

Decision and  
Reasons for Decision

**Applicant/s:** William Terance Murrell

**Respondent:** Minister for Immigration and Citizenship

**Tribunal Number:** 2025/4833

**Tribunal:** Senior Member K Raif

**Place:** Sydney

**Date:** 20 November 2025

**Date of written reasons:** 21 November 2025

**Decision:** The Tribunal sets aside the decision under review and substitutes a decision that the cancellation of the Resident Return visa previously held by the Applicant should be revoked

**Senior Member K. Raif**

Statement made on 21 November 2025 at 1:04pm

## *Catchwords*

*MIGRATION – Mandatory cancellation of Applicant’s Class BB Resident Return visa – Ministerial Direction 110 Applied – Applicant does not pass character test – Substantial criminal record – whether there is another reason to revoke cancellation – decision under review is set aside*

## *Legislation*

*Migration Act 1958 (Cth)*

## *Cases*

*Jattan v Minister for Immigration, Citizenship and Multicultural Affairs [2024] FCA 866*

*CKL21 v Minister for Home Affairs [2022] FCAFC 70*

*FYBR v Minister for Home Affairs [2019] FCAFC 185*

*Ismail v Minister for Immigration, Citizenship and Multicultural Affairs [2024] HCA 2*

*Stoneley v Minister for Immigration and Multicultural Affairs [2025] FCA 143*

*Doan v Minister for Immigration and Multicultural Affairs [2025] FCA 1411*

## *Secondary Materials*

*Direction No. 110 Visa refusal and Cancellation under s. 501 and revocation of a mandatory cancellation of a visa under s. 501CA (‘Direction 110’)*

## Statement of Reasons

### BACKGROUND

1. This is an application for review of a decision of the delegate of the Minister for Immigration ('the Respondent') not to revoke the mandatory cancellation of a Class BB Resident Return Visa ('RRV') previously held by the Applicant.
2. The Applicant is a national of the UK, and was born in Sri Lanka in December 1946. He migrated to Australia in August 1964 and was last granted a Resident Return visa.
3. In August 2022 the Applicant was convicted of an offence for which he was sentenced to 7 years and 6 months imprisonment. On 18 August 2023 the Applicant's visa was mandatorily cancelled. In September 2023 the Applicant made representations to revoke the cancellation and on 3 September 2025 a decision was made under subsection 501CA(4) not to revoke the mandatory cancellation of the visa. The Applicant seeks a review of that decision.
4. The Applicant appeared before the Tribunal on 20 November 2025. The Tribunal heard oral evidence from the applicant's spouse Ms Murrell, his friend Mr Millard and his niece Ms Baker. For the following reasons, the Tribunal has concluded that the decision dated 3 September 2025 not to revoke the cancellation of the Applicant's visa should be set aside and that the cancellation of the visa should be revoked.

### RELEVANT LAW

5. Subsection 501(3A) of the Act relevantly states:
  - (3A) The Minister must cancel a visa that has been granted to a person if:
    - (i) the Minister is satisfied that the person does not pass the character test because of the operation of:
    - (i) paragraph (6)(a) (substantial criminal record), on the basis of paragraph (7)(a), (b) or (c)
6. Subsection 501CA(3) provides that as soon as practicable after making a decision under subsection 501(3A) the Minister must, among other things, notify the person of the decision, provide particulars of relevant information, and invite the person to make representations to the Respondent, 'within the period and in the manner ascertained in accordance with the regulations, about revocation of the original decision'.
7. Subsection 501CA(4) allows for a revocation of a decision under subsection 501(3A) and relevantly states as follows:

*The Minister may revoke the original decision if:*

- (a) *the person makes representations in accordance with the invitation; and*
- (b) *the Minister is satisfied:*
  - (i) *that the person passes the character test (as defined by section 501); or*
  - (ii) *that there is another reason why the original decision should be revoked.*

8. Subparagraph 501CA(4)(b)(ii) of the Act requires the Tribunal to examine the factors for and against revoking a mandatory cancellation decision. If the Tribunal is satisfied that the cancellation should be revoked following that evaluative exercise, the Tribunal must revoke the original visa cancellation decision.
9. The 'character test' is defined in subsection 501(6) of the Act. Relevantly, paragraph 501(6)(a) provides in part:
  - (6) *For the purposes of this section, a person does not pass the character test if:*
    - (a) *the person has a substantial criminal record (as defined by subsection (7))...*
10. Paragraph 501(7)(c) relevantly provides that a person has a '*substantial criminal record*' if the person has been sentenced to a term of imprisonment of 12 months or more.
11. In June 2024, Direction No. 110 *Visa refusal and Cancellation under s. 501 and revocation of a mandatory cancellation of a visa under s. 501CA* ('Direction 110') came into effect. Direction 110 is binding on the Tribunal in performing its functions or exercising powers under section 501 of the Act. Direction 110 sets out the principles that provide a framework within which decision-makers should approach their task of deciding whether to refuse to grant a visa or revoke mandatory cancellation decisions.
12. At Paragraph 5.2(2), the Direction provides that the safety of the Australian community is the highest priority of the Australian government. Further, at Paragraph 5.3(3) the Direction provides that

