



**IN THE SUPREME COURT OF NAURU**  
**AT YAREN**

**Appeal No. 19 of 2025**

**IN THE MATTER OF** an appeal  
against a decision of the Refugee Status  
Review Tribunal brought pursuant to  
s.43 of the *Refugees Convention Act*  
2012

**BETWEEN:**

**AS25**

Appellant

**AND:**

**REPUBLIC OF NAURU**

Respondent

Before: Brady J

Date of Hearing: 14 August 2025

Date of Judgment: 19 November 2025

CITATION: *AS25 v Republic of Nauru*

## CATCHWORDS:

*Appeal – Refugees – Refugee Status Review Tribunal – whether Tribunal fail to consider actual evidence – whether Tribunal made a finding for which there was no evidence – whether Tribunal misled the Appellant – Tribunal did not fail to consider actual evidence or make a finding for which there was no evidence – Appellant has not established that it was misled by the Tribunal – Appeal Dismissed*

## LEGISLATION:

*Refugees Convention Act 2012 (Nr), ss 43,44*

## CASE AUTHORITIES

*NABE v Minister for Immigration and Multicultural and Indigenous Affairs (No 2)* (2004) 144 FCR 1 at [55] – [63]; *TTY 167 v Republic of Nauru* [2022] NRSC 30 at [73]-[76]; *QLN 107 v Republic of Nauru* [2018] NRSC 23 at [47]-[52].

## APPEARANCES:

Counsel for Appellant: Mr A Aleksov (instructed by Craddock Murray Neumann)

Counsel for Respondent: Mr R O'Shannessy (instructed by Republic of Nauru)

# REASONS FOR JUDGMENT

## INTRODUCTION

1. The Appellant is a national of Bangladesh. On 29 June 2024, he made an application to be recognised as a refugee, or a person owed complementary protection.
2. The Appellant says that he left Bangladesh because of a fear of persecution arising from his political opinion as a supporter of Jamaat-e-Islami (**JeI**). He also says that he feared harm because of his association with [A], a former member of parliament in Bangladesh.
3. Pursuant to s.43 of the *Refugees Convention Act 2012 (Nr)* (**the Act**), the Appellant appeals from a decision of the Refugee Status Review Tribunal (**Tribunal**) made on

30 March 2025 (**Tribunal Decision**). The Tribunal affirmed a determination of the Secretary of the Department of Multicultural Affairs (**Secretary**) dated 12 September 2024 (**Secretary's Decision**). The Secretary decided not to recognise the Appellant as a refugee under the Act and found that the Appellant was not owed complementary protection under the Act.

4. By s.43(1) of the Act, the Appellant may appeal to this Court on a point of law. By s.44(1) of the Act, this Court may make either of the two following orders:
  - (a) an order affirming the Tribunal Decision; or
  - (b) an order remitting the matter to the Tribunal for reconsideration in accordance with any directions of this Court.

### **GROUND OF APPEAL**

5. By an Amended Notice of Appeal filed on 11 July 2025, the Appellant advanced two grounds of appeal in these terms:
  1. The Tribunal failed to consider the actual evidence, which was that the [Appellant] did know when JeI was de-registered.
  2. The Tribunal made a finding for which there was no evidence, or failed to comply with s.34 (4)(d), in that there is no evidence of when [A] ceased to be a member of Parliament.
6. On 13 August 2025, the day before the hearing of this appeal, the Appellant sought leave to further amend his Notice of Appeal to include a third ground. The proposed third ground is in the following terms:
  3. Alternatively to 2, the Tribunal misled the [Appellant] as to the fact that [A] ceased being a member of Parliament in 2006 and thus denied him procedural fairness (See AB103.7).
7. I shall consider below the application to further amend the Notice of Appeal to include proposed ground 3.

### **THE APPELLANT'S CLAIMS**

8. The Appellant makes the following contentions that he is owed protection under the Act.
9. The Appellant claims that in approximately 2013, when he was 13 years of age, he met a family friend, [A]. [A] was a member of the JeI party. After meeting [A], the Appellant contends that he was offered a job in [A's] workshop, which the Appellant accepted. He later came to supervise the workshop and [A's] employees.
10. In addition to his work at [A's] workshop, he also drove [A] to various JeI party political engagements and attended those engagements alongside [A]. The Appellant did not participate in any of these political engagements. However, he was beside [A] at these events.

