

**Decision and
Reasons for Decision**



Applicant:	Mr Zhenghao Chen
Respondent:	Minister for Immigration and Citizenship
Tribunal Number:	2639731
Tribunal:	General Member S Fitzsimons
Place:	Melbourne
Date:	9 September 2026
Decision:	The Tribunal affirms the decision under review

General Member S Fitzsimons

Statement made on 09 September 2026 at 9:41am

Statement of reasons

APPLICATION FOR REVIEW

1. This is an application for review of a decision made by a delegate of the Minister 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 applied for the visa on 27 August 2026. 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, 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 that the applicant will abide by any conditions imposed on any Bridging E visa granted to him.
3. The decision to refuse to grant the visa was made on 31 August 2026 on the basis that the delegate was not satisfied the applicant would abide by conditions 8207, 8401, 8506 and 8564. The delegate also considered whether a security should be requested but determined that imposing a security bond, of any amount, would not ensure the applicant's compliance with conditions 8207, 8401, 8506 and 8564.
4. The applicant appeared before the Tribunal on 7 September 2026 by video via MS Teams, from Villawood Immigration Detention Centre, to give evidence and present arguments. The Tribunal also received oral evidence from the applicant's partner Ms Zeng by telephone. The Tribunal hearing was conducted with the assistance of an interpreter in the Mandarin and English languages for the applicant and Ms Zeng.
5. The applicant was represented in relation to the review.¹
6. The applicant's representative attended the hearing. The internet connection was stable and the video and audio were clear throughout the hearing for the applicant and the Tribunal. Ms Zeng's telephone line was clear. The applicant's representative experienced an issue with his internet connection at which point the Tribunal paused taking evidence from the applicant and waited until the applicant's representative had joined the hearing again.
7. For the following reasons, the Tribunal has concluded that the **decision under review should be affirmed**.

CONSIDERATION OF CLAIMS AND EVIDENCE

8. The issue in this case is whether the applicant will abide by the conditions imposed on any Bridging E visa granted to him. In coming to this decision the Tribunal has considered relevant material on the Department file, the applicant's movement records, the written evidence and submissions provided by or on behalf of the applicant prior to the hearing, the oral evidence of the applicant and Ms Zeng at hearing, oral submissions made by the applicant's representative at hearing and post-hearing documents. The Tribunal has referred to relevant evidence below in its findings and reasons.

¹ The applicant, had, with the permission of the Tribunal, two representatives. His lawyer Ms Mei Guo was the applicant's authorised representative, appointed for the duration of the review. Ms Guo sought leave, which the Tribunal granted, for a second representative, barrister Mr Jason Donnelly to appear for the hearing. Written submissions prepared and provided to the Tribunal were done so by Mr Donnelly. Unless otherwise specified, any reference in this decision to the applicant's representative is a reference to Mr Donnelly. For clarity, the hearing was attended by Mr Donnelly and Mr Charles Cui, a paralegal and colleague of Ms Guo. Ms Guo did not attend the hearing.

Evidence before the Tribunal

Background and Immigration History

9. The applicant is a 37-year-old citizen of China. He is currently in detention at the Villawood Immigration Detention Centre in Sydney.
10. His immigration history is set out in the delegate's decision record² which the applicant provided to the Tribunal when his review application was lodged. In summary:
 - He first arrived in Australia on 15 March 2011 as the holder of a visitor (subclass 676) visa. Between 2014 and 2016 he arrived and departed Australia multiple times holding visitor visas each time;
 - On 21 October 2019 he was granted a visitor (subclass 600) visa and arrived in Australia holding that visa on 28 October 2019 and has remained in Australia ever since. He applied for a student visa in January 2020 which was refused by the Department and that refusal was affirmed by the Tribunal on 1 July 2022;
 - His Bridging A visa that was granted in association with his student visa application ceased on 5 August 2022 at which point the applicant became an unlawful non-citizen (UNC);
 - He lodged a Protection visa application on 13 January 2025 and was granted a Bridging C visa (BVC) on 14 January 2025 which was refused by the Department on 24 March 2025;
 - His BVC ceased on 28 April 2025 at which point he became an UNC;
 - On 25 August 2025, he was granted a Bridging E visa (BVE) on the basis that he was making acceptable arrangements to depart Australia. That BVE had condition 8512 attached to it which required him to depart by the time the visa ceased on 25 September 2025;
 - He did not depart prior to the cessation of his BVE and once it ceased the applicant became an UNC again.
11. On 21 August 2026 the applicant was stopped by NSW police whilst driving and it was this incident that brought him to the attention of Australian Border Force (ABF) that resulted in his detention. He was subsequently charged by NSW police with driving whilst unlicensed and drink-driving. Those charges are due to be heard in the Burwood Local Court later this month.
12. On 27 August 2026 the applicant applied for a Partner visa whilst in detention, which was also an application for a BVE, the refusal decision of which is the subject of this review. At the time of this decision the applicant's Partner visa application with the Department is pending.