*Non-citizens who engage or have engaged in criminal or other serious conduct should expect to be denied the privilege of coming to, or to forfeit the privilege of staying in, Australia.*

13. The primary considerations which are set out in clause 8 of Direction 110 are:
  - (1) *protection of the Australian community from criminal or other serious conduct;*
  - (2) *whether the conduct engaged in constituted family violence;*
  - (3) *the strength, nature and duration of ties to Australia;*
  - (4) *the best interests of minor children in Australia; and*
  - (5) *expectations of the Australian community.*

14. The other considerations, which are not exhaustive, are set out of clause 9 of Direction 110:
- a) *legal consequences of the decision;*
  - b) *extent of impediments if removed; and*
  - c) *impact on Australian business interests.*
15. Paragraph 7(2) of Direction 110 states that the primary consideration of protection of the Australian community is generally to be given greater weight than other primary considerations. Otherwise, primary considerations should generally be given greater weight than the other considerations.
16. In this case, it is not in dispute that the Applicant had made representations about the revocation of the cancellation of his visa. The requirements of paragraph 501CA(4)(a) are met. The issues before the Tribunal are:
- (a) does the Applicant pass the character test, as defined by section 501 and, if not
  - (b) is there another reason why the original decision should be revoked.

#### **DOES THE APPLICANT PASS THE CHARACTER TEST?**

17. The character test is defined in subsection 501(6) of the Act. Relevantly, paragraph 501(6)(a) states that a person does not pass the character test if the person has a substantial criminal record, as defined in subsection 501(7). Paragraph 501(7)(c) provides that a person has a substantial criminal record if the person has been sentenced to a term of imprisonment of 12 months or more.
18. The Tribunal has been provided with a copy of the Criminal Intelligence Commission Check Results Report issued in June 2025. It indicates that on 26 August 2022 the Applicant was convicted of the following offences:
- discharge firearm etc intend cause grievous bodily harm (DV)
  - possess unauthorised prohibited firearm
  - possess unauthorised pistol
  - possess prohibited drug
  - possess ammunition without holding license / permit / authority
  - not keep firearm safely
  - possess or use prohibited weapon without permit
19. The Applicant was sentenced to a term of imprisonment of 7 years and 6 months for the 'discharge firearm' offence and three years for the possession of unauthorised prohibited firearm while other offences were taken into account on form 1.

20. The Respondent submits, by reference to *Jattan v MICMA*<sup>1</sup> that the Tribunal cannot consider charges that were taken into account on a “Form 1’ basis and, in this case, when the Applicant was sentenced for the ‘discharge firearm’ offence, most of the other offending was taken into account on Form 1 while the ‘possess ammunition’ offence did not attract any penalty.
21. The Tribunal finds that the Applicant has been convicted of offences for which he was sentenced to a term of imprisonment exceeding 12 months. The Tribunal finds that the Applicant has a substantial criminal record as defined in paragraph 501(7)(c) of the Act. As the Applicant has a substantial criminal record, he does not pass the character test. The Applicant concedes that he does not pass the character test. The requirements of subparagraph 501CA(4)(b)(i) are therefore not met.

**IS THERE ANOTHER REASON WHY THE REVOCATION SHOULD BE REVOKED?**

22. In the revocation request the Applicant stated that he has lived in Australia most of his life and has strong ties to Australia. He states that he, his immediate and extended family and friends would suffer significant emotional hardship if he is removed from Australia. The Applicant submits he has a limited criminal history and is not an unacceptable risk of harm. The Applicant submits that the background circumstances to his offending are exceptional and heartbreaking. The Applicant refers to the best interests of the minor children.
23. When making the application for review, the Applicant stated that insufficient weight was given to the strength, nature and duration of ties to Australia, best interests of minor children, extent of impediment if removed and legal consequences of the decision, while too much weight was given to adverse primary considerations. The Applicant stated that the facts of this ‘heartbreaking’ case are exceptional and different.
24. The Respondent submits that the Applicant does not pass the character test. The Respondent submits that there is not another reason why the cancelation should be revoked and that the consideration that weigh against the revocation outweigh those that are in favour of revocation. The Respondent submits that even there are strong countervailing considerations in favour of revocations, the protection of the community and expectations of the community weigh strongly against the revocation.
25. The Tribunal’s considerations are set out below with regard to Direction 110.

**Primary considerations**

***Protection of the Australian Community***

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<sup>1</sup> *Jattan v Minister for Immigration, Citizenship and Multicultural Affairs* [2024] FCA 866

26. Paragraph 8.1 of Direction 110 provides in part as follows:

Protection of the Australian community

When considering protection of the Australian community, decision-makers should keep in mind that the safety of the Australian community is the highest priority of the Australian government... Decision makers should have particular regard to the principle that entering or remaining in Australia is a privilege that Australia confers on non-citizens in the expectation that they are, and have been, law abiding, will respect important institutions and will not cause or threaten harm to individuals or the Australian community.

