Decision and Reasons for Decision

Administrative Review Tribunal

Applicant:	Mr Jihad Khodor
Respondent:	Minister for Immigration and Citizenship
Tribunal Number:	2560931
Tribunal:	General Member K McGrath
Place:	Brisbane
Date:	14 November 2025
Decision:	The Tribunal affirms the decision under review

General Member K McGrath
Statement made on 14 November 2025 at 3:11pm

Statement of reasons

APPLICATION FOR REVIEW

1. This is an application for review of a decision made by a delegate of the Minister for Home Affairs to refuse to grant the applicant a Bridging E (Class WE) visa under s 73 of the *Migration Act 1958* (Cth) (the Act).

2. The applicant arrived in Australia most recently on 19 July 2017. He applied for a permanent protection visa on 22 August 2017. That application was refused by a delegate of the Minister on 14 November 2018. The applicant applied for review of that decision and, on 2 April 2024, the Administrative Appeals Tribunal (differently constituted) affirmed the decision of the delegate. On 22 April 2024, the applicant applied to the courts for judicial review of the Tribunal's decision.

3. The applicant's bridging visa, which was associated with his permanent protection visa application and review, ceased on 7 May 2024. The applicant applied for a further bridging visa on 13 September 2024. That application was refused by a delegate and that refusal affirmed by this Tribunal (differently constituted). On 17 June 2025, the applicant was taken into immigration detention.

4. The applicant applied for the visa that is the subject of this review application on 29 October 2025. At that time, Class WE contained two subclasses: Subclasses 050 and 051. In the present case, the applicant is seeking to satisfy the criteria for the grant of a Subclass 050 visa[1], which are set out in Part 050 of Schedule 2 to the *Migration Regulations 1994* (Cth) (the Regulations). Relevantly to this matter, the primary criteria include cl 050.223.

5. On 31 October 2025, the applicant was interviewed by a delegate in relation to the bridging visa application that is currently under review. The decision to refuse to grant the visa was made on 3 November 2025.

6. The applicant appeared before the Tribunal on 11 November 2025 to give evidence and present arguments. The Tribunal hearing was conducted with the assistance of an interpreter in the Arabic (Lebanese) and English languages.

7. The applicant was represented in relation to the review. The applicant's counsel attended the hearing.

8. For the following reasons, the Tribunal has concluded that the decision under review should be affirmed.

CONSIDERATION OF CLAIMS AND EVIDENCE

9. On the basis of the evidence before me, I am satisfied the applicant has made a valid application for a Bridging visa and meets the criteria in clause 050.211. The applicant is an unlawful non-citizen and is not an eligible non-citizen of the kind set out in the relevant sub-regulations.

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[1] Written submissions made on the applicant's behalf clearly state that the applicant is not claiming to meet the requirements of a subclass 051 visa and there is no material before the Tribunal to suggest that the applicant does meet those requirements.

10. At the time of the visa application, the applicant must meet one of the alternatives set out in cl 050.212(2)-(9). The applicant has an ongoing judicial review matter in relation to his valid onshore protection visa application and therefore meets cl 050.212(3A).

11. Clause 050.221 requires the applicant to continue to satisfy the requirements of cl 050.211 and 050.212 at the time of decision. I find that, at the time of decision, the applicant continues to satisfy cl 050.211 and cl 050.212, with his judicial review proceedings continuing to be ongoing. He therefore meets cl 050.221.

12. The issue in this case is whether the applicant will abide by the conditions imposed on any bridging visa.

Whether the applicant will abide by conditions - cl 050.223

13. Clause 050.223 requires that the Tribunal be satisfied, at the time of decision, that if a bridging visa is granted to the applicant, the applicant will abide by any conditions imposed on it. Conditions that may be imposed on a Subclass 050 visa are provided for in Division 050.6 and set out in Schedule 8 to the Regulations. Division 050.6 also sets out conditions to which the visa is subject.