11. After a time, the Appellant started to receive threats, including threats that he would be killed when he did not have the protection of [A].
12. In February 2016, [A] went missing. The Appellant suspected that Awami League (AL) supporters were responsible for arresting [A] due to his affiliation with the Bangladesh National Party (BNP). The Appellant claims that as a result of [A's] disappearance, the Appellant fled to India and resided with family friends.
13. In April 2016, the Appellant was contacted by [A] who told him that he had been released from detention and asked the Appellant to return to Bangladesh, which the Appellant did. He commenced working for [A] at his workshop.
14. In January 2018, [A] was arrested on false charges. As a result of this arrest, the Appellant subsequently made arrangements through a trafficking agent and in February 2018 travelled from Bangladesh to Malaysia.
15. The Appellant claims that towards the end of 2018, whilst he was residing in Malaysia, persons associated with the AL took possession of a parcel of land owned by the Appellant's family. [A] ultimately was released from police custody, although whilst he was in prison some men visited the Appellant's family home and threatened the Appellant's brother. On one occasion in 2021, they assaulted the Appellant's brother and threatened to harm him because he was the Appellant's brother.
16. In October 2020, [A] passed away. [A's] death contributed to the Appellant's fear of returning to Bangladesh because he would be without [A's] protection should he return.

## **PROCEDURAL HISTORY**

17. The Appellant arrived in Australia in May 2024. On 1 June 2024, he was transferred to Nauru pursuant to the memorandum of understanding between the governments of Nauru and Australia. On 29 June 2024, the Appellant made an application for Refugee Status Determination (RSD).
18. The Secretary's Decision was made on 12 September 2024. The Appellant then applied to the Tribunal for review of the Secretary's Decision. The Appellant provided a further statement to the Tribunal, as well as further documentation.
19. On 13 March 2025, the Appellant attended a hearing before the Tribunal. He was accompanied by his representative from CAPs and an interpreter in the Bengali language.
20. The Tribunal Decision was delivered on 30 March 2025.
21. On 1 April 2025, the Appellant filed a Notice of Appeal in this Court. The first Amended Notice of Appeal was filed on 11 July 2025. The proposed Further Amended Notice of Appeal was delivered on 13 August 2025 and is the subject of an opposed application for leave to amend.

### **LEAVE TO ADD GROUND 3**

22. As I have already noted, on 13 August 2025 counsel for the Appellant sought the Court's leave to add the proposed ground 3. The explanation for the delay in seeking to add ground 3 was said to be that it is an alternative argument which arises from the submissions of the Republic. The Republic's submissions were delivered on 9 August 2025 which was later than the timetable for the required delivery of those submissions.
23. The Republic's written submissions include the submission at paragraph 8 that the Tribunal Decision does not disclose that the Tribunal made a "material finding" that [A] ceased to be a member of Parliament in 2006. The Appellant now wishes to make an alternative argument that he was misled at the hearing before the Tribunal when, according to his counsel, he was told that the country information seems to suggest that [A] was only a member of Parliament between 2001 and 2006.
24. The Republic opposes the application for leave to amend because:
  - (a) the proposed ground does not have merit; and
  - (b) the Appellant has failed to provide a sufficient explanation for the delay in seeking to make this amendment, being proposed the day before the substantive hearing of this appeal.
25. In my view, the Appellant has sufficiently explained how it is that the application to further amend the Notice of Appeal was made so late. Ultimately, whether the application for leave to amend should be permitted will turn upon the view which I have as to the merits of the proposed ground.
26. As I explain later in these reasons, I have come to the conclusion that proposed ground 3 is bound to fail. For that reason, I refuse the application to further amend the Notice of Appeal to include ground 3.

