant's complementary protection claim (para 45). However, given that the applicant's involvement in bible study in Australia had been very limited, the Tribunal was not satisfied that the applicant would face a real risk of significant harm if he returned to Lebanon (para 45).</p>
1200559 [2012] RRTA 408	4 June 2012	19–21, 74, 76	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203414 [2012] RRTA 368	4 June 2012	16–18, 41, 43	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202839 [2012] RRTA 363	4 June 2012	13, 20	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112443 [2012] RRTA 350	4 June 2012	16–18, 34, 36	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111566 [2012] RRTA 400	1 June 2012	18–27, 133, 135	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of 'significant harm' <p>The applicant was from Bangladesh. He claimed that he faced a real risk of significant harm as he faced punishment under the law of Bangladesh for having</p>

			<p>deserted a ship. However, the Tribunal rejected his claim:</p> <p>‘133. ... The Tribunal has accepted that under the law in Bangladesh ship deserters can be imprisoned for 5 years and they might be fined and have limitations on employment imposed. However, the Tribunal is of the view that although this may be harsh, it is a lawful penalty and the Tribunal is not satisfied on the basis of the available evidence that the penalties under the Bangladesh law in respect of ship deserters are inconsistent with the Articles of the ICCPR or that the penalty for deserting ship amounts to significant harm ...’</p>
1201577 [2012] RRTA 395	1 June 2012	16–20, 75–77	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ <p>The applicants were from the Republic of Korea. They submitted that returning to the ‘rigid ROK society and having to undertake military service after living in Australia’ would amount to significant harm (para 75). However, the Tribunal rejected this claim:</p> <p>‘75. The Tribunal accepts that the primary and secondary applicant may face temporary difficulty readjusting to life in ROK and the Tribunal also accepts that the primary applicant will have to undertake military service. However, the Tribunal does not accept that difficulty adjusting to Korean society after living in Australia for a number of years, or an obligation to enter military service, or difficulty accessing the Korean education and employment systems amount to</p>

			significant harm ... The Tribunal is also not satisfied that any sanction which might be imposed for refusing to undertake military service is inconsistent with the Articles of the ICCPR.’
1202096 [2012] RRTA 379	1 June 2012	16–18, 55, 57	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1114221 [2012] RRTA 371	1 June 2012	15–17, 80	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203448 [2012] RRTA 369	1 June 2012	17–26, 50–61	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ <p>The applicant was from Indonesia, whose claim for protection was made in relation to a number of fears:</p> <ul style="list-style-type: none"> • Fear of being separated from her Australian citizen son, depending on whether her current husband would allow her to take her son if the applicant returned to Indonesia (para 50). • Fear of being discriminated against by others because she was married to a foreigner and therefore imputed to be a rich person (para 51). • Fear that being a single mother in Indonesia would make it difficult for her to find work or to make a living for herself and her Australian citizen son (para 52). • An additional claim arising from her evidence but not raised by the applicant directly, was her being harmed by persons seeking a refund for money for a failed attempt to travel to Australia for work, in part organised by the applicant’s husband (para 49). However, the applicant herself provided evidence that she no longer feared any fighting between her

			<p>and the villagers regarding this issue (para 53).</p> <p>In rejecting the applicant’s complementary protection claim, the Tribunal held:</p> <p>‘57. The Tribunal has considered the definitions of “torture”, “cruel or inhuman treatment or punishment” and “degrading treatment or punishment” in s.5(1) of the Act. There is insufficient evidence to satisfy the Tribunal that on the basis of the general claims of harm the applicant has made, even considered on a cumulative basis, would involve the infliction of severe pain or suffering, either physical or mental, such as to meet the definition of torture or paragraph (a) of the definition of cruel or inhuman treatment or punishment in s.5(1). Nor is the Tribunal satisfied there is sufficient evidence the general harm that applicant has claimed would be such as to meet paragraph (b) of the definition of cruel or inhuman treatment or punishment in s.5(1) which refers to an act or omission by which “pain or suffering, whether physical or mental, is intentionally inflicted on a person so long as, in all the circumstances, the act or omission could reasonably be regarded as cruel or inhuman in nature”.</p> <p>58. The Tribunal has considered whether the applicant’s claims of being discriminated against due to her being imputed as a rich person harm would involve an act or omission that causes extreme humiliation that is so unreasonable to meet the definition of degrading treatment or punishment in s.5(1). The applicant claims she has to pay extra for things, that she is looked down</p>
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			upon and that she is isolated. The Tribunal accepts that the applicant may regard these acts as humiliating or degrading as they involve her being treated differently from others, cause her increased expense and are socially isolating to her. Considering these claims individually and cumulatively, the Tribunal is not satisfied the harm the applicant claims to fear would cause and would be intended to cause extreme humiliation which is unreasonable. The Tribunal is not satisfied that there are substantial grounds for believing that as a necessary consequence of the applicant being removed from Australia to Indonesia there is a real risk that the applicant would suffer significant harm in the nature of degrading treatment or punishment.’
1203614 [2012] RRTA 364	1 June 2012	16–18, 36–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111537 [2012] RRTA 551	31 May 2012	16–18, 134, 136	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1110970 [2012] RRTA 366	31 May 2012	16–18, 61, 63	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202172 [2012] RRTA 362	31 May 2012	16–18, 72	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • state protection <p><i>Complementary protection claim</i> (para 72)</p> <p>The applicant was from India. He claimed to fear harm from [Mr A], who had attempted to force the applicant to sell his land to [Mr A]. However, the Tribunal held that the applicant did not face a real risk of significant harm:</p>