Pre-hearing documents

13. On 1 September 2026 at the time of lodging his review application with the Tribunal the applicant provided a copy of the delegate's decision record and letter of notification, his passport, his partner's passport, the driver's licence and national identity card of his partner.

² Decision of the delegate on departmental file number BCC20264799129, pages 1 to 2.

14. He also provided:

- a hospital discharge letter relating to the applicant dated 4 June 2026 stating that the applicant was suffering from acute cholecystitis and required follow up appointments with his GP and a colorectal surgeon; and
- two medical reports regarding the applicant's partner both dated 24 March 2025 stating that she suffers from metastatic papillary thyroid cancer.

15. On 4 September 2026 the applicant's representative sent a bundle of documents totalling 135 pages. That bundle comprised of:

- a) The delegate's decision record and letter of notification;
- b) A copy of the applicant's Partner visa application form;
- c) A copy of the Tribunal's hearing correspondence sent to the applicant and his representative;
- d) A radiology report of the applicant's partner dated 31 August 2026;
- e) 14 pages of screenshots of chat and call records between the applicant and a former migration representative in Chinese with English translations produced by a generative AI tool (Claude) between 8 July 2025 and 17 August (no year);
- f) Two photographs of the applicant in hospital in 2022;
- g) Three photographs of the applicant in hospital in May and June 2026;
- h) Five pages of various labelled photographs relating to the applicant's relationship with his partner;
- i) 16 pages of screenshots of chat and call records between the applicant and his partner in Chinese with English translations produced by a generative AI tool (Claude) between 20 May and 21 August (no year);
- j) A copy of the hospital discharge letter dated 4 June 2026 (as above);
- k) A copy of the two medical reports dated 24 March 2025 (as above);
- l) A 6-page statement of the applicant dated 3 September 2026, written in English in which he stated (in summary) that:
 - He first came to Australia in 2011 and later was granted a student visa, which he held for about 5 years;
 - He did not know that he had overstayed his student visa and that whilst he held the student visa he was in hospital at which time his enrolment was cancelled as he did not complete his studies;
 - He vaguely recalls being told by his former migration agent that he had applied for a bridging visa but he was not told about its conditions or expiry date;

- In May or June 2026 he was hospitalised and when he tried to use his Medicare card it did not work. It was at this point that he realised there must be something wrong with his immigration status;
- In August 2026 he contacted a migration agent who told him to lodge a medical treatment visa but before that application was lodged he was detained;
- He had not engaged with the Department previously because of English language difficulties and because he was stressed and under financial pressure due to his business that had failed;
- He should have acted differently and contacted the Department himself rather than either doing nothing or relying on others. He takes personal responsibility for his past actions;
- He is in a de-facto relationship with his partner Ms Zeng. Before he was detained she would sometimes stay at his place. They have discussed living together permanently;
- He was reluctant to lodge a partner visa because he did not want to rely on someone else for a visa. He wanted his shop to become established and hoped he could get a visa in his own right;
- His partner has cancer that has spread to her lungs and she told him it is serious and has become worse;
- He was stopped by the police when driving for speeding. He was also charged with drink driving and for not having a local licence. He had not eaten properly for a few days and whilst driving felt his blood sugar was low so he stopped and had a beer that he had in the car. Prior to getting in the car he took some pain medication that contained morphine and as a result he wanted to get home quickly and so he was speeding. He now realises that speeding and driving after drinking is not right;
- If he is released from detention he would live at his rental property;
- He understands now the importance of reporting to the department and complying with visa conditions and that if he receives any correspondence from the Department he will have it translated so that he understands it. He is willing to report to the Department as required;
- If the partner visa is refused he will obtain legal advice and if he has no options to stay he will depart Australia;
- He has type 2 diabetes, gallstones and a cyst. He requires surgery. He is taking pain medication and antibiotics to manage the symptoms. Being in detention he has found stressful;
- He has spent a lot of money establishing his shop and wants to see that come to fruition which he cannot do from detention. He has family law matters relating to his child that he wants to attend to, he would like to obtain the medical treatment he needs and support his partner which are all reasons why he does not want to remain in detention.

