



**IN THE FEDERAL CIRCUIT COURT
OF AUSTRALIA
AT PERTH**

File No: PEG186/2016

TRISSJAWATI KURNIA
Applicant

MINISTER FOR IMMIGRATION AND BORDER PROTECTION
Respondent
ADMINISTRATIVE APPEALS TRIBUNAL
Second Respondent

CONSENT ORDER

BEFORE: JUDGE LUCEV
DATE: 13 November 2017
MADE AT: PERTH

THE COURT ORDERS BY CONSENT THAT:

1. A writ in the nature of certiorari be issued to quash the decision of the Second Respondent, M T Reference 1503999, dated 4 April 2016.
2. A writ in the nature of mandamus be issued directing the Second Respondent to reconsider and determine the matter according to law.
3. The First Respondent is to pay the Applicant's costs fixed in the sum of \$6,825.
4. The hearing listed at 2.15pm on 14 November 2017 be vacated.

AND THE COURT NOTES THAT

The First Respondent concedes that the decision of the Second Respondent is affected by jurisdictional error in that the Second Respondent, at [26] of its decision record, misconstrued the operation of regulation 1.20J(2) of the *Migration Regulations 1994* (Cth) as excluding from the notion of compelling circumstances the existence of a genuine relationship because the Second Respondent regarded these matters to form the basis of all Partner Visa applications. See *Singh v Minister for Immigration and Border Protection* [2017] FCCA 2461 at [56].



By the Court

DATE ENTERED: 13 November 2017

Adele Byrne
Registrar