			<p>'72. ... The Tribunal has considered the evidence before it, and again the Tribunal is not satisfied that there is a real risk that the applicant will suffer significant harm from [Mr A] if he does not sell the land, if he returns to India. The Tribunal finds that the applicant and his family were repeatedly asked by [Mr A] to sell his land, and on one occasion in early 2010, [Mr A] threatened the applicant. The applicant did not report the threat to the police. The threat was not acted upon, or repeated. The applicant was able to live safely with relatives until his return flight to Australia. The applicant has not had any further contact from [Mr A]. The applicant could seek assistance from the local authorities. 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 India that there is a real risk that he will suffer significant harm.'</p>
1201844 [2012] RRTA 361	31 May 2012	16–17, 71	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1114484 [2012] RRTA 357	31 May 2012	N/A	No protection obligations, since applicant not in Australia
1203848 [2012] RRTA 594	30 May 2012	16–18, 119–24, 126	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of 'significant harm' <p><i>Complementary protection claim</i> (paras 119–24) The applicant was from Fiji. He had faced difficulty finding employment (para 98). He also referred to feeling neglected and abandoned by his family, as his mother had married a man who was not the applicant's biological father (para 115). However, the Tribunal did not accept the applicant's complementary protection</p>

			<p>claim:</p> <p>'121. The Tribunal accepts that the economic circumstances in Fiji are poor and that the applicant might have difficulty finding employment there. It accepts that he has had difficulty finding employment in the past. However, it is not satisfied that this involves the intentional infliction of severe pain or suffering, either physical or mental, such as to meet the definition of torture or paragraph (a) of the definition of cruel or inhuman treatment or punishment in s.5(1). Nor is it satisfied that the harm would be such as to meet paragraph (b) of the definition of cruel or inhuman treatment or punishment in s.5(1) which refers to an act or omission by which "pain or suffering, whether physical or mental, is intentionally inflicted on a person so long as, in all the circumstances, the act or omission could reasonably be regarded as cruel or inhuman in nature" The Tribunal is not satisfied that any economic or employment difficulties the applicant might experience would involve any act or omission that is intended to cause extreme humiliation that is unreasonable such as to meet the definition of degrading treatment or punishment. Nor is the Tribunal satisfied, on the evidence before it, that there are substantial grounds for believing that there is a real risk that the applicant would suffer significant harm in the form of being arbitrarily deprived of his life or having the death penalty carried out. The Tribunal is not satisfied that it has substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant's being removed from Australia to Fiji, there</p>
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			<p>is a real risk that he will suffer significant harm.</p> <p>122. The Tribunal has considered the applicant’s claims about harm from his mother and family. It has found that he has received support from his mother in the past and that he has been able to live with his mother and stepfather. It may be that he has heard people in the family make negative comments about him but the Tribunal is not satisfied on the evidence before it that he has suffered such harm from his mother or members of his or his stepfather’s family as to constitute significant harm. In making this finding, the Tribunal has had regard to the definition of “significant harm” in s.36(2A) and the relevant definitions in s.5(1) of the Act. The Tribunal is not satisfied that the matters the applicant has raised about his family give rise to substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant’s being removed from Australia to the Fiji, there is a real risk that he will suffer significant harm.’</p>
1101968 [2012] RRTA 585	30 May 2012	19–27	Recognised as refugee so no need to recognise under separate grounds
1113328 [2012] RRTA 355	30 May 2012	13, 37	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1114044 [2012] RRTA 344	30 May 2012	16–18, 35	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113524 [2012] RRTA 342	30 May 2012	N/A	No protection obligations, since applicant not in Australia
1111924 [2012] RRTA 529	29 May 2012	16–18, 96–7	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1114122 [2012] RRTA 441	29 May 2012	16–18, 67	Recognised as refugee so no need to recognise under separate grounds
1108892 [2012] RRTA 432	29 May 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1114120 [2012] RRTA 356	29 May 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1112764 [2012] RRTA 351	29 May 2012	17–19, 62	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203061 [2012] RRTA 345	29 May 2012	16–18, 38–40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1108178 [2012] RRTA 339	29 May 2012	16–18, 46, 51–52	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was from Lithuania, although was Russian in ethnicity. The Tribunal accepted that she had experienced some low-level harassment and verbal abuse, and that she had had difficulty finding employment (para 50). However, there were no substantial grounds for believing that she was at real risk of significant harm:</p> <p>‘51. ... I consider that the harm previously suffered by the applicant – minor verbal harassment and racial abuse, and possibly some discrimination in employment – was low level harm. I am satisfied that this harm, even if it were to continue upon the applicant’s return to Lithuania, is not significant harm, as required by the complementary protection criteria, and does not constitute cruel or inhuman or degrading treatment or punishment, as therein defined. The available evidence does not support a finding that the applicant would be</p>

			subjected to more serious harm if she were to return to Lithuania now or in the reasonably foreseeable future, that might meet the requirements for significant harm.’
1101472 [2012] RRTA 422	28 May 2012	17–19, 123	Recognised as refugee so no need to recognise under separate grounds
1200653 [2012] RRTA 358	28 May 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1113043 [2012] RRTA 354	28 May 2012	18–20	Recognised as refugee so no need to recognise under separate grounds
1107963 [2012] RRTA 348	28 May 2012	18–20	Recognised as refugee so no need to recognise under separate grounds
1203810 [2012] RRTA 346	28 May 2012	16–18, 30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203393 [2012] RRTA 335	28 May 2012	16–18, 36–38	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1204929 [2012] RRTA 561	25 May 2012	16–18, 80, 82	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1114475 [2012] RRTA 555	25 May 2012	18–20	Recognised as refugee so no need to recognise under separate grounds
1202483 [2012] RRTA 327	25 May 2012	16–18, 63–68, 70	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant claimed that she would be subjected to cruel or inhuman treatment, or degrading treatment or punishment if she returned to the Philippines (para 64). She was embarrassed to be returning to the Philippines because she thought that she was coming to Australia to marry her ex-partner (para 55). She feared shame and embarrassment from her family and community (paras 56–7). The applicant also claimed that she would have</p>

