



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

File No: SYG234/2023

LOGAN JOHN MANUSEUGA
Applicant

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

ORDER

BEFORE: REGISTRAR VAN DER WESTHUIZEN
DATE: 04 May 2023
MADE AT: MELBOURNE (In Chambers)

THE COURT ORDERS BY CONSENT THAT:

1. A writ in the nature of certiorari issue directed to the respondent quashing the decision dated 6 February 2023 to cancel the applicant's Class TY Subclass 444 visa.
2. The respondent pay the applicant's costs in the amount of \$1,675.75.

THE COURT NOTES THAT:

The respondent concedes that the respondent's delegate erred by failing to give the applicant adequate notice (under s 119 of the *Migration Act 1958*) of grounds for cancellation of the applicant's visa under section 116(1)(e)(i) of the *Act*. Specifically, the delegate in the notice of intention to consider cancellation informed the applicant that a basis for possible cancellation was membership of the Mongrel Mob gang, but concluded in their decision that the visa should be cancelled by reason of association with the Mongrel Mob gang. The respondent accepts that the lack of adequate notice resulted in material procedural unfairness.



By the Court

DATE ENTERED: 4 May 2023

A handwritten signature in blue ink, consisting of a large, stylized loop that tapers to a point on the left and ends in a small dot on the right.

Registrar