



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD398/2022

MOHAMAD EL MASRI

Applicant

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

Respondent

ORDER

JUDGE: JUSTICE HALLEY

DATE OF ORDER: 25 July 2022

WHERE MADE: Sydney

BY CONSENT, THE COURT ORDERS THAT:

1. A writ of certiorari issue, quashing the second respondent's decision of 29 April 2022.
2. A writ of mandamus issue requiring the second respondent to make a decision under s 501CA(4) of the *Migration Act 1958* according to law.
3. The first respondent pay the applicant's costs as agreed or assessed.



THE COURT NOTES THAT:

4. The first respondent concedes that the second respondent failed to consider the applicant's claims to face harm from generalised violence on return to Lebanon. Specifically, the applicant identified potential harm from random bombings, among other things, on return to Lebanon (see the decision record of the second respondent at [185], [186] and [210]). These were found by the second respondent not to amount to non-refoulement obligations (see at [192], [193] and [199]). The second respondent did not otherwise consider whether the potential for generalised harm amounted to 'another reason why the original decision should be revoked' within s 501CA(4)(b)(ii) of the *Migration Act 1958* (see in particular the decision record at [207]).

Date that entry is stamped: 25 July 2022

Sia Lagos
Registrar



Schedule

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Second Respondent ADMINISTRATIVE APPEALS TRIBUNAL