### **RELEVANT PARTS OF THE TRIBUNAL DECISION**

27. The Tribunal commences its reasons by considering the relevant law and then setting out the basis for the RSD application, as well as the further statement provided to the Tribunal dated 6 March 2025. Commencing at [11], the Tribunal notes that the Appellant appeared before it to give evidence and present arguments on 13 March 2025. The Tribunal summarised the Appellant's evidence thereafter. Relevantly for the purposes of this appeal, the Tribunal said the following:
  - [20] The [Appellant] stated he worked for [A] in his workshop. He first met [A] in 2013 at age 14. Until the age of 18 he looked after the workshop. When asked what else he did for [A], he stated he travelled with him to Dhaka and attended political meetings and protests and when [A] gave a speech, he worked as his bodyguard.
  - [21] The [Appellant] stated when he worked for [A], he was a member of Parliament, but the [Appellant] did not know what position he held or when he held it. The Tribunal put to him country information suggested [A] was a member of Parliament between 2001 and 2006. He agreed. The Tribunal

noted the [Appellant] he would have been six years old at the time [sic]. However, his evidence was that he had been working for [A] when he was a member of Parliament. He stated he had not said that but had mentioned in his statement he was with him in 2013 and during that election campaign. He then stated he had a connection with [A] only when he was campaigning and not when he was a Parliamentary member.

[22] When asked which party [A] represented in the 2013 election, he stated JeI. When asked if he helped [A] with his election campaign in 2013, the [Appellant] stated ever since he met [A], he assisted him. The [Appellant] stated the other time he helped [A] with his election campaign was four or five years after 2013 when again [A] represented JeI.

[23] The [Appellant] confirmed JeI contested the 2013 election in their own name. When it was put to him that at that stage they were de-registered, he then stated [A] contested the election as an independent. He then stated because JeI's registration was cancelled, [A] ran as an independent. When asked when JeI's registration was cancelled, he stated around 2013.

28. The Tribunal then proceeded to deal with certain country information. At paragraph [42] to [44], the Tribunal said the following:

[42] [A] was elected to parliament from [identified seat] as a Bangladesh Jamaat-e-Islami candidate in 2001.

[43] According to Jagonews24:

'[A] became an MP in the [identified] constituency of the national Parliament in the 2001 election by defeating Awami League candidate [P] as a four-party alliance candidate...

29. The Tribunal then considered the claims and evidence made by the Appellant commencing at [47]. Relevantly for the purposes of this application, the Tribunal found the following:

[50] The [Appellant's] political claims lack credibility. Firstly, he lacked basic knowledge of [A's] political career including when he was a member of Parliament and what position [A] held or when he held it. He also initially claimed at hearing to have worked for [A] when he was a member of Parliament. However, he retracted that claim when the Tribunal put to him that country information suggested [A] was a member of Parliament between 2001 and 2006, when [Appellant] was six years old. The [Appellant] then changed his evidence and said he had a connection with [A] only when [A] was campaigning and not when he was a Parliamentary member.

[51] At hearing, the [Appellant] was also unaware that in August 2013, JeI was de-registered. Initially he stated that in the 2013 election, [A] represented JeI and that four or five years later, [A] again represented JeI. He only changed that evidence after he was told JeI had been de-registered.

## FIRST GROUND OF APPEAL – FAILURE TO CONSIDER THE ACTUAL EVIDENCE

### *The Appellant's Submissions*

30. In support of ground 1 of the Amended Notice of Appeal, the Appellant draws attention to the first sentence of paragraph [51] of the Tribunal Decision where the Tribunal stated: “At hearing, the [Appellant] was also unaware that in August 2013, JeI was deregistered.”
31. The Appellant submits that this conclusion was “plainly wrong”. The Appellant draws attention to the transcript of the hearing before the Tribunal at T15 and submits that in making this error, the Tribunal must not have had regard to the actual evidence. The Appellant submits that this amounts to a failure to consider important evidence in the review.
32. The relevant passages of the hearing before the Tribunal are to be found on pages 10 and 105 of the Appeal Book. Relevantly for the purposes of this appeal, the following passages are pertinent:

**The Interpreter:** Yeah, I knew him [A] since 2013, but before that he was working for Jamaat-e-Islami.

**Ms Boddison:** When did - did you help him with his election campaign in 2013?

**The Interpreter:** Yeah, since I met him he did election campaign twice. Every time since I met him, whenever he conducted any election campaign, I had participated with him for meeting and other positions or something like that.