Decision-makers should also give consideration to:

- the nature and seriousness of the non-citizen's conduct to date; and
- the risk to the Australian community, should the non-citizen commit further offences or engage in other serious conduct.

The nature and seriousness of the Applicant's conduct to date

27. The Direction provides that violent crimes are viewed very seriously by the Australian Government and the Australian community.

28. Sub-paragraph (c) of paragraph 8.1.1(1) of the Direction requires a decision-maker (with the exception of certain crimes or conduct) to have regard to the sentence(s) imposed by the Courts for a crime or crimes of a non-citizen. Subparagraph (e) requires the decision maker to have regard to the frequency of the non-citizen's offending and/or whether there is any trend of increasing seriousness.

29. In considering the nature and seriousness of the Applicant's criminal offending and other conduct to date, the Tribunal has had regard to the Police Facts Sheets, court documents and sentencing remarks, where available.

30. The Tribunal has considered the sentencing remarks of Judge Townsden delivered on 26 August 2022. His Honour summarised the agreed facts as follows. The victim was married to the Applicant's daughter Ms Uskovic for 22 years and there are 4 children to the marriage. It is stated that in June 2019 Ms Uskovic was diagnosed with a rapid onset of a motor neurone disease and received a life insurance payout. In September 2020 Ms Uskovic and the youngest child moved in with her parents while the victim maintained a home with the older children. There was a family dispute and the victim was ordered to vacate the family home. On 12 November 2020 the Applicant parked near the victim's home, wearing a face mask, sunglasses and gloves. The Applicant was carrying a semi-automatic shortened rifle with a silencer, located the victim and began shooting at him. The first shot struck the victim on the side of the neck. The Applicant continued to fire shots towards the victim, firing five to six bullets which missed. A fight ensued and the victim kicked and punched the Applicant, causing a revolver to fall out of the Applicant's pocket. The Applicant sustained some injuries and was arrested by the police. The

victim's injuries included a neck wound and a right hand trauma. The police searched the Applicant's vehicle and located a bag containing 13.1 g of cannabis leave and an ammunition cartridge.

31. It is reported that in the police interview, the Applicant stated that his daughter, who is terminally ill, had been living with him as the victim had 'virtually kicked her out' and the victim had been siphoning money out of his daughter's bank account, having taken about \$100,000 in total. The Applicant stated that he went to confront the victim but when the victim saw him, the victim started chasing him and attacked him. He held the rifle pointing towards the ground but when attacked, he pointed the rifle at the victim and fired in response. The Applicant stated that he wanted to scare the victim and stop him from getting more money off his daughter. The Applicant told the Tribunal that he wanted to scare the victim and when the victim threw something at him, he lifted his weapon and shot at the victim.
32. His Honour referred to the victim's statement. The victim stated that he continues to carry the scars of the entry and exit wounds, experiences daily migraines, haunting nightmares and flashbacks and suffers depression. He claims he struggles to engage into society and experiences panic attacks and has thoughts of self-harm. He is treated with anti-depressants and is treated for PTSD symptoms.
33. His Honour referred to the sentencing assessment report from March 2022 which assessed as risk of reoffending being low to medium, as well as other evidence, such as the report by a neuropsychologist Ms Zipparo who in February 2022 concluded that the Applicant's conduct was more likely an extreme stress response than a manifestation of cognitive decline. His Honour noted that although there was some evidence of remorse, it was directed to family members rather than the harm caused to the victim and the Applicant's insight into the offending behaviour and appreciation of the wrongfulness of his actions remained limited. His Honour stated that he could not make a finding that the Applicant is unlikely to reoffend and stated that his prospects of rehabilitation were 'guarded'. His Honour found the offending to be objectively serious and, subjectively, that it fell within the mid-range for offences of this type.
34. In his declaration of 5 October 2025 the Applicant states that the offending occurred in complex circumstances including his daughter's diagnosis, the abuse she had suffered from her husband and the risk of harm posed by the victim to his grandchildren. With respect to the drug offending, the Applicant submits that his son in law had been growing marijuana at his home and he picked it up on the day of the [other] offence so as to remove the drugs from his grandchildren. With respect to the index offending, the Applicant admits that his offending was serious and occurred in aggravated circumstances. In oral evidence the Applicant states that he made a fatal mistake which he deeply regrets now. The Applicant states that his intention was to scare the victim and he 'snapped' in response to difficult circumstances. The Applicant states he was not

'thinking properly' at the time of grief. Ms Murrell in her evidence told the Tribunal that she believes her husband when he claims he is remorseful and she knows him well after over 50 years of marriage. Ms Murrell states that she knows her husband would never do anything that would jeopardise his family.

