



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD 537 of 2021

VGJG

Appellant

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

Respondent

ORDER

JUDGE: JUSTICE BROMWICH

DATE OF ORDER: 03 August 2021

WHERE MADE: Sydney

BY CONSENT, THE COURT ORDERS THAT:

1. A writ of certiorari issue directed to the second respondent, quashing its decision dated 29 April 2021.
2. A writ of mandamus issue directed to the second respondent, requiring it to determine the applicant's application made to it on 5 February 2021 according to law.
3. The first respondent pay the applicant's costs as agreed or taxed.

THE COURT NOTES THAT:

1. The first respondent concedes that the second respondent failed to consider the representation made by the applicant that his detention would be prolonged while pursuing any application for a protection visa (Appeal Book p 123 lines 10-13): see *Viane v Minister for Immigration and Border Protection* [2018] FCAFC 116; 263 FCR 531 at [65]-[72].

Date that entry is stamped: 03 August 2021


Registrar



Schedule

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Second Respondent ADMINISTRATIVE APPEALS TRIBUNAL