m) A 6-page statement of the applicant's partner dated 3 September 2026, written in English in which she stated (in summary) that:

- She is a 49-year-old permanent resident. She has two daughters, a 14-year-old and an 18-year-old with whom she lives;
- She met the applicant on 1 August 2025 when he came into her bubble tea shop; they have been in a committed de-facto relationship since 20 August 2025;
- Prior to the applicant being detained she would sometimes stay with the applicant overnight at his residence;
- In about May or June 2026 she raised with the applicant the possibility of lodging a partner visa but she realised they needed to register their relationship first and so had not, by the time the applicant was detained, decided on a final date that they would lodge the partner visa;
- The applicant told her that prior to his Medicare card being declined he did not understand the urgency of his immigration position. She then helped him to make inquiries with a migration agent that she knew;
- She has thyroid cancer that has spread to her lungs. Radiation therapy has not worked and she manages her cancer with oral medication;
- She relies on the applicant for emotional support and practical assistance with household chores, grocery shopping and cooking;
- Currently she lives with her children and her mother and sister, who will be returning overseas which means that the applicant could not live with her in the immediate future. She and the applicant intend on living together in the foreseeable future; and
- She is an organised person and would undertake to help the applicant also be organised and comply with his visa conditions including reporting to the Department.

n) A 27-page written submission of the applicant's representative³ which in summary stated that:

- The applicant's past conduct should not be projected into the future without accounting for his changed circumstances, those circumstances being that the applicant accepts direct responsibility for his previous disengagement with the Department, that he had consulted with a migration agent shortly before his arrest by NSW police, that his relationship with his partner started before he was detained and that the relationship was not created only for migration purposes, and that he proposes to live at his residence and that his partner would check on him daily and review his Departmental correspondence to ensure his compliance with the Department;
- The medical circumstances of the applicant and Ms Zeng create a practical setting for visa compliance to occur because the applicant would be required

³ Mr Donnelly as above at 1.

to remain in contact with medical, legal and governmental systems rather than withdraw;

- That the applicant now accepts responsibility for his past disengagement with the Department and with former representatives who were assisting him is a factor that weighs in favour of a favourable decision now;
- The applicant also accepts now language barriers is not a reasonable excuse for his previous lack of engagement and would not continue to disengage with the Department in the future for this reason as he now understands he would need to obtain appropriate assistance with any language difficulties;
- The loss of liberty and dignity the applicant has experienced in detention has had a strong effect on him, and consequently has brought to his attention his obligation to be responsible for his own visa status and his engagement with authorities;
- The applicant did not, as the delegate found, conceal himself from the Department, and therefore he did not deliberately evade the Department which is a relevant consideration for the issue under review because cl 050.223 is predictive and that a person who deliberately evades the Department presents a different future risk profile than someone whose failure was inattention and neglectful dependence on others;
- The applicant has an Australian citizen son with whom he is seeking to acquire contact or visitation rights through the Family Court;
- The applicant has financial support available to him should he be released into the community and not granted work rights. He receives money from his family in China and his partner in Australia is willing to support him also;
- The applicant would not rely on his memory alone to ensure compliance with police and the Department and as his partner is an organised person she would help him to comply with condition 8401, as would his residence at a fixed address, being his home and also with condition 8506 should he move in with his partner at a later date;
- The applicant does not intend to undertake any study should he be released into the community in compliance with condition 8207; and
- That the applicant will not keep alcohol in his car, will obtain a local licence before driving, will not drive if unwell and will attend a traffic offender program, future conduct that indicates compliance with condition 8564.