**Ms Cranston:** So when was the other time? You mentioned that he ran for elections in 2013. When was the other time?

**The Interpreter:** Okay. So I remember is 2013 once. The second one is around four, five years time during the time before I left Malaysia. I was 17, 18. So it's very hard to give all the clear account or date or anything specific (in distinct).

...

**Ms Cranston:** All right, and I have just one more question before we break. Who was he running for in that election? In that election four or five years after 2013, who was he running for? Who was he representing?

**The Interpreter:** Yeah, throughout the whole time, he was supporting Jamaat-e-Islami at that time. He was also supporting Jamaat-e-Islami, he was campaigning for Jamaat-e-Islami.

...

[Adjourned from 11:09 am to 11:21 am]

**Ms Boddison:** And the hearing is resumed at 11:21. I just wanted to clarify. Did Jamaat-e-Islami contest the election that you helped in 2013? In their own name?

**The Interpreter:** My uncle's own name.

**Ms Boddison:** No? But did Jamaat-e-Islami contest the election as the Jamaat-e-Islami party?

**The Interpreter:** Yes they did.

**Ms Boddison:** Because we understood that they were de-registered at that time and didn't - couldn't contest the election in their own name.

**The Interpreter:** He was contesting as an independent candidate.

**Ms Boddison:** But I thought you just said he was contesting as a Jamaat-e-Islami supporter?

**The Interpreter:** I am not getting anything.

**Ms Boddison:** Can you just interpret what's being said, and then we'll clarify.

**The Interpreter:** Sorry? Can you please ask the question one more?

**Ms Boddison:** I said that I thought your evidence that you told us was that the - your uncle contested the election as a Jamaat-e-Islami politician in the name of the Jamaat-e-Islami Party?

**The Interpreter:** Yeah, he contested from Jamaat-e-Islami.

**Ms Boddison:** But when you said he contested as an independent, so I am wondering which is it?

**The Interpreter:** That is what I want to mention that, yes, as you mentioned that, like, their registration has been de-registered. Their registration has been cancelled. That's why he went for independent candidate.

**Ms Boddison:** Right. When was it cancelled? When was their registration cancelled?

**The Interpreter:** Around 2013."

33. The Appellant submits that when he was asked when JeI's registration was cancelled, his spontaneous response was "around 2013". In light of that, Mr Aleksov for the Appellant submits that the finding at [51] that the Appellant was not aware that JeI had been de-registered in August 2023 was an error which amounted to a misconstruction of the evidence that was before the Tribunal.

### *The Republic's Submissions*

34. The Republic submits that the Tribunal's findings at [51] were a "tenable assessment" of the evidence given by the Appellant. The Appellant gave a series of conflicting answers to the question of whether [A] contested the 2013 election as an "independent candidate" or did so on behalf of JeI. He ultimately stated that [A] contested the 2013 election as an independent candidate because JeI was de-registered in 2013.
35. The Republic submits that the Tribunal plainly considered that the Appellant's evidence in total was simply a recitation what the Tribunal had put to him. This is how the Tribunal explained the Appellant's evidence at [23] of the Tribunal Decision which I have set out above. It is notable that at [23], the Tribunal stated that "when asked when JeI's registration was cancelled, [the Appellant] stated around 2013."
36. The Republic submits that the Tribunal's description of its exchange with the Appellant at [51] is certainly open and "entirely accurate". The Republic submitted that the Tribunal inferred from [A]'s capacity to contest the election that the Appellant did not know that JeI was de-registered. That inference is open on the evidence.

