



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

File No: SYG1577/2022

**TE AHU KARAMU HOANI IHIMAIRA ANTHONY WILLIAM SAIIN
WIRANGI-HARDIMAN**
Applicant

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

ADMINISTRATIVE APPEALS TRIBUNAL
Second Respondent

ORDER

BEFORE: JUDGE VASTA
DATE: 20 July 2023
MADE AT: BRISBANE

APPEARANCES: IN CHAMBERS

BY CONSENT, THE COURT ORDERS THAT:

1. A writ of certiorari issue directed to the second respondent quashing the decision of the second respondent dated 25 January 2021.
2. A writ of mandamus issue directed to the second respondent requiring it to determine the application made to it for review of the decision of a delegate of the first respondent dated 2 January 2020 according to law.
3. The first respondent pay the applicant's costs, fixed in the sum of \$7,890.00.

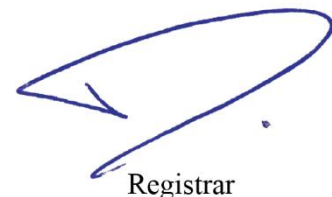


IT IS NOTED THAT:

- A. The first respondent concedes that the second respondent's decision is affected by jurisdictional error of the kind identified in *Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v Thornton* [2023] HCA 17 at [36] per Gageler and Jagot JJ, [73]-[74] per Gordon and Edelman JJ in that the second respondent took into account an irrelevant consideration for the purposes of considering whether the applicant's Special Category (Class TY) (Subclass 444) visa should be cancelled under s 116(1)(e) of the *Migration Act* 1958 (Cth), namely that between 27 January 2016 and 4 November 2018, the applicant was found guilty of a range of offences as a minor in the Southport Children's Court, for which no convictions were recorded (CB 46-51).

By the Court

DATE ENTERED: 20 July 2023



Registrar