



Administrative Appeals Tribunal

ADMINISTRATIVE APPEALS TRIBUNAL)
GENERAL DIVISION)

No: 2019/8689

Re: BNGP
Applicant

And: Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
Respondent

DECISION

TRIBUNAL: Senior Member Theodore Tavoularis
DATE: 26 February 2020
PLACE: Brisbane

The Tribunal accepts that it is bound by the decision in *BAL19 v Minister for Home Affairs* [2019] FCA 2189 in the sense that if a decision refusing to grant a Protection visa on the basis of section 501(1) of the *Migration Act 1958* (Cth) (“the Act”) was sought to be reviewed by the Tribunal, the Tribunal is bound to find that the Minister had no power to refuse the Protection visa application on that basis.

Pursuant to section 43(1)(c)(ii) of the *Administrative Appeals Tribunal Act 1975* (Cth), the Tribunal sets aside the decision of the Respondent dated 23 December 2019 and remits the matter for reconsideration in accordance with a direction that the Applicant’s application for a protection visa not be refused under subsection 501(1) of the Act.