35. The Applicant told the Tribunal that he was given the weapon when it was legal. He stated that he briefly held a firearms license (but never used the gun) but he did not hold a license at the time of the offending.
36. The Tribunal has been provided with a copy of the sentencing assessment report prepared by Naomi Burden in March 2022. It refers to the absence of prior offending, satisfactory behaviour on remand and lack of institutional misconduct charges. It is stated that the Applicant recognised the impact of his offending on the family and victim but attributes his offending to the victim's treatment of his daughter. It is stated that the Applicant was able to demonstrate some insight into his offending and expressed willingness to engage in mental health treatment to manage risk factors. He was unable to provide a clear justification for purchasing and owning the firearm and unable to demonstrate an awareness of firearm laws in NSW. (The Applicant told the Tribunal that he acquired the firearms a long time ago when these were legal but never used them prior to the time of the offending.) It is noted that the Applicant has no history of violence or aggression. He has disclosed feelings of anxiety and stress at the time of the offence due to his daughter's terminal illness, divorce and his son's diagnosis and being a full-time carer. It is stated that the Applicant had engaged with a psychologist in custody and expressed a willingness to continue health treatment in the community. The report indicates that the Applicant has been assessed at a low to medium risk of reoffending.
37. The Tribunal has had regard to the pre-release report dated 7 February 2025. It states that the Applicant has 'somewhat' accepted responsibility for the index offending and demonstrated an understanding of the risk factors that led to his behaviour but this was marred by his tendency to victim blame. It is stated that the Applicant had expressed willingness to engage in intervention and there have not been any concerns during his time in custody. It is stated that the Applicant has been assessed at a medium – low risk of reoffending. The writer adds that while the Applicant's risk factors remain evident, he is willing to address his mental health and manage ongoing stressors with psychological intervention, he has stable accommodation and family is a significant protective factor.
38. In oral evidence the Applicant spoke about the stressors that existed at the time of the offending. (All the witnesses in oral evidence spoke about the family violence incidents affecting the applicant's daughter and grandchildren, the applicant's spouse and the applicant himself.) The Applicant submits that he had engaged with treatment and the Psychology Service Progress notes indicate attendance. The evidence of the Applicant and his wife is that he undertook mental-health treatment in prison and continued to address his mental health issues. The Applicant told the Tribunal that he had been

seeing a psychologist and intends to continue with these sessions if he is released into the community. The Applicant told the Tribunal that while in prison, he completed an anger management course, a computer course and religious programs and any workshops that were available to him.

39. The Tribunal has been provided with a copy of the determination by the State Parole Authority and various documents relating to the parole conditions and arrangements. The Applicant told the Tribunal that he was granted parole at the first available opportunity and his parole conditions include staying away from certain suburbs, regular reporting and ongoing treatment for anger management which he intends to comply with. The Tribunal has been provided with a copy of the ADVO issued in September 2021 and the Applicant told the Tribunal that he has not had any contact with his former son in law. There are also before the Tribunal a number of media reports concerning the offences. There are before the Tribunal Psychology Service Progress notes relating to the period of the Applicant's incarceration, evidence of his engagement in a number of courses and case note reports produced by Department of Corrective services.
40. The Respondent submits that the Applicant's conduct is viewed very seriously because it is a violent crime and involved family violence. The Respondent refers to the sentencing remarks, in particular, the determination that
- The Applicant's conduct was not spontaneous but involved a degree of planning and was calculated. There were aggravating factors. The Applicant had concealed his identity and the offending occurred at the victim's home.
  - The court, while accepting that the Applicant's decision must be seen in the context of his family situation, determined that such insight did not reduce his moral culpability for intending to cause grievous bodily harm to the victim
  - The offending was considered by the court to be objectively serious and within the mid-range for the offences of this type. The seriousness of the offending can also be determined from the nature of the sentence imposed.
41. In considering the nature and seriousness of the Applicant's conduct to date, the Tribunal finds that the offending involved a high degree of violence towards another person. The offending had been determined by the sentencing judge to be objectively serious. The potential harm to the victim involved physical and / or mental injury and possibly death and the Applicant's conduct did result in injuries to the victim. The Respondent refers to the victim impact statement, stating that the Applicant's offending conduct had significant and lasting impact on the victim, which substantially aggravates the seriousness of the offending conduct.

42. The Tribunal finds that the Applicant had engaged in serious offending of a nature that can cause very serious harm to others.