Post-hearing documents

16. After the hearing the applicant's representative sent the Tribunal:

- o) A copy of the 135-page bundle of documents submitted prior to the hearing detailed above;
- p) A bank statement of Ms Zeng indicating a current balance of \$12,391.90 (credit) dated 7 September 2026; and

- q) An email stating that the applicant's representative had been instructed that the applicant could provide security in the sum of \$7,500.00, that those funds would be provided by Ms Zeng and that the applicant could not currently access his bank details because they were stored on another phone.

REASONS AND FINDINGS

17. The issue in this case is whether the applicant would abide by relevant conditions if the BVE is granted to him as required in cl 050.223.

Time of application criteria

18. The Tribunal accepts that the applicant was, at the time of application for the BVE an unlawful non-citizen as set out in cl 050.211.
19. The Tribunal has before it a copy of the visa application form dated 27 August 2026 indicating that on that day the applicant lodged a combined Partner (subclass 820/801) visa application. The Tribunal also has before it a copy of Ms Zeng's sponsorship form accompanying the Partner visa application. The delegate's decision record indicates that a valid Partner visa application was lodged on 27 August 2026 and that application remains pending. For these reasons the Tribunal is satisfied that cl 050.212(3) is met.
20. Cl 050.221 states that "*The applicant continues to satisfy the criteria set out in clauses 050.211 and 050.212.*"
21. The Tribunal is satisfied that the applicant continues to meet in clause 050.221 as he is an UNC and that his combined Partner visa application remains ongoing. That being the case the Tribunal is satisfied the applicant meets time of decision criterion cl 050.221.

Whether the applicant will abide by conditions - cl 050.223

22. Clause 050.223 requires that the Tribunal is 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.
23. 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].
24. 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.
25. In the circumstances of the applicant, cl 050.617 applies because none of the alternative provisions in cl 050.6 are relevant to him. Clause 050.617 lists a number of discretionary

conditions that may be imposed. There are no mandatory conditions. Additionally, cl 050.618 provides that condition 8564 may be imposed.

26. The Tribunal considers that the following conditions should be imposed in the circumstances of the applicant:

8207 (No Study) The holder must not engage in any studies or training in Australia

8402 (Report within 5 days and then weekly)

8505 The holder must continue to live at the address specified by the holder before the grant of the visa

8506 Notify at least two working days in advance of any change of address

8510 valid passport or show that satisfactory arrangements have been made to obtain one

8564 Must Not Engage in Criminal Conduct

27. During the hearing the Tribunal discussed with the applicant the fact that his written statement before the Tribunal was in English and whilst within that statement he indicated he had had assistance in writing it, it was not clear to the Tribunal who had helped him. The applicant stated that the paralegal who attended the hearing, and who is employed at the same firm as Ms Guo, speaks Mandarin and had assisted in the preparation of his statement and that his representative had also assisted him. The applicant also told the Tribunal that he knew what was in his statement.
28. The Tribunal discussed at hearing with the applicant his immigration history, his employment history and his relationship history since his arrival in October 2019 as well as the circumstances that led him to being detained.
29. The applicant met his now ex-wife in Australia. She is an Australian citizen. He and his ex-wife were married in mid-2021. They have a son together, who was born on 15 June 2022 and is also an Australian citizen.
30. He told the Tribunal that he initially came to Australia as a tourist and then applied for a student visa to study language studies and to be a chef. He did not complete his study because he was hospitalised in 2022 for a few months and during this time his enrolment was cancelled. He said he found out about the cancellation of the enrolment at the end of 2022. In 2022 whilst he was in hospital his ex-wife told him she was returning to China, and that she was taking their son with her. This was the end of their marriage. His ex-wife and son currently live in Sydney. The applicant has engaged a lawyer because he would like visiting rights in relation to his son and there is joint property to settle.
31. He said that since his arrival in Australia he has not worked and that the money he has used for his living expenses and to establish two businesses, has been provided either by his parents in China or his current partner, Ms Zeng. He said whilst he held a student visa, he tried establishing a Chinese barbeque shop in Sydney's Chinatown. He entered into a rental lease but as this was during the covid pandemic patronage of the shop was low and so he had to close it. Prior to be detained he was trying to establish another Chinese barbeque shop in Rosebery in Sydney. About six months ago he started renovations but those renovations had not finished by the time he was detained. He told the Tribunal that he had invested about AUD180,000 of money from his parents into the business and that his partner

