



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

File No: PEG425/2015

BXQ15
Applicant

MINISTER FOR IMMIGRATION AND BORDER PROTECTION
First Respondent

ADMINISTRATIVE APPEALS TRIBUNAL
Second Respondent

CONSENT ORDER

BEFORE: JUDGE LUCEV
DATE: 29 May 2017
MADE AT: PERTH

THE COURT ORDERS BY CONSENT THAT:

1. A writ of certiorari issue directed to the Second Respondent quashing its decision dated 19 August 2015 (AAT ref: 1501366).
2. A writ of mandamus issue directed to the Second Respondent requiring it to determine the application made to it for review of the decision of a delegate of the First Respondent dated 12 January 2015 according to law.
3. The first respondent pay the applicant's costs, fixed in the sum of \$7,206.

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 misconstrued s 91WA(1)(a) of the *Migration Act 1958* (Cth) as applying to circumstances where a bogus identity document was not provided in connection with the protection visa



application, which is inconsistent with the Full Federal Court judgment in *BGM16 v Minister for Immigration and Border Protection* [2017] FCAFC 72.

By the Court

DATE ENTERED: 29 May 2017


Registrar