The risk to the Australian community, should the non-citizen commit further offences or engage in other serious conduct

43. The Tribunal has considered the risk to the community, should the Applicant reoffend. Paragraph 8.1.2(1) provides that in considering the need to protect the Australian community (including individuals, groups or institutions) from harm, decision-makers should have regard to the Government's view that the Australian community's tolerance for any risk of future harm becomes lower as the seriousness of the potential harm increases. Some of the conduct and the harm that would be caused, if it were to be repeated, is so serious that any risk that it may be repeated may be unacceptable.
44. Paragraph 8.1.2(2) provides that in assessing the risk that may be posed by the non-citizen to the Australian community, decision-makers must have regard to, cumulatively:
- 1) *the nature of the harm to individuals or the Australian community should the non-citizen engage in further criminal or other serious conduct;*
  - 2) *the likelihood of the non-citizen engaging in further criminal or other serious conduct, taking into account:*
    - a) *information and evidence on the risk of the non-citizen re-offending; and*
    - b) *evidence of rehabilitation achieved by the time of the decision, giving weight to time spent in the community since their most recent offence.*
45. Assessing the nature of the harm to individuals or the Australian community that may occur if the Applicant were to engage in further criminal or other serious conduct, is informed by the nature of his offending to date, including any escalation in the offending. This assessment also notes that Direction 110 provides that the Australian community's tolerance for harm becomes lower as the seriousness of the potential harm increases. Some conduct and the harm that would be caused, is so serious that any risk that it may be repeated may be unacceptable.
46. The offending in this case was of extremely violent nature which had the potential to (and did) cause physical and psychological harm to the victim. There is no history of offending and no escalation in the offending.
47. The Tribunal finds that there could be very significant harm, if the Applicant were engage in further criminal or other serious conduct of similar nature.
48. The Tribunal has considered the likelihood of the Applicant reoffending. In his revocation request the Applicant states that at the time of the offending he was experiencing family stress which had impacted his mental health. The Applicant referred to the stress relating to his daughter's marriage break-down due to family violence, his carer responsibility for his autistic son and mother in law. The Applicant stated in his

submission to the delegate that prior to his offending he was under stress due to his daughter's deteriorating health due to the terminal illness, which was emotionally and psychologically overwhelming and this ongoing stress had a substantial impact on his mental health. The Applicant states that the stress within the family was compounded by the victim filing for divorce during this challenging time, which had a profound emotional impact on him. The Applicant refers to his devastation for his daughter, concern for his grandchildren and emotional turmoil caused by the victim with all these factors affecting his ability to cope. The Applicant states that he was not in a sound state of mind during the time of his offences. The Applicant refers to his carer responsibilities in relation to his son (diagnosed with autism) and elderly mother in law. The Applicant submits that the offending was not representative of his character under normal circumstances. In oral evidence, the Applicant spoke about his son's needs and the ongoing support he requires.

49. With respect to rehabilitation, the Applicant stated in his revocation request that he had undertaken mental health treatment in prison and had numerous clinical sessions with a psychologist to address his mental health issues. The Applicant states that he is remorseful for his offending and understands the nature of his actions and has a strong motivation to avoid repeating this behaviour. The Applicant states that imprisonment has had a significant impact on him and would act as a deterrent. The Applicant notes that he has no prior criminal history and had previously contributed to the Australian society and had been law-abiding. He states that his actions were out of character. In his submission to the Tribunal the Applicant also claims that his advancing age continues to depress recidivism risk, particularly for violent conduct. (The Respondent submits that the Applicant did not have access to firearms during detention and his good conduct in detention is due to the restrictions of a structured environment).
50. In the revocation request the Applicant provided a number of supporting and character statements, including statements from family members, church and community members and there are additional character reference before the Tribunal, including several statements from the Applicant's partner, niece and a friend. The Tribunal also received oral evidence from Mr Millard who gave character testimony and stated that he offending was out of character. Mr Millard spoke of the impact on himself if the applicant was removed from Australia. The Tribunal accepts that those who provided statements believe the Applicant to be of good character and that he does not pose a risk to the community. The Tribunal has had regard to the statement from the Applicant's daughter Ms Uskovic dated 14 November 2025.
51. The Tribunal has had regard to a report prepared by Mr Watson-Munro dated 11 November 2025. It is stated that at the material time, the Applicant was suffering from a depression disorder, a generalised anxiety disorder, diminished self-esteem and escalating feelings of despair. It is stated that he was driven by strong need to protect

his daughter. Mr Watson-Munro notes that there is no history of substance use and that it is not apparent that his depression and anxiety contributed to his offending pathway. Mr Watson-Munro states that the offending was out of character for the Applicant and he assesses the risk of reoffending as low to medium. Mr Watson-Munro suggests that the Applicant requires ongoing psychological treatment and suggests that there may be a significant escalation in this symptoms of depression and anxiety if the Applicant was to be deported.