		<p>difficulty finding employment and accessing health care (although the Tribunal noted in relation to these concerns that the applicant’s family would be able to support her) (paras 58–60). The Tribunal rejected her complementary protection claim:</p> <p>‘65. Cruel or inhuman treatment or punishment is defined in s.5(1) of the Act as an act or omission by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person; or pain or suffering, whether physical or mental, is intentionally inflicted on a person so long as, in all the circumstances, the act or omission could reasonably be regarded as cruel or inhuman in nature. The applicant claims she will suffer severe pain or suffering through the embarrassment and shame she feels. The Tribunal does not accept that the embarrassment and shame she fears amounts to severe pain or suffering. Nor does the Tribunal accept that in all the circumstances the censure she fears from her family could reasonably be regarded as cruel or inhuman in nature. Nor does the Tribunal accept that her claimed difficulties in finding employment or accessing health care would amount to severe pain or suffering that was intentionally inflicted.</p> <p>66. Degrading treatment or punishment is defined in s.5(1) of the Act as an act or omission that causes, and is intended to cause, extreme humiliation which is unreasonable. The Tribunal does not accept that the shame, embarrassment and humiliation the applicant fears could objectively be described as extreme, nor that her family would intend any act or omission on their</p>
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			part to cause extreme humiliation which is unreasonable. Nor does the Tribunal accept that her claimed difficulties in finding employment or accessing health care would amount to an act or omission that was intended to cause extreme humiliation.’
1109153 [2012] RRTA 566	24 May 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1203918 [2012] RRTA 560	24 May 2012	16–18, 93–8, 100	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112826 [2012] RRTA 352	24 May 2012	16–18, 91	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203280 [2012] RRTA 334	24 May 2012	16–18, 38, 40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113250 [2012] RRTA 319	24 May 2012	16–18, 54, 56	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200907 [2012] RRTA 359	23 May 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1203064 [2012] RRTA 332	23 May 2012	16–18, 42	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202677 [2012] RRTA 330	23 May 2012	16–18, 35	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200243 [2012] RRTA 322	23 May 2012	16–18, 51, 53	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111217 [2012] RRTA 550	22 May 2012	16–18, 69–71, 73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1114191 [2012] RRTA 443	22 May 2012	13, 76	Recognised as refugee so no need to recognise under separate grounds
1202550 [2012] RRTA 329	22 May 2012	16–18, 51–53	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1202303 [2012] RRTA 326	22 May 2012	16–18, 42, 45	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201023 [2012] RRTA 323	22 May 2012	16–18, 63	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111929 [2012] RRTA 316	22 May 2012	16–18, 87–89, 91	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201332 [2012] RRTA 578	21 May 2012	16–18, 100–3, 105	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’ <p>The applicant was from Egypt. The Tribunal accepted that the applicant’s father was an employee of National Security and that he had been shot and killed in May 2012, by unknown persons (para 102). The Tribunal considered that, since the applicant did not know who was responsible for his father’s death, it was speculative to attribute responsibility to the government, the relatives of the victims of the State Security Department, or anyone else (para 96). In considering the applicant’s complementary protection claim, the Tribunal held:</p> <p>‘102. ... [T]he Tribunal does not accept that the applicant’s father was on a list of national security officers who killed protesters and finds that he was not singled out in any way as being responsible for human rights abuses. Given these findings the Tribunal does not accept that there are substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to Egypt, there is a real risk that the applicant will suffer significant harm arising from his father’s</p>

			employment at National Security.’
1200200 [2012] RRTA 556	21 May 2012	108, 110	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113990 [2012] RRTA 530	21 May 2012	16–18, 71, 74	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201751 [2012] RRTA 360	21 May 2012	17–26, 60–2	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111850 [2012] RRTA 315	21 May 2012	16–18, 53–56, 58	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201571 [2012] RRTA 534	18 May 2012	17–18	Recognised as refugee so no need to recognise under separate grounds
1200958 [2012] RRTA 532	18 May 2012	16–18, 99, 101	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’ <p>The Tribunal accepted that the applicant had been attacked in a [public place] in December 2010, while he was waiting to return to his home village, [Village 1] in Kenya (para 90). In considering the applicant’s complementary protection claim, the Tribunal held:</p> <p>‘99. ...In particular the Tribunal considered the attack on the applicant in the [public place] and finds that it was an isolated incident of violence and that there is nothing to indicate he would be at any risk of similar attack in the future. After considering all this evidence, the Tribunal finds that there are not 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.’</p>

1110722 [2012] RRTA 526	18 May 2012	16–18, 111–7	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’ <p><i>Refugee claim</i> (paras 69–110) The Tribunal did not accept that there was a real chance that the applicant would be persecuted in Sri Lanka by reason of any UNP political profile, actual or imputed, or for any Convention reason, and that the applicant’s stated fears of persecution were not well-founded (para 110).</p> <p><i>Complementary protection claim</i> (paras 111–7) The Tribunal held that a ‘real risk’ of significant harm was held to be a risk going beyond mere theory or suspicion or possibility (paras 113–4). In relation to the applicant’s claims, the Tribunal held:</p> <p>‘115. ... I have found that there is no real chance that the applicant will be killed, abducted or kidnapped or suffer any other type of serious harm in Sri Lanka, in that I have assessed the chance as being extremely remote. For the same reasons, I find the accepted cumulative evidence does not provide <i>substantial grounds for believing</i> that there is a real risk that the applicant will be significantly harmed by the authorities or pro-government supporters in any way claimed by him on return to Sri Lanka.’ (emphasis original)</p> <p>‘116. I have found elsewhere above, on the cumulative evidence, that the applicant suffered no harm in the past in Sri Lanka due to his stated UNP activities. Accordingly, I find the accepted evidence does not</p>
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			provide substantial grounds for believing that there is a real risk the applicant will suffer significant harm as a necessary and foreseeable consequence of being removed from Australia to Sri Lanka.’
1202788 [2012] RRTA 331	18 May 2012	16–18, 70	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201871 [2012] RRTA 325	18 May 2012	16–18, 47	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203764 [2012] RRTA 312	18 May 2012	13	Recognised as refugee so no need to recognise under separate grounds
1112306 [2012] RRTA 341	17 May 2012	18–20	Recognised as refugee so no need to recognise under separate grounds
1113027 [2012] RRTA 353	16 May 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1202529 [2012] RRTA 328	16 May 2012	16–18, 44, 46	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1114363 [2012] RRTA 310	16 May 2012	16–18, 33–35, 37	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112607 [2012] RRTA 553	15 May 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1113916 [2012] RRTA 320	15 May 2012	16–18, 63	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1109622 [2012] RRTA 309	14 May 2012	18–20, 47, 49	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202163 [2012] RRTA 396	11 May 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1112553 [2012] RRTA 389	11 May 2012	16–18, 91	Recognised as refugee so no need to recognise under separate grounds

