



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD956/2023

RCWV

Applicant

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

Respondent

ORDER

JUDGE: JUSTICE HALLEY

DATE OF ORDER: 27 October 2023

WHERE MADE: Sydney

BY CONSENT, THE COURT NOTES THAT:

A. The first respondent concedes that:

- (i) the second respondent failed to consider a representation made by the applicant, separate to his non-refoulement claims, that as a result of civil instability in Sudan, he faced a risk of harm upon return to that country; and
- (ii) the failure to consider that representation was material.

BY CONSENT, THE COURT ORDERS THAT:

1. A writ of certiorari issue quashing the decision of the second respondent dated 30 August 2023.
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 6 June 2023 according to law.
3. The first respondent pay the applicant's costs, to be taxed if not agreed.

Date that entry is stamped: 27 October 2023



Sia Lagos
Registrar



Schedule

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Second Respondent ADMINISTRATIVE APPEALS TRIBUNAL