52. In oral evidence Mr Watson-Munro stated that the applicant was at considerable emotional distress at the time of offending and his judgment was impaired. Mr Watson-Munro suggested that there is a link between his mental health and the offending but no evidence of a personality disorder. Mr Watson-Munro referred to the protective factors, stating that the risk of reoffending is 'trending towards low'.
53. The Applicant concedes that his offending was serious and could cause significant harm if it were to be repeated but the Applicant submits he is not an unacceptable risk to the community. The Applicant states that the offending was an aberration and the function of deterrence was served through the imposition of the non-parole period and there is also the ongoing parole. The Applicant refers to the ongoing support of his family and states that he fully appreciates the wrongfulness of his conduct. The applicant refers to the rehabilitation he had completed, including ongoing psychological treatment.
54. The Respondent submits that even a low risk of reoffending represents an unacceptable risk but in this case, the Respondent submits the risk is greater than what is claimed by the Applicant. The Respondent submits that there is at least a low-moderate likelihood that the Applicant will engage in further criminal or other serious conduct in Australia. The Respondent states that
  - The Applicant referred to significant family stress he experienced at the time of offending, impacting his mental and emotional health. This is consistent with the Applicant's reports to Corrective Services and the assessment by Lisa Zipparo.
  - Corrective Services report indicates that the Applicant was unable to provide a clear justification for purchasing and owning a firearm.
  - Despite pleading guilty and expressing some regret, the Applicant initially denied doing anything to the victim and repeatedly sought to minimise his actions and to blame the victim. The court noted that the Applicant's insight into his offending was limited and his remorse was directed to family members rather than the victim.

55. The Respondent notes that the Applicant was assessed by Corrective Services as a low-medium risk and the Court was unable to find that the Applicant was unlikely to reoffend, also determining that his prospects of rehabilitation were guarded. The Respondent notes that there is no independent evidence about the outcomes achieved through various sessions and the Applicant has not indicated any plans for continued rehabilitation in the community. The Respondent submits that the Applicant's rehabilitation remains to be tested in the community. (The Applicant claims, by reference to *CKL21 v MHA*<sup>2</sup> that this does not mean he is at risk of reoffending).
56. The Respondent submits that there is insufficient evidence to be satisfied that the Applicant had curbed the underlying factors of his conduct and the material does not suggest that the Applicant will effectively address his stressors to mitigate the likelihood of reoffending. The Respondent notes that if the visa is reinstated, the Applicant would be released in the same familial circumstances that were in place in 2020 which resulted in him experiencing significant stress resulting in the offending conduct and the Applicant's evidence does not indicate a change of sentiment towards the victim. The Respondent submits that the risk of reoffending is not insignificant and is at least at the low-moderate level.
57. The Tribunal considers it significant that the offending, while extremely serious, was isolated in nature. There is no history of other offending and no escalation in the seriousness of offending. Townsden J found the offending to have been premeditated but also acknowledged that it may have been caused by the stress of the family's circumstances.
58. The Tribunal acknowledges the Respondent's submission that if released from detention, the Applicant would face similar family circumstances and the same stressors as existed at the time of offending. It is important, however, that considerable time has passed since the events that may have triggered the offending. At that time, the daughter's diagnosis was recent and the daughter's relationship with the victim had recently ended. The evidence also suggests that the daughter may have experienced family violence perpetrated by the victim. Given the passage of time, it is possible that these stressors may be less significant now. The Tribunal also accepts that the Applicant may not feel substantially different towards the victim. It does not necessarily follow, in the Tribunal's view, that there is a real likelihood that the Applicant will again use a weapon to, or that he may otherwise, harm the victim.
59. The evidence of various professionals is that the risk is low to medium. The Tribunal has formed the view that the offending was largely a response to the particular circumstances that existed at the time. The Tribunal acknowledges that the Applicant

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<sup>2</sup> *CKL21 v Minister for Home Affairs* [2022] FCAFC 70 at [79]

has gained insight into his offending and has engaged in rehabilitation in the form of regular psychological counselling. The Tribunal is of the view that the risk of reoffending may be lower than the medium risk but the Tribunal also acknowledges the professional views expressed in the above-cited reports. Given the serious harm that could be caused if the Applicant was to reoffend, the Tribunal finds that the protection of the Australian community weighs against the revocation.

***Whether the conduct engaged in constituted family violence***

60. Paragraph 8.2 of the Direction provides:

The Government has serious concerns about conferring on non-citizens who engage in family violence the privilege of entering or remaining in Australia. The Government's concerns in this regard are proportionate to the seriousness of the family violence engaged in by the non-citizen

61. In his written submission to the Tribunal the Applicant states that the index offence meets the ordinary meaning of violent behaviour causing fear and injury within a family context. He states, however, that there is no cumulative pattern of repeated family violence. In the SOFIC the Applicant claims that the offending occurred within the family setting and is best characterised as grave armed violence within a domestic context rather than family violence.

62. The Tribunal finds that the victim was the son in law of the Applicant and there was a familial relationship between them. The Tribunal finds that the Applicant's conduct caused the victim to be fearful. The Tribunal finds that the Applicant had engaged in family violence offending. Given the extent of the violence involved and the harm to the victim, the Tribunal finds that this consideration weighs heavily against the revocation.