1202871 [2012] RRTA 308	11 May 2012	16–18, 47, 49	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1114200 [2012] RRTA 307	11 May 2012	15–17, 44–6	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant was an elderly woman from the Philippines. She claimed that she could not return to the Philippines because there was no one there to look after her, she had nowhere to live, and did not like the climate. She stated that she was old, sick, and had a visual impairment. She wished to stay with her children in Australia (para 41).</p> <p>In relation to the applicant’s complementary protection claim, the Tribunal did not accept that the nature of the harm claimed by the applicant amounted to significant harm (para 45).</p>
1111660 [2012] RRTA 305	11 May 2012	15–17, 47, 49	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1008069 [2012] RRTA 302	11 May 2012	15–17	Recognised as refugee so no need to recognise under separate grounds
1201956 [2012] RRTA 300	11 May 2012	16–18, 45	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200570 [2012] RRTA 298	11 May 2012	16–18, 33	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201673 [2012] RRTA 558	10 May 2012	16–18, 102–3	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1114409 [2012] RRTA 393	10 May 2012	16–18, 79, 81	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1110991 [2012] RRTA 314	10 May 2012	16–18, 103	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201616 [2012] RRTA 299	10 May 2012	16–18, 42	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1114365 [2012] RRTA 392	9 May 2012	19–21, 99–101	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113019 [2012] RRTA 391	9 May 2012	13–15, 133	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1106725 [2012] RRTA 373	9 May 2012	18–20, 59–61, 85–88, 90	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202733 [2012] RRTA 301	9 May 2012	16–18, 29	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1114292 [2012] RRTA 297	9 May 2012	17–19, 39	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113513 [2012] RRTA 296	9 May 2012	16–18, 34	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1110290 [2012] RRTA 376	7 May 2012	13, 156	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111466 [2012] RRTA 304	7 May 2012	16–18, 69	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1110359 [2012] RRTA 303	7 May 2012	18–20	Recognised as refugee so no need to recognise under separate grounds
1112700 [2012] RRTA 294	7 May 2012	18–20, 83	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200021 [2012] RRTA 394	4 May 2012	4, 16–18, 79	This case relates to: <ul style="list-style-type: none"> • the meaning of ‘real risk’ • section 91R(3) (‘contrived’ refugee claims) <p>The applicants were nationals of China who claimed</p>

		<p>fear of persecution on the basis that they practised Falun Gong. The Tribunal rejected their claims due to on concerns about their credibility, and disregarded their involvement in Falun Gong in Australia, pursuant to section 91R(3). In relation to complementary protection, the Tribunal held:</p> <p>‘79. The Tribunal has considered the alternative criteria in s.36(2)(aa). The Tribunal has disregarded the applicants limited involvement in Falun Gong whilst they have been in Australia pursuant to s.91R(3). The Tribunal notes that this provision does not apply to the Complementary Protection provisions and has, therefore, considered whether there are substantial grounds for believing that there is a real risk that the applicants will suffer significant harm in China as a result of their involvement in Falun Gong activities in Australia. The Tribunal has found above that the applicants involvement in Falun Gong activities in Australia is extremely limited and has not accepted their claims that they are Falun Gong practitioners or that the applicant has had any difficulties in China for this reason. The applicant has not claimed and the Tribunal is also not satisfied that the applicants limited involvement in Falun Gong activities in Australia will be known by the Chinese authorities and that any such involvement will result in a real risk that the applicants will suffer significant harm upon their return to China. The Tribunal is not satisfied that there is any evidence that there are substantial grounds for believing that as a necessary and foreseeable consequence of the applicants being removed from Australia to China that</p>
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			there is a real risk that the applicants will suffer significant harm. The Tribunal is not, therefore, satisfied that the applicants meet the alternative provisions in s.36(2)(aa).'
1203955 [2012] RRTA 336	4 May 2012	16–18, 103	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203185 [2012] RRTA 333	4 May 2012	19–21	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201197 [2012] RRTA 324	4 May 2012	16–18, 44, 46	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200078 [2012] RRTA 321	4 May 2012	16–18, 93, 95	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112782 [2012] RRTA 318	4 May 2012	16–18, 48	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1107179 [2012] RRTA 313	4 May 2012	22–24	Recognised as refugee so no need to recognise under separate grounds
1113892 [2012] RRTA 306	4 May 2012	15–17	Recognised as refugee so no need to recognise under separate grounds
1200569 [2012] RRTA 284	4 May 2012	16–18, 33	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200499 [2012] RRTA 283	4 May 2012	16–18, 66	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111683 [2012] RRTA 277	4 May 2012	16–18, 40	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203074 [2012] RRTA 398	3 May 2012	13, 86, 147–51	This case relates to: <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <i>Refugee claim</i> (paras 122–47) The applicant was a national of South Africa who

