



23 April 2020

T Dohrinii Eng Ming TEO

By Email : _____

In reply please quote:

Name	T Dohrinii Eng Ming TEO
Date of Birth	
File Number	2020/5568
Place of Lodgement	Kuala Lumpur

Dear T Dohrinii Eng Ming TEO

Notification of the refusal of a REFUGEE AND HUMANITARIAN (Class XB) IN-COUNTRY SPECIAL HUMANITARIAN PROGRAM (Subclass 201) visa.

This letter refers to your application for a REFUGEE AND HUMANITARIAN (Class XB) IN-COUNTRY SPECIAL HUMANITARIAN PROGRAM (Subclass 201) visa, which was lodged at Kuala Lumpur on 17 January 2020.

The information in this letter relates to the following applicants:

Primary Applicant

Name	T Dohrinii Eng Ming TEO
Date of Birth	

Other Applicants

Name	Eng Guam TEO, (PARENT)
Date of Birth	

Name	Pai Hong TOH, (PARENT)
Date of Birth	

I wish to advise you that the application has been refused. After careful consideration of all the information you provided, I was not satisfied that you met the relevant criteria for the grant of a visa as set out in Australian migration law. The attached decision record provides more information about this decision and the applicants to whom it applies.

Questions about this decision

No further assessment of this visa application will be taken by the Department.

Review rights

Decisions to refuse to grant Refugee and Humanitarian visas cannot be reviewed by the Administrative Appeals Tribunal (AAT).

Client service information

We value your compliments, complaints and suggestions. Your compliments let us know where we are performing well and your complaints and suggestions help us improve the services we provide. Information on how to make a compliment, complaint or suggestion is available at www.homeaffairs.gov.au/about/contact/provide-feedback.

Yours sincerely

Helen
PN 60025909
Refugee and Humanitarian visa section
Department of Home Affairs

DECISION RECORD

Primary Applicant

Name T Dohrinii Eng Ming TEO
 Date of Birth
 Citizenship Singapore

Other Applicants

Name Eng Guam TEO, (PARENT)
 Date of Birth
 Citizenship Singapore

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 Name Pai Hong TOH, (PARENT)
 Date of Birth
 Citizenship Singapore

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Details of Application

Visa Class	REFUGEE AND HUMANITARIAN (Class XB) IN-COUNTRY SPECIAL HUMANITARIAN PROGRAM (Subclass 201)
Place of Lodgement	Kuala Lumpur
Application Lodgement Date	17 January 2020
File Number	2020/5568

Findings and reasons

I have considered all relevant information before me, including the application for a Refugee and Humanitarian (Class XB) visa, supporting documentation and other evidence, against the legislative requirements contained in the *Migration Act 1958* and the *Migration Regulations 1994*.

Assessment against primary criteria

Class XB contains five visa subclasses (subclasses 200, 201, 202, 203 and 204). To be granted a visa in this class, an applicant must satisfy all of the primary criteria in one of the subclasses. I am required to assess the applicants against all of the subclasses in Class XB.

As I have assessed the applicants as satisfying time of application criteria in clauses 200.211(1), 201.211(1), 202.211(1), 203.211(1) and 204.211(1), I must assess the application against the requirement in clauses 200.222(1)(b), 201.222(1), 202.222(2), 203.222(1)(b) and 204.224(1)(b) that there be compelling reasons for giving special consideration to granting the applicant a visa, having regard to the following factors:

- a) the degree of persecution to which the applicant is subject in their home country; and
- b) the extent of the applicant's connection with Australia; and

c) whether or not there is any suitable country other than Australia that can provide for the applicant's settlement and protection from persecution; and

d) the capacity of the Australian community to provide for the settlement of persons such as the applicant in Australia.

Degree of persecution or discrimination

The applicants have demonstrated that they are subject to some degree of persecution or discrimination in their home country.

Connection with Australia

The applicants have not indicated any connection to Australia through friends, family or supporting organisations.

Other suitable country

There is no evidence that there is another country available for the applicants' settlement and protection from persecution or discrimination.

Capacity of Australian community

Australia has limited capacity for humanitarian resettlement and cannot resettle all people who apply for a Refugee and Humanitarian visa.

I accept that the applicants are subject to some degree of persecution or discrimination in their home country. The applicants have not demonstrated any connection to Australia. Although there is no evidence that there is another country available for the applicants' settlement and protection, Australia does not have the capacity to provide for permanent settlement of all applicants at this time.

Weighing these factors together, I am not satisfied that there are compelling reasons for giving special consideration to granting the applicant a Class XB visa. I find that the primary applicant does not satisfy subclauses 200.222(1), 201.222(1), 202.222(2), 203.222(1) and 204.224(1). As the primary applicant did not satisfy these subclauses, I have also assessed the secondary applicants against them. I find that none of the secondary applicants satisfies subclauses 200.222(1), 201.222(1), 202.222(2), 203.222(1) and 204.224(1).

Assessment against secondary criteria

For all Class XB subclasses, it is a requirement (in clauses 200.311, 201.311, 202.311, 203.311 and 204.311) that secondary applicants made a combined application with a person who meets the primary criteria and be either a member of the family unit or a member of the immediate family of the person, depending on the specific requirement the person meets. As none of the applicants satisfies primary criteria, I find that none of the applicants satisfies clauses 200.311, 201.311, 202.311, 203.311 and 204.311.

Decision

On the basis of all of the information available to me, including the documents and information the applicants provided, I find that the criteria for the grant of a Refugee and Humanitarian (Class XB) visa are not met by the applicants.

I find that the applicants do not satisfy the primary criteria in clauses 200.222, 201.222, 202.222, 203.222, 204.224 of Schedule 2 to the Migration Regulations 1994, nor do they satisfy the secondary criteria in clauses 200.311, 201.311, 202.311, 203.311 and 204.311. As

such I have not assessed the remaining criteria and the application has been refused. As a result, I am not satisfied the applicants satisfy the primary criteria for the grant of a Subclass 200, 201, 202, 203 or 204 visa, nor do they satisfy the secondary criteria for the grant of a Subclass 200, 201, 202, 203 or 204 visa.

In conclusion, the applicants do not satisfy the criteria for the grant of a Class XB visa and the application is refused.