***The strength, nature, and duration of ties to Australia***

63. Paragraph 8.3 of the Direction provides:

- (1) Decision-makers must consider any impact of the decision on the non-citizen's immediate family members in Australia, where those family members are Australian citizens, Australian permanent residents, or people who have a right to remain in Australia indefinitely.
- (2) Where consideration is being given to whether to cancel a non-citizen's visa or revoke the mandatory cancellation of their visa, the decision-maker must also consider the strength, nature and duration of any other ties that the non-citizen has to the Australian community. In doing so, decision-makers must have regard to
  - (a) How long the non-citizen has resided in Australia including whether the non-citizen arrived as a young child, noting that
    - (i) Less weight should be given where the non-citizen began offending soon after arriving in Australia; and

- (ii) More weight should be given to time the non-citizen has spent contributing positively to the Australian community.
  - (b) The strength, duration and nature of any family or social links with Australian citizens, Australian permanent residents and / or people who have an indefinite right to remain in Australia.
- 64. The Applicant has been living in Australia since 1964, for a period exceeding sixty years. He told the Tribunal about his past employment and settlement in Australia. He did not begin offending soon after arriving in Australia.
- 65. The Applicant's immediate family reside in Australia. That includes his partner, two adult children, four grandchildren (one of whom is a minor), siblings, nieces and nephews and the Applicant told the Tribunal that there is a close family unit.
- 66. The Respondent submits that there is likely to be an emotional, financial and practical effect on the Applicant's family in Australia if the visa is not reinstated. The Respondent notes, however, that the Applicant is the subject of a parole order that may preclude him from visiting Wahroonga where some of his grandchildren reside so that the weight of the impact should be moderated with respect to these individuals. (The Tribunal has been provided within application for parole variation to enable the Applicant to visit his daughter's home but informed the Tribunal that this has not been resolved. The Applicant has indicated that he intends to seek the variation of the Parole conditions to enable him to spend time with his daughter.)
- 67. The Respondent also submits that the support the Applicant may offer will be affected by age and health issues. The Tribunal considers this claim speculative, as there is no satisfactory evidence to establish that the Applicant is unable, due to his age or health, to offer practical or emotional support to family members. In particular, the Tribunal notes the evidence that the applicant acts as a 'family driver' as his wife does not drive and there is no evidence that he cannot fulfil that role. He is also able to provide emotional support to the family members irrespective of his age and health issues.
- 68. In his revocation request the Applicant set out the circumstances of his relationship with his partner, stating that they married in 1969 and have been supporting each other and have a close relationship. The Applicant submits that his deportation would have a 'devastating and multi-faceted' impact on his wife, who has already endured emotional and practical hardship since his arrest. The Applicant refers to emotional, financial and practical hardship. He states that his wife has relied on him for financial support to meet the family's needs, including caring for their disabled son and daughter. The Applicant submits that it would be more difficult for his wife to manage the practical aspects of daily life, including the carer arrangements in relation to their two children. The Applicant refers to long-term impact of losing a partner. In oral evidence the Applicant also spoke about his long term relationship with his wife.

69. The Applicant submits that prior to his arrest he had played a central and supportive role within the family and his removal would cause emotional distress to family members. In oral evidence the Applicant told the Tribunal that his son has been diagnosed with Asperger and has always been living at home. The Applicant stated that prior to his incarceration he has been a carer for his son and during his incarceration the Applicant states he maintained contact with his son. The Applicant told the Tribunal that his wife never learned how to drive and he was the one who provided practical services to the family and in particular his grandchildren as they were growing up. The Applicant stated that it would be very difficult for his family to cope in his absence.
70. The Applicant provided with his revocation request a letter from his wife, who refers to the Applicant's past employment and contribution to society and sets out the hardship she would experience if the Applicant's visa remains cancelled. In oral evidence the Applicant and his wife spoke about the Applicant's community contribution including employment and payment of taxes, contribution to the children's schools and church.
71. The Applicant provided a letter from his son who refers to the Aspergers diagnosis and states that he had been reliant on his father for his physical, emotional and financial needs.
72. In oral evidence the Applicant spoke about a close relationship with his grandchildren stating they have an 'excellent' relationship and that he looked after his elder grandchildren when they were small. The Applicant's granddaughter provided a statement which refers to the close relationship the Applicant has with the grandchildren and to the hardship that the grandchildren will experience if the Applicant is not in Australia, particularly in light of her mother's diagnosis. As noted above, the Applicant provided with the revocation request a large volume of supporting statements, which include statements from various family members, and the Tribunal has had regard to that evidence. There are further statements before the Tribunal prepared in October 2025, including a statement from the Applicant's spouse, friends and relatives. There is a further statement from the Applicant dated 6 October 2025 outlining his family's present circumstances.
73. There is before the Tribunal a statement from Ms Bronwen Orden who refers to the condition of the Applicant's daughter, stating that her life expectancy continues to be extremely limited and that nurturing relationship with those closest to her are essential for her well-being. Ms Orden recommends the Applicant be granted the visa so that he may contribute to providing the critical physical, emotional and mental support, noting that support is also required by the Applicant's wife.
74. In oral evidence the Applicant and his wife both spoke about the close family connections. Ms Murrell spoke about the Applicant being a good father to their children and the support he provided to them and the grandchildren. Ms Murrell spoke about the

impact of uncertainty on their son. Ms Murrell spoke about her own session with the psychologist as she was concerned about the outcome and the possibility of the applicant being away from the family.