### *Consideration of Ground 1*

37. In oral submissions on his behalf, the Appellant contended that the Tribunal "misconstrued" the evidence before it. The gravamen of the complaint in respect of this ground is that the Tribunal reached a conclusion without regard to the totality of the statements of the Appellant, in particular the statement extracted from the transcript above that JeI's registration was cancelled around 2013.
38. In relation to the contended misconstruction, it would be necessary for the Appellant to demonstrate that has travelled beyond a mere error in the Tribunal's fact finding, to an error of law such as to trigger the operation of s.43(1) of the Act.
39. The Appellant will establish an error of law if the Tribunal failed to consider a contention in a manner tantamount to a failure to consider the claim that he advances: *NABE v Minister for Immigration and Multicultural and Indigenous Affairs (No 2)* (2004) 144 FCR 1 at [55] – [63], adopted in this jurisdiction in cases such as *TTY 167 v Republic of Nauru* [2022] NRSC 30 at [73]-[76]; *QLN 107 v Republic of Nauru* [2018] NRSC 23 at [47]-[52].
40. The Appellant has not persuaded me either that the Tribunal failed to consider the actual evidence before it, or that there was an error of fact such as to amount to an error of law because of a failure to consider the Appellant's claims.
41. It is plain that the Tribunal did in fact consider the Appellant's evidence as to the date of the cancellation of JeI's registration. So much is made clear from paragraph [23] of the Tribunal Decision. That is sufficient to dispose of the argument that the Tribunal failed to consider this evidence.
42. To the extent that this ground might be understood as a "misconstruction" case, reading [51] of the Tribunal Decision as a whole, and also having regard to the terms of paragraph [23], I am not satisfied that the Tribunal erred in concluding as it did. It

is necessary to read the first sentence of [51] with the following two sentences. The Tribunal was making the point that the evidence of the Appellant was initially somewhat confused as to whether [A] represented JeI or whether he ran as an independent in the 2013 election. As the Tribunal rightly observed, the Appellant's evidence on that issue only changed after he was told that JeI had been de-registered.

43. Further, I do not consider that even if there was an error in the Tribunal's fact finding, that it was such as to amount to a legal error in accordance with established principles. There was no failure to consider the claim that the Appellant was actually advancing.
44. In my view, there is no error of law arising from the Tribunal's factual findings in relation to this aspect of the matter. It was open to the Tribunal to reach the conclusions which it did at [51] and the Tribunal did not fail to consider the actual evidence before it.

## **SECOND GROUND OF APPEAL – NO EVIDENCE GROUND**

### *The Appellant's Submissions*

45. The Appellant contends that the Tribunal made a finding that [A] ceased to be a member of Parliament in 2006, for which there was no evidence. Accordingly, it is submitted that there was a failure to comply with s.34(4)(d) of the Act.
46. The Appellant submits that the Tribunal Decision [42] – [44] sets out the country information that the Tribunal relied upon. The Appellant submits that none of the material at those paragraphs of the Tribunal decision says that [A] ceased to be a member of Parliament in 2006. Further, the Appellant submits that the "apparent principal source of information, the Wikipedia page" says nothing about when he ceased to be a member of Parliament. Accordingly, the Tribunal acted on no evidence, or alternatively in breach of the requirements of s.34(4)(d) of the Act.
47. Counsel for the Appellant took the Court to the terms of paragraph [50] of the Tribunal Decision, as I have set out above. In that paragraph, the Tribunal says that the Appellant ... "retracted that claim [that he worked for [A] when he was a member of Parliament] when the Tribunal put to him that country information suggested [A] was a member of parliament between 2001 and 2006, when the [Appellant] was six years old."
48. Mr Aleksov submits that the Tribunal should be taken to have made a finding that [A] ceased to be a member of parliament in 2006. Whilst he accepted that the Tribunal Decision does not express that as a finding, he submits that the Tribunal is using the termination year of [A's] membership of Parliament to make the finding that the Appellant's political claims lacked credibility.

### *The Republic's Submissions*

49. Mr O'Shannessy on behalf of the Republic submitted that the Tribunal Decision does not disclose that the Tribunal made a "material finding" that [A] ceased to be a member of Parliament in 2006. In any event, the Appellant agreed with the proposition that [A] was only a member of parliament between 2001 and 2006: See Tribunal Decision at [21]. The Republic submits that this was the Appellant's

“evidence”, regardless of whether the country information in fact supported the suggestion.