			<p>claimed, inter alia, that she would be persecuted as the mother of a child of a rape, and as the partner of a foreigner and the mother of his child. However, the Tribunal rejected this claim:</p> <p>‘142. ...I do not accept on the evidence before me that there is a real chance that any discrimination the applicant may suffer as the mother of a fatherless child of a rape or as the partner of a foreigner and the mother of his child if she returns to South Africa now or in the reasonably foreseeable future will be sufficiently serious or so detrimental in its impact upon her as to amount to persecution for the purposes of the Refugees Convention.’</p> <p><i>Complementary protection</i> (paras 147–51) The applicant claimed that she would be seriously threatened in South Africa as a result of ostracism from the workforce which she would face as a divorced woman who was the mother of foreign children and a child who was the result of rape. However, the Tribunal rejected this claim:</p> <p>‘148. I have found above that since some time in 2005 the applicant has been living and working in [Town 1] with her partner, [Mr B], sewing clothing to order, and that if she returns to South Africa she will continue living with her partner and their children and she and her partner will continue working [sewing clothing]. I do not accept, therefore, that there are substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being</p>
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			<p>removed from Australia to South Africa, there is a real risk that she will be ostracised from the workforce as a divorced woman nor, having regard to my findings of fact above, that she will be ostracised from the workforce as a mother of foreign children or a child who is the result of a rape.</p> <p>149. Having regard to my findings of fact above, I do not accept on the evidence before me that there are substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to South Africa, there is a real risk that she will be arbitrarily deprived of her life, that the death penalty will be carried out on her, that she will be subjected to torture, that she will be subjected to cruel or inhuman treatment or punishment or that she will be subjected to degrading treatment or punishment as defined. Accordingly I do not accept that there are substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to South Africa, there is a real risk that she will suffer significant harm as defined in subsection 36(2A) of the Act.’</p>
1103747 [2012] RRTA 372	3 May 2012	17–19	Recognised as refugee so no need to recognise under separate grounds
1113091 [2012] RRTA 295	3 May 2012	19–21, 35, 46, 48	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113850 [2012] RRTA 282	3 May 2012	15–17, 62	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1203391 [2012] RRTA 276	2 May 2012	16–18, 31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1200935 [2012] RRTA 285	1 May 2012	16–18, 56–8	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘real risk’ • relocation (reasonableness) <p><i>Refugee claim</i> (paras 50–5)</p> <p>The applicant claimed that he feared persecution from Maoists in Nepal. However, the Tribunal had concerns about the applicant’s credibility and therefore rejected his claims. The Tribunal held that, even if the applicant’s claims were accepted, the applicant could relocate to Kathmandu:</p> <p>53. ... He has lived and studied in Kathmandu in the past and he informed the Tribunal that he had no problems while he was there. He claims that the security situation has changed and that it is easier for the Maoists to enter big cities, but it remains unclear to the Tribunal how they would find him in a large city such as Kathmandu. Even if the Maoists were to contact and threaten the applicant’s family while he lives in Kathmandu, the Tribunal does not accept that his family would disclose his whereabouts to them to preserve his safety. The Tribunal notes the applicant’s evidence that the family had not informed the Maoists that he has been residing overseas, so they have been able to keep his whereabouts secret for a number of years. The Tribunal is of the view that they will be able to continue to do so. The applicant has good Australian education and work experience and his [skills] are easily transferable. He has the language skills. The Tribunal finds that relocation to Kathmandu, where he lived in the past would be reasonable in the applicant’s</p>
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			<p>circumstances. The Tribunal finds that by relocating to Kathmandu the applicant would avoid any harm that he fears.’</p> <p><i>Complementary protection claim (paras 56–8)</i> The Tribunal also considered, but rejected, the applicant’s claim that there was a real risk of significant harm due to general poverty and violence in Nepal:</p> <p>‘57. The Tribunal also does not consider there is a real risk that the applicant will suffer significant harm as a result of general poverty and violence. The applicant himself stated that the situation in the big cities, including the capital, is safe and that the government and security forces are against the groups that he fears. The Tribunal does not accept that any general violence would affect the applicant in larger cities. For the reasons stated above, the Tribunal considers that it would be reasonable for the applicant to relocate to a larger city such as Kathmandu. Neither does the Tribunal accept that he would be affected by poverty. As noted above, the applicant has good qualifications and work experience in an occupation the skills for which are easily transferable and he has knowledge of Nepali, Hindi and English. The Tribunal is satisfied that the applicant would be able to find employment and support himself financially in the future. The Tribunal is not satisfied Australia has protection obligations because there are 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 will suffer significant</p>
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			harm arising from the applicant's claimed poverty and general violence.'
1112951 [2012] RRTA 281	1 May 2012	19–21	Recognised as refugee so no need to recognise under separate grounds
1112709 [2012] RRTA 280	1 May 2012	16–18, 92	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112328 [2012] RRTA 279	1 May 2012	19–21	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112060 [2012] RRTA 278	1 May 2012	16–18, 50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202732 [2012] RRTA 275	1 May 2012	16–18, 30	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201613 [2012] RRTA 557	30 April 2012	17–19, 77, 79	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of 'real risk' • section 91R(3) ('contrived' refugee claims) <p><i>Refugee claim</i> (paras 68–76) The applicant, from Burma (Myanmar), had attended a celebration of Aung Sung Suu Kyi's 66th birthday in June 2011 and a protest in front of the Burmese Embassy in Canberra in August 2011 to mark the 1988 student protests (para 75). Due to the applicant's lack of credibility, the Tribunal was not satisfied that the applicant had engaged in that conduct otherwise than for the purpose of strengthening his claim to be a refugee (para 75). Hence, in accordance with s 91R(3) of the Migration Act, the Tribunal disregarded that conduct in assessing whether the applicant had a well-founded fear of persecution in Burma.</p> <p><i>Complementary protection claim</i> (para 77)</p>

