



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

File No: SYG298/2018

ANU18
Applicant

**MINISTER FOR IMMIGRATION, CITIZENSHIP, MIGRANT SERVICES AND
MULTICULTURAL AFFAIRS**
First Respondent

IMMIGRATION ASSESSMENT AUTHORITY
Second Respondent

ORDER

BEFORE: JUDGE EMMETT

DATE: 25 June 2019

MADE AT: SYDNEY

BY CONSENT, THE COURT DECLARES THAT:

1. The Second Respondent had no jurisdiction to review, under Part 7AA of the *Migration Act 1958 (Cth) (Act)*, the decision of the delegate of the First Respondent made on 20 June 2017, that decision not being a "*fast track reviewable decision*" as defined in ss 5(1) and 473BB of the Act.
2. The applicant has not been notified of the decision of the delegate of the First Respondent made on 20 June 2017 in accordance with section 66(2)(f) of the Act.

BY CONSENT, THE COURT ORDERS THAT:

1. A writ of certiorari issue quashing the decision of the Second Respondent dated 23 January 2018.
2. A writ of prohibition issue to prohibit the First Respondent and his delegates, servants and agents from acting upon, or giving effect to, the decision of the Second Respondent dated 23 January 2018.



THE COURT ORDERS THAT:

1. The name of the First Respondent be amended to ‘*Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs*’.
2. The First Respondent pay the costs of the applicant fixed in the amount of \$3,000.

BY CONSENT, THE COURT NOTES THAT:

1. The decision of the Second Respondent dated 23 January 2018 is affected by jurisdictional error in that it purported to review the decision of the delegate of the First Respondent made on 20 June 2017 when the applicant was an “excluded fast track review applicant” within the meaning of paragraph (a)(vi) of the definition of that phrase in section 5(1) of the Act.

THE COURT NOTES THAT:

1. Declaration 1 is not taken to be a concession by the applicant that a bogus document was provided by him.

By the Court

DATE ENTERED: 25 June 2019


Registrar