50. The Republic submits that what the Tribunal was doing at paragraph [50] of the Tribunal Decision was recounting the ways in which the Appellant's story has changed over time when presented with evidence inconsistent with evidence which he had given previously. Paragraph [50] is a credibility finding based on the Appellant's willingness to tailor his evidence to suit what he thinks his interests are. It is not a finding that because the Appellant did not know when [A] left parliament, that factor weighed against him. It was a different point entirely.
51. Accordingly, the Republic submits that there is no finding that [A] left Parliament in 2006. What is relevant is the fact that the Appellant's evidence changed when the Tribunal put to him the suggestion that he did leave Parliament in 2006.

#### *Consideration of Ground 2*

52. The Tribunal did not make a clear finding that [A] was a member of Parliament between 2001 and 2006. I accept the submissions made on behalf of the Republic that, in truth, at paragraph [50] of the Tribunal Decision the Tribunal was dealing with the issue of the Appellant's lack of credibility based on the changing nature of his evidence.
53. Relevantly, as paragraph [50] makes clear, the Appellant's evidence initially was that he worked for [A] when he was a member of Parliament. However, when the Tribunal put to him that country information suggested that [A] was a member of Parliament between 2001 and 2006, the Appellant's evidence changed. It was that change which was relevant for the purposes of the Tribunal's approach to paragraph [50]. The manner in which the Appellant's evidence was deployed by the Tribunal is confirmed by a review of paragraph [21] of the Tribunal Decision.
54. It was unnecessary for the Tribunal to find the precise end date of [A's] membership of Parliament. The point of paragraph [50] was the Appellant's changing evidence. I accept the Republic's submission to the effect that the Tribunal did not need to make, and did not make, a finding about [A's] end date as a parliamentarian.
55. Accordingly, the Appellant has failed to make out this ground of appeal.

### **PROPOSED THIRD GROUND OF APPEAL - THE TRIBUNAL MISLED THE APPELLANT AS TO THE FACTS**

#### *The Appellant's Submissions*

56. In the alternative to ground 2, the Appellant seeks the Court's leave to further amend his Amended Notice of Appeal to contend that he was misled by the Tribunal as to the fact that [A] ceased being a member of Parliament in 2006. The Appellant contends that this amounted to a denial of procedural fairness.
57. This argument is framed by the Appellant as being an alternative argument, in the event that I find that the Tribunal did not make a finding that there was no evidence or failed to comply with s.34(4)(d) as to when [A] ceased to be a member of Parliament. The alternative argument is that the Appellant was misled at the hearing before the

Tribunal when he was told that country information seems to suggest that he was only a member of Parliament between 2001 and 2006.

58. My attention was drawn to the transcript of the hearing before the Tribunal at pages 102 and 103 of the Appeal Book. Relevantly, the passage relied upon by the Appellant is as follows:

**Ms Cranston:** So did you work for him when he was a member of Parliament?

**The Interpreter:** Correct.

**Ms Boddison:** (Indistinct)

**Ms Cranston:** So what position did he hold, and when did he hold it?

**The Interpreter:** What position? In the party, you mean?

**Ms Cranston:** What position in Parliament did he hold, and when did he hold it?

**The Interpreter:** Yeah, I know he is a member of Parliament, but what position he was holding and what type of speech he used to place in the Parliament, I am not sure what type of topics he is discussing in there.

**Ms Boddison:** I am sorry, clarify, and that's him you are talking about?

**Ms Cranston:** That's disappeared.

**Mr Simmons:** (Indistinct)

**Ms Cranston:** Oh, okay.

**Ms Boddison:** There?

**Mr Rana:** Yeah.

**Ms Boddison:** Yeah, okay. The country information seems to suggest that he was only a member of Parliament between 2001 and 2006.

**The Interpreter:** Yes.

**Ms Boddison:** But you just said that you were working for him when he was a member of Parliament, and you were only six at that time.