			<p>The Tribunal held:</p> <p>‘77. Section 91R(3) of the Act does not apply to the complementary protection criterion. Thus the Tribunal has had regard to the applicant’s attendance at the celebration of Aung San Suu Kyi’s 66th birthday in June 2011 and the protest in front of the Burmese Embassy in August 2011 to mark the 8.8.88 protests in assessing whether he meets that criterion. The applicant has not specifically claimed nor identified any harm he would face for his participation in those events. According to information before the Tribunal Aung San Suu Kyi has been released from house arrest and participated in recent elections in Burma which have been considered fair, prominent political activists including those involved in the 8.8.88 protests have been released by the Burmese authorities and there have been other political improvements in Burma. In light of this information and having rejected the applicant’s other claims, the Tribunal finds that there are not substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to Burma, there is a real risk that he will suffer significant harm.’</p>
1203026 [2012] RRTA 271	30 April 2012	16–18, 66	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1108698 [2012] RRTA 261	30 April 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1112531 [2012] RRTA 253	30 April 2012	16–18, 34, 36	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1113286 [2012] RRTA 267	27 April 2012	16–18, 74, 76	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1110131 [2012] RRTA 264	27 April 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1203107 [2012] RRTA 259	27 April 2012	19–21, 43–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113515 [2012] RRTA 254	27 April 2012	16–18, 61–2, 64	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200488 [2012] RRTA 269	26 April 2012	19–21	Recognised as refugee so no need to recognise under separate grounds
1113235 [2012] RRTA 266	26 April 2012	21–23, 89	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112207 [2012] RRTA 251	26 April 2012	16–18, 40, 42	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200509 [2012] RRTA 511	24 April 2012	16–18, 64	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201086 [2012] RRTA 270	24 April 2012	17–19, 41, 53, 55	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p><i>Refugee claim</i> (paras 42–51) The applicant’s family owned property adjacent to a temple, which the temple committee had long wanted to acquire. In February 2007, the temple committee constructed a shed on the applicant’s family’s property and stored in it firecrackers and explosive materials used to make firecrackers, which was dangerous and illegal. The applicant and his father reported this to the police, who registered a case against the temple committee for illegal storage of the materials.</p>

		<p>Afterwards, there was an altercation involving a lot of people from the temple, in which the applicant was assaulted and his father pushed to the ground. As a result, the applicant was hospitalized for three weeks in February 2007 and was very disturbed by the incident. The applicant's home was also damaged around the time of the altercation (para 42).</p> <p>The applicant claimed to fear that his life would be at risk if he were to return to his home town in India (para 48). However, the Tribunal found that there was not a real chance that the applicant would face serious harm for a Convention reason if he were to return (para 48). Although the Tribunal accepted that there may have been some threats received by the applicant after the events of February 2007, the Tribunal rejected the applicant's claim that these threats continued after the family moved in February 2008 (para 48). There was no evidence that the applicant had experienced any further treatment amounting to serious harm in the more than two years before he left for Australia (para 48).</p> <p>The Tribunal also considered evidence indicating that the applicant had a psychiatric condition requiring medication, and the applicant's claim that he held grave fears for his mental health in the event that he were to return to India (para 50). The Tribunal noted that the applicant was receiving treatment for his condition in Australia and that treatment was also available to him at home (para 50). The Tribunal held that although it understood that the applicant would be very unhappy about having to return to India, this did not engage</p>
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			<p>Australia's protection obligations (para 50).</p> <p><i>Complementary protection</i> (paras 52–3)</p> <p>The Tribunal held:</p> <p>'52. ... The material before me does not indicate that what the applicant might face on account of his psychiatric condition, or the conflict which occurred between his family and the temple committee and the injury he sustained in the single assault in February 2007, will involve a real risk of being arbitrarily deprived of his life; having the death penalty carried out on him; or being subjected to torture; or to cruel or inhuman treatment or punishment; or to degrading treatment or punishment. I accept that the applicant will long recall being injured in the circumstances he described some five years ago now, and that he will continue to require the medical treatment he has been receiving, but I do not accept that these circumstances can reasonably be characterised as significant harm as the term is defined in s.36(2A).'</p>
1203178 [2012] RRTA 260	24 April 2012	19–21, 39, 41	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111306 [2012] RRTA 265	23 April 2012	15–17	Recognised as refugee so no need to recognise under separate grounds
1109213 [2012] RRTA 262	23 April 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1202909 [2012] RRTA 258	23 April 2012	16–18, 31–32	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201983 [2012] RRTA 257	23 April 2012	16–18, 47, 49	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1112955 [2012] RRTA 483	20 April 2012	19–21, 73–4	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112089 [2012] RRTA 479	20 April 2012	18–20, 98, 100	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1109939 [2012] RRTA 340	20 April 2012	18–20	Recognised as refugee so no need to recognise under separate grounds
1113831 [2012] RRTA 255	20 April 2012	16–18, 53, 55	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p><i>Refugee claim</i> (paras 43–52) The applicant, from Nepal, wished to divorce her husband. The Tribunal rejected her claim that she would face persecution:</p> <p>‘50. The Tribunal has considered information from external sources which indicates that divorced women in Nepal face ostracism. The Tribunal has formed the view that social conditions in Nepal have contributed to the applicant’s decision to come to Australia and remain here rather than return to Nepal and seek a divorce from her husband. The Tribunal accepts that if the applicant decides to pursue a divorce in Nepal she may suffer disapproval and ostracism from conservative elements in society. However, the Tribunal finds that the disapproval and social ostracism which the applicant will face in this regard will not amount to harm of such nature or extent as to constitute persecution for Convention purposes. ...’</p> <p><i>Complementary protection claim</i> (para 53) The Tribunal found that the applicant might suffer</p>

			social ostracism if she sought to divorce her husband in Nepal, but was not satisfied that this harm would amount to significant harm (para 53).
1110356 [2012] RRTA 250	20 April 2012	19–21	Recognised as refugee so no need to recognise under separate grounds
1203184 [2012] RRTA 249	20 April 2012	16–18, 33, 35	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112452 [2012] RRTA 482	19 April 2012	18–20, 70, 72	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘real risk’ <p><i>Refugee claim</i> (paras 60–9) The applicant, from Fujian province in China, claimed to fear persecution on the basis of his Christian religion if he returned to China. He claimed that he would be arrested and detained if he returned (para 66). The Tribunal rejected his claim:</p> <p>‘67. The Tribunal does not accept that there is a real chance that the applicant would face the persecution if he returned to Fujian province in China now or in the reasonably foreseeable future. The Tribunal finds that the applicant does not face a substantial as distinct from a remote chance of persecution occurring if he returns to Fujian province. The Tribunal in reaching this finding accepts the country information which advises of the increasingly tolerant attitude of the authorities Fujian province to practising Christians including unregistered Christian groups like the local church and further, the Tribunal notes the expanding practice of Christianity in Fujian province and the decreasing incidents of arrest of practising Christians in Fujian province. ... The Tribunal also relies on the evidence of</p>