14. When considering cl 050.223, the Tribunal must consider which conditions, if any, should be imposed and whether it is satisfied that the applicant would abide by those conditions. In deciding the question of whether the applicant would abide by conditions imposed, the Tribunal is to consider the likely conduct of the applicant. In that context, relevant considerations may include the applicant's past immigration history, in particular any previous breaches of immigration laws, the significance of the migration laws that were breached, the wilfulness with which those laws had been breached, whether there were any mitigating circumstances justifying their breach and whether the applicant had shown any contrition for their unlawful conduct: *Applicant VAAN of 2001 v MIMA (VAAN)* (2002) 70 ALD 289 at [15]-[16].

15. If the Tribunal is satisfied that the applicant will abide by the conditions if security of a particular amount is required, the applicant meets cl 050.223. However, if not satisfied that the applicant will comply with the conditions, regardless of any security that may be imposed, cl 050.223 is not met.

16. In this case, cl 050.614 applies because the applicant has applied for a protection visa and meets the requirements of 505.212(3A) as he has judicial review proceedings on foot relating to a valid subclass 866 onshore protection visa application review.

17. This clause does not prescribe any mandatory conditions as the applicant's last held visa did not have an 8101 or 8116 condition attached to it. The clause prescribes a number of conditions that may be imposed. In addition, clause 050.618 allows for an 8564 condition to be imposed.

18. The Tribunal considers that the following conditions should be imposed in the circumstances of this case:

8401

The holder must report:

(a) at the time or times; and

(b) at a place or in a manner;

specified by the Minister from time to time.

8506

The holder must notify Immigration at least 2 working days in advance of any change in the holder's address.

8564

The holder must not engage in criminal conduct.

19. On the evidence before it, the Tribunal is not satisfied that the applicant will abide by these conditions.

Failure to abide by migration law

20. The applicant's past immigration history raises significant concerns as to his likely conduct should he be granted a bridging visa.

21. The applicant confirmed at hearing that he applied for a visitor visa to enter Australia using a false name and proceeded to enter Australia using that passport and visa. While the applicant claims to have done so due to fears for his life and to now be sorry for the mistake, the Tribunal considers this to be a wilful breach of foundational requirements of Australia's migration law. Irrespective of any mitigating circumstances or contrition, the Tribunal considers this breach to be highly significant and to raise significant concerns that the applicant will not abide by any provisions of Australia's migration law including the proposed conditions on his bridging visa.

22. The applicant was also unlawfully in the Australian community without a visa from 7 May 2024. He did not seek to regularise his status until over four months later, when he made his first application for a Bridging Visa E on 13 September 2025. This information was included in the delegate's decision and was not disputed by the applicant when raised with him at hearing. Again, the Tribunal considers this breach to be significant as it goes to a foundational requirement of the Australian migration system – that non-citizens in the migration zone must hold a valid visa.

23. While the Tribunal accepts that this breach may not have been wilful, the applicant is responsible for maintaining his lawful status in the same way that he would be responsible for abiding by the conditions of any bridging visa granted. The Tribunal finds that the applicant has taken no responsibility for becoming unlawful. Instead, he has shifted the responsibility for this failure to maintain lawful status to others. During his hearing, the applicant emphasised that the Department of Home Affairs did not tell him that his visa had expired or was due to expire, and that he was not notified of this. The delegate's decision records that, during the applicant's bridging visa interview, he stated that it was his migration agent who did not explain to him about the expiration of his bridging visa.

24. The Tribunal does not accept the applicant's testimony at hearing that, during this period, he was regularly following up the Department of Home Affairs about his visa status. The Tribunal does not accept this because no evidence has been provided to the Tribunal (for example, extracts of a relevant Freedom of Information request recording such contacts) to support this testimony and because it is not consistent with the delegate's account in the decision record of the applicant's explanation for his failure to regularise his status at interview. When this inconsistency was raised with the applicant at hearing, he responded that there must have been an issue with the interpreting during his interview with the delegate. The Tribunal does not accept this explanation. Accordingly, the Tribunal does not

accept that the applicant took a level of responsibility for his lawful status by regularly following this up with the Department of Home Affairs.

