



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

File No: SYG2681/2017

MOHAMMED AZIM SHAIKH
Applicant

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

ORDER

BEFORE: JUDGE DOWDY
DATE: 17 November 2017
MADE AT: SYDNEY

BY CONSENT THE COURT ORDERS THAT:

1. A writ in the nature of certiorari be issued to quash the decision of the Second Respondent, AAT reference 1715597, dated 17 August 2017.
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 amount of \$7,328.
4. The hearing listed at 10.30am on 17 November 2017 be vacated.

THE COURT NOTES THAT:

The First Respondent concedes that the decision of the Second Respondent is affected by jurisdictional error in that the delegate failed to notify the applicant of his decision dated 24 March 2017 to the correct address for the applicant after the applicant, by his conduct in contacting the department via telephone on 31 March 2016 to update his postal address and in contacting the department via email on 14 October 2016 to confirm that his



correspondence details had been updated, impliedly withdrew his nominated authorised recipient, under s494D(3) of the Migration Act, being the person who the applicant had previously nominated to receive documents from the Minister or his delegate.

By the Court

DATE ENTERED: 21 November 2017

Adele Byrne
Registrar