			<p>the applicant that he has only participated in frequent attendance at local church gatherings and experienced a clear faith since June or July 2011. The Tribunal accepts that the applicant has increased his level of attendance and participation in the local church at Melbourne since June or July 2011. On the basis of the country information available to the Tribunal, the applicant does not fit the profile of a person who may attract the attention of police or face a real chance of serious harm as the applicant's evidence is that he has limited Church involvement and is not an organiser of gatherings or a church leader. The Tribunal accepts the country information that a Christian in Fujian province whose Christian activities do not extend beyond attending church gatherings does not face a real chance of persecution now or in the reasonably foreseeable future.'</p> <p><i>Complementary protection claim (para 70)</i> The Tribunal also rejected the applicant's complementary protection claim, on the basis of the country information and the findings made in relation to the likelihood the applicant would face harm, based on his evidence to the Tribunal (para 70).</p>
1200475 [2012] RRTA 268	19 April 2012	16–24, 68	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112336 [2012] RRTA 252	19 April 2012	17–19, 54	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200373 [2012] RRTA 244	18 April 2012	16–18, 31	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1113938 [2012] RRTA 243	18 April 2012	19–21, 50	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1202855 [2012] RRTA 245	17 April 2012	16–18, 32	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111662 [2012] RRTA 478	16 April 2012	16–18, 71, 73	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200648 [2012] RRTA 288	16 April 2012	16–18, 75	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113867 [2012] RRTA 274	16 April 2012	17–19, 57, 86–87, 89	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201833 [2012] RRTA 241	16 April 2012	16–18, 34	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201154 [2012] RRTA 239	16 April 2012	16–18, 41	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200808 [2012] RRTA 238	16 April 2012	16–18, 47, 49	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200346 [2012] RRTA 237	16 April 2012	16–18, 78–83, 85	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1110170 [2012] RRTA 286	13 April 2012	13, 88	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201629 [2012] RRTA 240	13 April 2012	16–18, 33	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112766 [2012] RRTA 234	13 April 2012	19–21, 72	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1109206 [2012] RRTA 248	12 April 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1202042 [2012] RRTA 242	12 April 2012	20–22, 42	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1114258 [2012] RRTA 236	12 April 2012	16–18, 36	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1114078 [2012] RRTA 235	12 April 2012	16–18, 42	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1112683 [2012] RRTA 229	11 April 2012	16–21	Recognised as a ‘member of the same family unit’ as a refugee (s 36(2)(b)), so no need to recognise under separate grounds
1108375 [2012] RRTA 228	11 April 2012	17–19	Recognised as refugee so no need to recognise under separate grounds
1110790 [2012] RRTA 287	10 April 2012	N/A	Recognised as refugee so no need to recognise under separate grounds
1114360 [2012] RRTA 256	10 April 2012	13	Recognised as refugee so no need to recognise under separate grounds
1109316 [2012] RRTA 263	5 April 2012	N/A	Recognised as refugee so no need to recognise under separate grounds
1112523 [2012] RRTA 233	5 April 2012	16–18, 79	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1109090 [2012] RRTA 232	5 April 2012	13, 126	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113363 [2012] RRTA 226	5 April 2012	16–18, 77, 79	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113167 [2012] RRTA 225	5 April 2012	18–20	Recognised as refugee so no need to recognise under separate grounds
1108355 [2012] RRTA 222	5 April 2012	N/A	Recognised as refugee so no need to recognise under separate grounds
1106857 [2012] RRTA 221	5 April 2012	N/A	Recognised as refugee so no need to recognise under separate grounds
1201595 [2012] RRTA 220	5 April 2012	16–18, 43	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1111982 [2012] RRTA 218	5 April 2012	18–20, 39–45	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p>The applicant claimed that she would face harm by either having nowhere to live or having accommodation affected by nuclear radiation if she returned to Japan (para 40). Although the applicant claimed that she could not afford to live in Japan, there was no evidence before the Tribunal that she would be denied access to basic services or the capacity to earn a livelihood such that her capacity to subsist might be threatened (para 43). On this basis, the Tribunal was not satisfied that the harm feared amounted to persecution (para 43) or ‘significant harm’ (para 44). Moreover, the applicant had not claimed that her economic situation had been imposed on her by anyone, much less that it has been inflicted on her for a Convention reason (para 43).</p> <p>The applicant also claimed that she was discriminated against in employment as a female in Japan (para 41). The Tribunal was not satisfied that the evidence that she gave about this claim indicated that it reached the level of persecution or ‘significant harm’ (para 41). Moreover, even if the applicant were to be discriminated against in the future, the Tribunal did not accept that this would amount to persecution or ‘significant harm’ (para 41).</p>
1202260 [2012] RRTA 227	4 April 2012	16–18, 125, 127	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1110882 [2012] RRTA 223	4 April 2012	16–18, 130	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm

1112534 [2012] RRTA 219	4 April 2012	17–19, 41, 43	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1108592 [2012] RRTA 216	4 April 2012	18–20, 90	Recognised as refugee so no need to recognise under separate grounds
1200685 [2012] RRTA 214	4 April 2012	16–18, 53	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111022 [2012] RRTA 217	3 April 2012	18–20, 41	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201828 [2012] RRTA 215	3 April 2012	16–18, 42	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200327 [2012] RRTA 213	3 April 2012	16–18, 38	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1111909 [2012] RRTA 224	2 April 2012	18–20	Recognised as refugee so no need to recognise under separate grounds
1114359 [2012] RRTA 212	2 April 2012	18–20, 51–2	<p>This case relates to:</p> <ul style="list-style-type: none"> • the meaning of ‘significant harm’ • the meaning of ‘real risk’ <p><i>Refugee claim</i> (paras 42–50) The applicant, an Indian citizen, fell into financial difficulty in 2010 following the loss of money that he had invested for three other people and himself (para 42). He repaid half of what was lost to the other investors and they wanted the rest of the money back (para 42). The applicant claimed that the other investors threatened to kill him and members of his family, and to kidnap his wife, unless the money was paid back to them (para 43).</p> <p>The Tribunal did not accept that the evidence indicated that what the applicant experienced was ‘anything more</p>

