



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD614/2022

IMAD ABDULKADES BARGHACHOUN

Applicant

MINISTER FOR IMMIGRATION, CITIZENSHIP AND MULTICULTURAL

AFFAIRS and another/others named in the schedule

Respondent

ORDER

JUDGE: JUSTICE STEWART

DATE OF ORDER: 29 September 2022

WHERE MADE: Sydney

BY CONSENT, THE COURT ORDERS THAT:

1. The decision of the second respondent made on 8 August 2022 under s 501CA(4) of the *Migration Act 1958* (**Act**) not to revoke the decision made on 25 October 2016 to cancel the applicant's Class BF (transitional) visa under s 501(3A) of the Act be set aside.
2. The applicant's application for revocation be remitted to the second respondent to be heard and determined according to law.
3. The first respondent pay the applicant's costs, to be assessed if not agreed.

THE COURT NOTES THAT:

4. The first respondent concedes that the second respondent's decision made on 8 August 2022 is affected by jurisdictional error because the second respondent failed to properly consider the impact of the decision on the applicant's immediate family members in Australia, pursuant to clause 9.4.1(1) of Direction 90.



Date that entry is stamped: 29 September 2022

Sia Lagos
Registrar



Schedule

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Respondent ADMINISTRATIVE APPEALS TRIBUNAL

Second Respondent ADMINISTRATIVE APPEALS TRIBUNAL