Ms Zeng, whom he referred to as his fiancé, had invested between about AUD400,000 and AUD500,000. The shop is not yet ready to open for customers.

32. In discussing his relationship with Ms Zeng, the applicant said that they were engaged in about May or June 2026. They have not as yet set a date to be married because he needs to sort out his divorce from his ex-wife, and Ms Zeng is not well. He said he wants to have his shop up and running before they get married so that he can earn some money and buy property with Ms Zeng. He said he did not want people to think he had married her for a visa and he wants the business to be established first so that he can look after her well by the time they do marry.
33. Prior to be detained he was renting a room at a house in Auburn. Ms Zeng would stay with him sometimes. Her teenage children live with her. He and Ms Zeng would like to live together permanently at some point in the future. If he was released from detention he said he would return to live at his rental property in Auburn.
34. The applicant's evidence at hearing regarding the circumstances that led to his detention was consistent with his written statement. He said he had not eaten properly for a couple of days and had low blood sugar. Just before he drove home he drank a beer that he had in the car. He was keen to get home and was speeding. He was pulled over by the police who breath tested him. He was then charged with speeding, having blood alcohol over the legal limit and driving with an international (Chinese) and not a local NSW licence. Upon being questioned by the police his unlawful visa status was discovered by the police which then led to his detention.

Condition 8207

35. The delegate did not have a specific concern regarding the applicant's non-compliance with condition 8207 and neither does the Tribunal because there is nothing before the Tribunal to suggest that the applicant intends on studying. The Tribunal is satisfied that the applicant would not study if condition 8207 was attached to his BVE should it be granted.

Condition 8564

36. During the hearing the applicant said he now realises that he should not have drunk any alcohol just before driving, he should not have been speeding and he now realises that he needed a local NSW licence and not his Chinese driver's licence. He apologised and said he would not do anything like that again and that he has learned his lesson. He said that in China he was a police officer for about three years and that he would not knowingly commit a criminal offence. The Tribunal accepts that the applicant made a mistake in relation to the driving offences with which he was charged and that he would not engage in any criminal behaviour if he was granted a BVE which the Tribunal accepts and for this reason the Tribunal is satisfied the applicant would comply with condition 8564.

Condition 8505

37. Condition 8505 requires the applicant to live at the address specified. At hearing Ms Zeng said that she and the applicant whilst they would like to live together permanently one day they have no immediate plans to do so and that if the applicant was released from detention he would live at his place which is about a 30-minute drive from her house. The applicant's written and oral evidence was also that he would live at the rental property in Auburn, which the Tribunal accepts. For these reasons, the Tribunal is satisfied that the applicant would comply with condition 8505.