25. The Tribunal also does not accept that the applicant was not notified that his visa was due to expire. The applicant's bridging visa ceased as thirty-five days had passed since the Tribunal (differently constituted) affirmed a decision by a delegate not to grant him a protection visa. The applicant must have received notification of that Tribunal decision as he applied to the courts for judicial review of the decision on 22 April 2024. As raised with the applicant at hearing, standard letters sent to applicants include information about bridging visa cessation. Specifically, the standard fact sheet that accompanies Tribunal protection decisions states that that any bridging visa associated with the application that was the subject of the Tribunal's review will cease thirty-five days after the Tribunal's decision. Accordingly, the Tribunal does not accept that the applicant not being notified about his bridging visa is a mitigating factor for his becoming unlawful.

26. While the applicant has made broad statements indicating contrition as well as broad statements that he has learnt his lesson and that in the future, he will be asking questions and making sure that everything is by the book, the Tribunal gives more weight to the applicant's recent actions in failing to maintain his lawful status than to these broad statements about how he will act in the future. The Tribunal considers this recent failure to abide by the requirement that a non-citizen hold a visa and maintain lawful status in Australia raises significant concerns that the applicant would not abide by the conditions of any bridging visa.

27. The Tribunal notes that the delegate's decisions sets out that the applicant knowingly worked without a visa during when he was unlawful in the community. For the purposes of this decision, the Tribunal is willing to accept the applicant's testimony at hearing that he did not work during this period.

28. In summary, the applicant entered Australia using both a passport and a visa in a false name. This was a wilful failure to abide by a fundamental pillar of Australia's migration law. Very recently, in 2024, he failed to abide by the requirement that non-citizens hold a valid visa and maintain lawful status. He did not seek to regularise this status until he had been unlawful for over four months. The Tribunal considers that the applicant's past failure to abide by these foundational requirements of migration law provides a strong indication that he would not abide by the proposed conditions on his bridging visa.

Failure to abide by criminal law

29. The applicant has a significant record of criminal convictions and a current Apprehended Domestic Violence Order against him. The applicant's bridging visa application lists that, from 2019 until 2025, the applicant has been convicted of five counts of stalking, one count of making a false accusation, one count of contravention of prohibition/restriction in an Apprehended Domestic Violence Order and one count of common assault. The Tribunal considers this is to be a recent and significant pattern of failure to abide by the criminal law and to be a strong indication that the applicant would not abide by any of the proposed conditions on his bridging visa including the condition that he must not engage in criminal conduct.

30. Many, but not all, of the offences set out above relate to the applicant's conduct towards his previous partner and her family members. In relation to this, the Tribunal has considered the recent report by psychologist, Dr Woodhouse, which sets out a professional opinion that the applicant is not a threat to his ex-partner or anyone connected to her, is now clear that there should be no contact of any sort and understands the conditions of the Apprehended Domestic Violence Order against him. The Tribunal gives some weight to this report.

31. However, the Tribunal gives more weight to the testimony provided by the applicant directly to the Tribunal at hearing. The applicant was asked given three separate opportunities to take responsibility for the incidents that led him to be convicted for five counts of stalking, one count of making a false accusation and one count of contravention of prohibition/restriction in Apprehended Domestic Violence Order. The Tribunal's finding is that the applicant did not take responsibility for these incidents. Instead, the applicant repeatedly stated that all he was doing was calling his ex-partner to check on her. He stated that he loved his wife a lot and that he looked after her kids big time. He explained away the incidents on the basis of a claim that the Court had revoked the Apprehended Domestic Violence Order but that the applicant was not aware that the police also needed to revoke the Order. The Tribunal does not accept this claim because it not substantiated by evidence from the Court and, nonetheless, could not explain the multiple incidents over varying years for which the applicant was convicted. When the applicant did make broad statements that he was responsible for his actions, he did so after giving significant testimony to the contrary and still emphasised that he did not know and that it was because the judge said that he had revoked the Apprehended Domestic Violence Order.