**The Interpreter:** I have never mentioned that I was working with him while he was a Parliament member between 2001 to 2006. I have mentioned in my statement saying that I was with him in 2013 when he was doing his election campaign.

**Ms Boddison:** I thought you'd just said then that you were working for him when he was a member of Parliament.

**The Interpreter:** Yeah, he went for the election for two times.

**Ms Boddison:** I do not think you answered the question. I thought - we understood you to say you were working for him when he was a member of parliament. Was that what you said or not?

**The Interpreter:** What do you mean by Parliament member?

**Ms Boddison:** When someone is elected and is a member of Parliament.

**The Interpreter:** No I did not have any connection during the time between 2001 and 2006. I referred to him as a Parliament member, but he was not actual Parliament member during this time when I had connection with him – I have an involvement with him. In 2013, he was doing the election campaign. He was participating for - to be elected, not he was a Parliament member.

59. Counsel for the Appellant submits that having put to the Appellant during that passage that “country information seems to suggest that [A] was only a member of parliament between 2001 and 2006” without “any probative evidence to support the conclusion date”, the Appellant was misled. The Appellant submits that the conclusion date is critical because the issue was about when the Appellant was working for [A] and whether he was working for him at a time when he was six years old. The Appellant submits that the manner in which the Tribunal deploys its reasoning at paragraph [50] of the Tribunal Decision, that is to say, adversely to the Appellant's credit, is “not tenable”; in other words, it was based on a “false premise”.

*The Republic's Submissions*

60. Counsel for the Republic accepts that there is nothing in the country information taken up at pages 134 and 135 of the Court Book which stated when [A] left Parliament. Counsel for the Republic noted that the Wikipedia article is not before this Court, and neither is the article at footnote five of the Tribunal Decision which was relevantly extracted in paragraph [43] of the Tribunal Decision. In other words, the Republic submits that there is no evidence in support of the Appellant's submission that the country information did not support the suggestion put to the Appellant.
61. The Republic submits that it is not for the Republic to accept a submission to this effect made by the Appellant with no evidence from the Appellant as to what he contends is the true end date of [A's] term in Parliament. That is to say, if the Appellant is to argue that he was materially misled by the Tribunal during the course of argument, then the misleading nature of what was put to him must be established by the Appellant.
62. In light of this submission, I ultimately gave leave to the parties at the conclusion of the hearing to file any further evidence in relation to this issue on a timetable which would have required the provision of further evidence and submissions by the end of August 2025. No such evidence or further submissions were filed by either party.

*Consideration of Proposed Ground 3*

63. The Appellant submits that the Tribunal misled him as to the fact of when [A] ceased being a member of Parliament. However, there is no evidence before me which would demonstrate that what the Tribunal put to the Appellant about [A] being a member of Parliament between 2001 and 2006 was in fact misleading.
64. Whilst it is true that the matters set out at paragraphs [42] – [44] of the Tribunal Decision contained within the country information before the Tribunal does not itself refer to the end date of [A's] parliamentary career, the lack of any such end date in the country information quoted by the Tribunal ought not to be equated with evidence that the information put to the Appellant was in fact in some way misleading. If the Appellant wishes to submit that he was actually misled because of what the Tribunal put to him during the course of the hearing, it falls to the Appellant to demonstrate the misleading nature of what was put to him. He has failed to do so in this case. Notwithstanding that I gave the Appellant an opportunity to lead further evidence on this issue after the close of the hearing, no such evidence has been filed.
65. In those circumstances, I conclude that ground 3 as proposed by the Appellant is bound to fail. Accordingly, leave to further amend the Amended Notice of Appeal to include proposed ground 3 ought to be refused.

**CONCLUSION**

66. For the reasons that I have set out, the Appellant has failed in respect of grounds 1 and 2 of the Amended Notice of Appeal. I refuse the Appellant leave to further amend the Amended Notice of Appeal to include ground 3.
67. In those circumstances, the appeal is dismissed. Pursuant to s 44(1) of the Act, I make an order affirming the Tribunal Decision.
68. I make no order as to the costs of the appeal.

**JUSTICE MATTHEW BRADY**

19 November 2025

