



Federal Court of Australia  
District Registry: New South Wales  
Division: General

No: NSD62/2020

On Appeal from a single Judge of the Federal Court of Australia

**LANGIILA UASI**  
Applicant

**MINISTER FOR IMMIGRATION, CITIZENSHIP, MIGRANT SERVICES AND  
MULTICULTURAL AFFAIRS** and another named in the schedule  
Respondents

### **ORDER**

**JUDGES:** JUSTICE RARES, JUSTICE KERR and JUSTICE PERRY

**DATE OF ORDER:** 21 May 2020

**WHERE MADE:** Sydney

#### **BY CONSENT, THE COURT ORDERS THAT:**

1. The appeal be allowed.
2. Orders 2 and 3 made on 22 November 2019 be set aside and in their place it be ordered that:
  - a. The decision of the second respondent (Tribunal) dated 2 April 2019 be quashed; and
  - b. The matter be remitted to the Tribunal for determination according to law, by a Tribunal constituted otherwise than by the original Tribunal member.
3. The first respondent pay the appellant's costs in the amount of \$23,000.

#### **THE COURT NOTES THAT:**

4. The first respondent concedes that the decision of the Tribunal is affected by jurisdictional error, in that the second respondent erroneously took into account whether the appellant should be further punished for his offending by the non-revocation of the cancellation of his visa.



Date that entry is stamped: 21 May 2020.

*Sia Lagos*  
Registrar



**Schedule**

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Second Respondent      ADMINISTRATIVE APPEALS TRIBUNAL