32. In addition to offences against his ex-partner and her family, the applicant has been convicted of common assault against a member of the general community. In his hearing, he also provided testimony, which the Tribunal accepts, of a further conviction for an offence against a member of the general community. Again, the Tribunal finds that the applicant did not accept responsibility for these offences at hearing. While the applicant made broad statements about regretting everything that he had done and having learnt from his mistakes, his testimony in relation to the specific offences revealed that he did not genuinely take responsibility for his offending. Instead, his testimony emphasised how he was either misunderstood or wronged in each incident.

33. The Tribunal has considered, and accepts, the evidence before it that the applicant does not have a criminal record in Lebanon or Germany. However, the applicant has been in Australia since 2017. He has been convicted of multiple offences throughout his time in Australia. The Tribunal finds that this significantly outweighs his clear record prior to 2017.

34. In summary, it is for the applicant to satisfy the Tribunal that he will abide by the conditions on his bridging visa. The applicant's recent actions demonstrates that he has not abided by the criminal law, being convicted of repeated and significant offence against both his ex-partner and her family members as well as members of the general community. Further, his testimony at hearing demonstrated that he does not genuinely take responsibility for any of his offending. While the applicant has not offended outside of Australia and his psychologist has formed the opinion that he does not pose a risk to his ex-partner and her family members, the Tribunal remains unsatisfied that the applicant would abide by any of the conditions of his bridging visa, including the condition not to engage in criminal conduct.

Structured compliance proposal

35. The Tribunal has considered all of the supporting documents put forward by the applicant and the oral and written submissions made on his behalf, including of a structured compliance proposal said to mitigate risk to an acceptable level.

36. The Tribunal has considered the applicant's expression of remorse and distress at hearing and the deterrent effect of his experiences in immigration detention, including deteriorations in his mental and physical health, his injuries and hospitalisation from a physical altercation in immigration detention and his perception (at least) that he is not physically safe from other detainees, on his actions if he were to hold a bridging visa.

37. The Tribunal has considered that the applicant has physical and mental health needs that require ongoing engagement with professionals and that he is currently engaged with such professionals. The Tribunal has considered that the applicant has multiple members of community who attest to his good character and that they will support him in the community. The Tribunal has considered the applicant's engagements in trainings including in relation to domestic violence.

38. However, the Tribunal does not consider that these are sufficient, individually, or cumulatively, to outweigh the clear indications from the applicant's past conduct he will not abide by the conditions on his visa.

39. The Tribunal has considered if the applicant would abide by the relevant visa conditions if a security deposit were imposed. As set out above, the applicant has repeatedly failed to comply with the migration and criminal law, despite significant applicable penalties. The Tribunal is not satisfied that the loss of a security deposit would displace this pattern of behaviour. The Tribunal is not satisfied that the applicant will abide by conditions regardless of any security deposit imposed.

40. It is for the applicant to satisfy the Tribunal that he will abide by the conditions on his bridging visa. The applicant has demonstrated a consistent pattern of not abiding by fundamental prohibitions within the migration law as well as not abiding with the criminal law including laws against domestic and family violence. This is strongly indicative that the applicant would not comply with the conditions on any bridging visa granted to him, that being that he would not comply with 8401, 8506 and 8564. The Tribunal does not consider that any of the circumstances or materials put forward by, and on behalf of, the applicant outweigh this consistent pattern of action by the applicant in the community. The Tribunal is not satisfied that the applicant would abide by the conditions of any bridging visa granted to him.

CONCLUDING PARAGRAPHS

41. For these reasons, the applicant does not satisfy the criteria for the grant of a Subclass 050 (Bridging (General)) visa.

42. The visa application is also an application for a Subclass 051 (Bridging (Protection Visa Applicant)) visa. The applicant is not a relevant eligible non-citizen as set out in cl 051.211 of Schedule 2 to the Regulations and therefore does not meet the requirements for the grant of that visa.

DECISION

43. The Tribunal affirms the decision not to grant the applicant a Bridging E (Class WE) visa.

Date(s) of hearing: 11 November 2025

Representative for the Applicant: Mrs Maryanne Issa (MARN: 1577048)