



**IN THE FEDERAL CIRCUIT and
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT BRISBANE**

File No: BRG478/2021

MIDUK CHO
Applicant

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

ORDER

BEFORE: JUDGE VASTA
DATE: 27 June 2022
MADE AT: BRISBANE

APPEARANCES: IN CHAMBERS

BY CONSENT, THE COURT ORDERS THAT:

1. The name of the Respondent be amended to ‘Minister for Immigration, Citizenship and Multicultural Affairs’.
2. A writ of certiorari issue directed to the Respondent quashing the decision dated 29 September 2021.
3. A writ of mandamus issue directed to the Respondent requiring it to determine according to law the Applicant’s request for revocation of the decision made on 6 August 2021 to cancel his visa.
4. The Respondent pay the Applicant’s costs, fixed in the sum of \$3,930.00.

By the Court

DATE ENTERED: 27 June 2022



STATEMENT ACCOMPANYING CONSENT ORDERS

THE COURT ORDERS, BY CONSENT, THAT:

- A. The Respondent accepts that the decision made by a delegate of the Respondent not to revoke the cancellation of the Applicant's visa is affected by jurisdictional error. Specifically, the Respondent accepts that in this case the delegate misconstrued section 131(1)(a) of the Migration Act 1958 in considering whether the ground for cancellation existed.

A handwritten signature in blue ink, consisting of a large, stylized loop with a small arrow-like stroke pointing downwards and to the left.

Registrar