			<p>than verbal threats' (para 45). The applicant's loss of money and the pressure he was under to repay it did not constitute serious harm (para 45), and the Tribunal considered that there was not more than a remote chance that the applicant would come to serious harm if he returned (para 47). Moreover, the harm did/would not occur for a Convention reason (paras 45, 47).</p> <p>The applicant also raised his support for the BJP in his protection visa application, and referred to rioting between Hindus and Muslims which had taken place in his State (para 49). However, the Tribunal held that, on the evidence before it, the chance that the applicant would be caught up and harmed in such rioting was remote, and that there was not a real chance that he would face serious harm for persecution for reasons related to his religion or political opinion in support of the BJP (para 49).</p> <p><i>Complementary protection claim</i> (paras 51–2) The Tribunal held:</p> <p>'51. ...Having regard to the definition of a significant harm in s.36(2A) of the Act as set out earlier in the outline of the relevant law, the evidence before me does not indicate that what the applicant might face on account of the financial problem he has will involve a real risk of being arbitrarily deprived of his life; having the death penalty carried out on him; or being subjected to torture; or to cruel or inhuman treatment or punishment; or to degrading treatment or punishment. I accept that the applicant will have difficulties with the</p>
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			investors and that he may have some hard choices to make but I do not consider that this will be significant harm of the order necessary to satisfy the complementary protection criterion for the grant of a protection visa. Nor do I consider that there is a real risk that he will suffer significant harm as a result of rioting between Hindus, and BJP supporters, and Muslims.’
1111782 [2012] RRTA 211	2 April 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1202514 [2012] RRTA 559	31 March 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1112635 [2012] RRTA 231	30 March 2012	N/A	Recognised as refugee so no need to recognise under separate grounds
1201756 [2012] RRTA 207	30 March 2012	N/A	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1200743 [2012] RRTA 206	30 March 2012	18–20, 44–6	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1114229 [2012] RRTA 204	30 March 2012	17–26, 81–5	<p>This case relates to:</p> <ul style="list-style-type: none"> the meaning of ‘significant harm’ <p><i>Refugee claim</i> (paras 72–80) The applicant was a Dutch citizen of Tigrinya ethnicity. She claimed that she would face harm from the Tigrinyan community in the Netherlands for reason of her membership of a particular social group constituted by “single mothers who have left their partner as a result of suffering domestic violence at the hands of the Tigrinyan community” (para 76). The Tribunal had doubts as to whether this constituted a particular social group, but even accepting that it did, the Tribunal did not accept that the applicant faced a real chance of persecution by reason of her membership of this group</p>

		<p>(para 76). The Tribunal provided the following reasons:</p> <p>‘78. ... [The Tribunal] is willing to accept that members of [the Tigrinyan] community might disapprove of her being a single mother and her having left the father of her child after suffering domestic violence. It accepts that the applicant might face a level of social disapproval towards her and her child in the form, for instance, of disapproving or judgemental comments. The Tribunal accepts that, although she has previously spent time living with other students in the Netherlands who are not from the Tigrinyan community, the applicant nevertheless wishes to have involvement with the community in relation to cultural and religious activities. It accepts that the attitudes of the community might lead her to feel somewhat ashamed and isolated to a degree. It accepts that her standing in the community would be affected. It accepts that, if she were to return to the Netherlands from Australia, she would face some challenges in re-establishing herself. However, even considering all of this in combination, the Tribunal finds that it would not amount to serious harm. ...’</p> <p><i>Complementary protection claim</i> (paras 81–5)</p> <p>‘84. ... While [the Tribunal] has accepted that the applicant would face some harm from the Tigrinyan community in the Netherlands, it is not satisfied that this harm, even considered on a cumulative basis, would involve the infliction of severe pain or suffering, either physical or mental, such as to meet the definition of torture or paragraph (a) of the definition of cruel or</p>
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			inhuman treatment or punishment in s.5(1). Nor is it satisfied that the harm would be such as to meet paragraph (b) of the definition of cruel or inhuman treatment or punishment in s.5(1) which refers to an act or omission by which “pain or suffering, whether physical or mental, is intentionally inflicted on a person so long as, in all the circumstances, the act or omission could reasonably be regarded as cruel or inhuman in nature” The Tribunal is not satisfied that the harm would involve an act or omission that causes extreme humiliation. The Tribunal has accepted that the applicant might experience feelings of shame and isolation to some degree. However, it is not satisfied on the evidence before it that the harm would be such as to cause extreme humiliation to the applicant. Having carefully considered all of the evidence, the Tribunal is not satisfied that there are substantial grounds for believing that there is a real risk that the applicant would suffer significant harm in the form of torture, cruel or inhuman treatment or punishment, or degrading treatment or punishment.’
1111810 [2012] RRTA 200	30 March 2012	N/A	Recognised as refugee so no need to recognise under separate grounds
1111731 [2012] RRTA 199	29 March 2012	16–18	Recognised as refugee so no need to recognise under separate grounds
1113282 [2012] RRTA 202	28 March 2012	16–18, 72, 74	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1201980 [2012] RRTA 186	27 March 2012	19–21, 39, 41	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1110641 [2012] RRTA 197	26 March 2012	18–20, 64, 66	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1113327 [2012] RRTA 184	26 March 2012	16–18, 38	No substantial grounds for believing that there was a

			real risk that applicant would suffer significant harm
1202041 [2012] RRTA 177	26 March 2012	36	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm
1100143 [2012] RRTA 246	25 March 2012	14, 120	No substantial grounds for believing that there was a real risk that applicant would suffer significant harm