Conditions 8402, 8506 and 8510

38. Conditions 8402, 8506 and 8510 all require the applicant to report to the Department as and when required by the Department within the parameters of those specific conditions. At the hearing he confirmed that his passport expires in April 2027, which the Tribunal accepts, having considered the applicant's passport on the Department file. Condition 8510 would require the applicant to either present a current passport or make a satisfactory arrangement to get a new passport and present it to the Department within a specified time.
39. Condition 8506 would require the applicant to notify the Department at least two business days in advance of changing his address should he move. Condition 8402 would require the applicant to report to a Departmental office within 5 working days of being granted a BVE and then report to the same Departmental office on the first day of every working week.
40. For the reasons discussed below, the Tribunal is not satisfied that the applicant would comply with these conditions that require him to engage with the Department in accordance with the provisions of each condition. This is because, as discussed below, the Tribunal is not satisfied that the applicant's proposed future plans if released from detention are so different as to result in a change to his past conduct of not taking his own responsibility for his own immigration status, conduct that occurred over a number of years without change.
41. It is not the role of this Tribunal to decide whether the applicant and Ms Zeng are in a committed de-facto relationship. That is the role of the delegate that decides the outcome of the applicant's pending partner visa application. Whilst that is the case, the existence of the relationship is a relevant consideration for this Tribunal because it forms some of the applicant's current circumstances upon which this Tribunal must consider when assessing the applicant's future conduct and whether the Tribunal is satisfied he would comply with visa conditions attached to a BVE should it be granted to him. Both the applicant and Ms Zeng said at hearing that Ms Zeng would help the applicant to comply. Both in her written statement and at hearing, Ms Zeng said that she is an organised person and she would diarise the day of and the day before the applicant had to report to the Department and she would ensure she would remind him to do so.
42. Whilst the Tribunal accepts the applicant and Ms Zeng have formed a relationship upon which they each draw some support and comfort from the other, the evidence of the applicant and Ms Zeng was such that they have not in the past and do not, at least in the immediate future intend on living together which may not be conducive to assisting the applicant to comply. The applicant's representative submitted that even not living together through digital and oral communication Ms Zeng could still remind the applicant to comply. Whilst the Tribunal accepts there may be regular communication between the applicant and Ms Zeng the fact that the applicant would still have to rely on Ms Zeng in the context of his previous years of non-engagement is a concern for the Tribunal.
43. Whilst the Tribunal accepts that Ms Zeng is an organised person and submitted her intention to assist the applicant to comply with his visa conditions, the Tribunal has considered that she has her own health challenges and responsibilities as a single mother to two teenage children and that ultimately responsibility for complying with visa conditions relies solely with the applicant and not Ms Zeng. The applicant has demonstrated multiple times in the past over a number of years that he suspected his immigration status was a concern and yet he relied on others to fix it, failing to take responsibility for it.
44. The Tribunal is troubled by the applicant's past conduct in not only not taking responsibility for his own visa status, but in not actively following up with the Department himself when he became aware that perhaps his visa status was not as he thought it might have been and instead relying on others or ignoring it.

45. For example both at hearing, and in his written statement, the applicant said it was not until his Medicare card was declined this year, that he thought something may be amiss with his immigration status and yet the applicant told the Tribunal during the hearing he also remembered that a year earlier being interviewed by the Department and told that his BVE if granted would be subject to a condition that he depart by a specific date and yet he did not depart when he knew that he was required to do so. When the Tribunal asked the applicant at hearing why he did not depart he said he did not want to because he was trying to sort out issues with his ex-wife, he was waiting on his agent to tell him if he could apply for another visa and he had just met Ms Zeng. When the Tribunal asked the applicant if he was concerned about what might happen to him when he did not depart as required he said he was but he was waiting on his agent contacting him and when he followed up with the agent about a visa the agent did not call him back. The Tribunal is troubled by the fact that the applicant knew he was required to depart by a certain date, did not take responsibility for engaging with the Department prior to his BVE ceasing, did not depart when required and then did not engage with the Department after his BVE ceased.
46. Another example is at hearing the applicant told the Tribunal that when he was negotiating with a real estate agent about leasing one of his shops in checking his identity the real estate agent raised with the applicant that there may be some issue with his visa. Instead of contacting the Department the applicant said he contacted his migration agent. When the Tribunal asked the applicant if he realised the responsibility for his visa status lay with him and him alone he said he did not 'deal with it properly' and that he made a lot of calls to his agent and they did not call him back.
47. A further example is the applicant's written and oral evidence that he was not aware of the consequences of his visa status being an issue until his Medicare card was declined upon his discharge from hospital as recently as this year. This was some months after his relationship with Ms Zeng began and for this reason the Tribunal does not accept that the applicant's future circumstances, including relying on Ms Zeng for assistance to comply, should he be released from detention are so different as to result in the applicant taking his own responsibility for compliance in reporting as required.
48. In coming to this finding the Tribunal has considered the evidence of both the applicant and Ms Zeng that they do not intend on living together in the immediate or even near future and that the applicant would therefore be living alone. When this was raised as a concern with the applicant, his representative submitted that with digital communication and phone calls between the applicant and Ms Zeng, she would still be able to assist him to comply with any conditions imposed. Whilst I accept Ms Zeng would assist the applicant when she was able, the Tribunal's concern that it is the applicant's responsibility to comply with his visa conditions and no-one else's is not resolved. The Tribunal has considered that Ms Zeng is a single mother to two teenage children, working full-time in her own bubble tea business and suffers from cancer which she told the Tribunal has worsened in recent weeks and finds that these circumstances may mean that she cannot give the attention and time to ensuring the applicant complies with his visa conditions as much as she would like to.
49. The applicant's representative submitted at hearing that the applicant now has engaged a lawyer including a Mandarin speaking paralegal who can communicate the applicant's obligations with him. Whilst the Tribunal accepts this is the case the applicant has demonstrated in the past that he has sought advice from agents and yet he still remained disengaged.
50. The Tribunal considers that the number of times in the past that the applicant relied on contacting agents and not following up with them over a number of years indicates a pattern of behaviour and an attitude towards the Department of the applicant that the Tribunal finds is a disregard for migration law. When raised at hearing the applicant said he knows the

