

In 2018, Santiago Gomes, a Colombian national, entered Australia on a student visa (expiring in March 2021) to complete a 3-year Arts degree specialising in politics. Santiago entered Australia using a passport in a false name. Back in Colombia, Santiago was involved in anti-drug campaigns and was identified as a potential leader. Santiago is certain he would have been killed by the Colombian drug lords had he remained in the country.

In 2019, Santiago failed 2 subjects and stopped attending his classes. The University reported this to the Department of Home Affairs who subsequently cancelled Santiago's student visa in August 2019. Since the cancellation, Santiago has held no valid visa.

In December 2019, Santiago was stopped by the police for a traffic offence. Under questioning, he admitted that he was an unlawful non-citizen and entered Australia on a false passport. The police then took Santiago to immigration detention where he currently remains.

On 30 December 2019, Santiago lodged a protection visa based on fearing persecution in Colombia which got refused based on adverse credibility finding. Santiago appealed the decision to the Administrative Appeals Tribunal and received a notice to attend the hearing.

On the day of the hearing, Santiago asks for an interpreter and the request is denied by the Member on the basis that he did not need indicate that he needed an interpreter when responding to the Hearing Invitation. The Tribunal Member states: *"Interpreters are time-wasters. I can understand you and I know you understand me perfectly"*.

The Member then asks Santiago about his views on political system in Australia without raising any questions about his circumstances in Colombia or protection visa claims. The hearing goes for approximately 15 minutes and ends abruptly with the Tribunal Member stating: *"Don't worry young man, everything will be fine"*.

Santiago subsequently received a letter informing him that the Tribunal had affirmed the delegate's decision and his appeal was unsuccessful. The decision letter states: *"Santiago's claims about his circumstances in Colombia are not credible. He has been unable to persuade me that he meets the protection visa criteria. As such, I find that I have no option but to deny his claim."*

Santiago wishes to seek judicial review of the Tribunal ruling.

Advise Santiago. Your advice should indicate the court in which the application should be made, the time frames that apply (if any) as well as the grounds for review of the decision.

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