rules now and that he was a policeman in China for a few years. Whilst that may have been a previous occupation of the applicant he said that was 10 years prior to coming to Australia and does not explain the years of disengagement with the authorities in Australia. The Tribunal accepts the representative's written submissions that the applicant did not knowingly conceal himself from the Department at times when he was unlawful. However the applicant's years of disengagement and neglect to take responsibility for his own visa status still remains a concern for the Tribunal.

51. The applicant's representative submitted in writing that the applicant has moved from a position of passive reliance on representatives to an express acceptance that he must personally manage his obligations. He also submitted, as did the applicant at hearing that the applicant has found the detention environment difficult and stressful which in itself is a deterrent from future non-compliance and represents a difference in the applicant's current circumstances compared with his previous conduct. Whilst the Tribunal accepts the applicant may find detention stressful, for the above reasons the Tribunal is not persuaded that the applicant has demonstrated such a move away from relying on others for his compliance to satisfy the Tribunal that he would take responsibility for his own compliance if his BVE was granted.
52. When the Tribunal asked the applicant what had changed now compared with his past conduct that would mean he would comply with his reporting obligations to the Department in the future, he said that would abide by the conditions and that if he needed surgery or was hospitalised he would tell the Department. This response from the applicant did not satisfy the Tribunal that the applicant would comply with condition 8402 which would require him to report weekly, rather than only when he thought he needed to in association with his health. Whilst the applicant may seek assistance from Ms Zeng to report regularly, given Ms Zeng's health and her obligations to her children and that she is a single parent the Tribunal finds that Ms Zeng's capacity to assist the applicant may be limited by her personal circumstances despite how genuine her intentions are to assist him. The fact the applicant would require Ms Zeng's assistance to diarise his reporting obligations and then to remind him did not persuade the Tribunal that the applicant would be capable of reporting to the Department weekly without Ms Zeng's assistance. Because it is the responsibility of the applicant to comply with visa conditions and not Ms Zeng's responsibility to comply, based on the applicant's previous non-compliance, for the above reasons, the Tribunal is not satisfied the applicant would comply with the three conditions requiring reporting particularly condition 8402.
53. On the evidence before it, for the reason above, the Tribunal is not satisfied that the applicant will abide by conditions imposed on the visa if granted. Therefore, the applicant does not meet cl 050.223.
54. CI 050.224 deals with an amount of security for compliance being required. The applicant's representative submitted that the applicant could afford a maximum of \$7,500.00 and that it would be Ms Zeng who would pay that amount as a security bond and not the applicant. Given the above considerations including the Tribunal's concerns of the applicant's repeated failure to take responsibility for his own immigration matters, the Tribunal considers that no amount of security will act as an incentive for the applicant to abide by conditions 8402, 8506 and 8510.
55. For these reasons, the applicant does not satisfy the criteria for the grant of a Subclass 050 (Bridging (General)) visa.
56. 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

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

Date(s) of hearing: 7 September 2026

Representative for the Applicant: Associate Professor Dr Jason Donnelly (Counsel)