75. The Tribunal accepts the above evidence and accepts that family members have been reliant on the Applicant in a number of ways including emotionally, practically and financially. The Tribunal accepts that the nature of the Applicant's relationships with various family members would have been affected by the particular characteristics of the family members, including most notably health issues and their specific needs. That is, the relationship between the Applicant and his partner, children and grandchildren may be closer than what it may have been in different circumstances. In these circumstances, the Tribunal accepts that family members, in particular the Applicant's spouse, children and grandchildren, are likely to experience a significant degree of distress if the Applicant was to leave Australia. The Tribunal accepts that they would be profoundly impacted if the Applicant was required to leave Australia as a result of his visa cancellation.
76. The Applicant also presented statements from his siblings, other family members and friends. As noted above, the applicant's long term friend gave oral evidence about the impact of the applicant's removal on his family. The Tribunal accepts that they may also be adversely impacted by the removal of the Applicant.
77. The Tribunal finds that this consideration weighs very heavily in favour of the revocation.

***The best interests of minor children in Australia***

78. Paragraph 8.4(1) of the Direction requires a decision-maker to make a determination about whether cancellation or refusal under section 501, or non-revocation under section 501CA, is in the best interests of a child affected by the decision.
79. The Applicant has several grandchildren and one of his granddaughters, SU is a minor, born in December 2008. In his revocation request the Applicant refers to the close and loving relationship with this grandchild, stating that they have maintained regular contact. The Applicant states that he played a significant and supportive role in the lives of his grandchildren, providing them with emotional, practical and financial support. This is consistent with the oral evidence of Ms Murrell and a number of written statements that have been provided to the Tribunal. The Applicant refers to his grandchild relying on him for emotional and financial support.
80. The Respondent submits that the Applicant has not played parental role in relation to that grandchild and had only limited role since he went into custody in 2020. The Respondent submits that the child will turn 18 in December 2026 so that any future role the Applicant will play is limited in that modest period of time. The Respondent also

notes that the Applicant is precluded by his parole conditions to enter the area where this child lives (which obviously does not prevent contact in any other area not covered by the parole conditions). The Respondent submits that the Applicant can maintain remote contact with that child and, if there remains a risk that the Applicant will engage in family violence, there is a prospect that this child will be exposed to family violence by the Applicant.

81. The Tribunal is not convinced by these claims. There is no suggestion that the Applicant had ever engaged in family violence offending relating to this or any other child or any family member other than his son in law. That is, the Applicant's offending was directed at one person only, and the Applicant's claim is that his conduct was triggered by the particular circumstances that existed at that time. As such, the Tribunal does not consider that there is any risk that the child will experience family violence perpetrated by the Applicant. The Tribunal also accepts the evidence of the applicant and his partner about the close role that the applicant has played in the life of that grandchild.
82. The Applicant also refers to his grand-niece GB who is a minor. There is before the Tribunal a statement from Ms Samantha Baker who refers to the close relationship with the Applicant and states that she and her children would be devastated if the Applicant was deported. Ms Baker also gave oral evidence to the Tribunal in which she spoke about her family's close ties with the applicant and she stated that her daughter would be devastated by the Applicant's departure from Australia. The Respondent submits that the Applicant's relationship with that child is limited and he did not play a materially supportive role in relation to that child. The Respondent submits that any emotional consequences from separation may be alleviated through electronic contact.
83. The Respondent acknowledges the best interests of minor children support the revocation decision but claims that limited weight should be given to that consideration.
84. The Tribunal is of the view that it is in the best interests of the applicant's granddaughter that the applicant remains in Australia. The evidence relating to the GB is less persuasive, as the applicant's relationship with that child appears to be more distant.
85. The Tribunal gives this consideration considerable weight in favour of the revocation.

#### ***Expectations of the Australian Community***

86. Sub-clause 8.5 of Direction 110 provides that the Australian community expects non-citizens to obey Australian laws while in Australia. Paragraph 8.5(1) of the Direction sets out the government's view in relation to community expectations:

*The Australian community expects non-citizens to obey Australian laws while in Australia. Where a non-citizen has engaged in serious conduct in breach of this*

*expectation, or where there is an unacceptable risk that they may do so, the Australian community, as a norm, expects the Government to not allow such a non-citizen to enter or remain in Australia.*

87. Paragraph 8.5(3) of the Direction provides that the above expectations of the Australian community apply regardless of whether the non-citizen poses a measurable risk of causing physical harm to the Australian community.

88. Paragraph 8.5(4) of the Direction provides guidance on how the expectations of the Australian community are to be determined. This paragraph states:

*This consideration is about the expectations of the Australian community as a whole, and in this respect, decision-makers should proceed on the basis of the Government's views as articulated above, without independently assessing the community's expectations in the particular case.*

89. Paragraph 8.5(4) is consistent with the decision of the Full Court of the Federal Court in *FYBR v Minister for Home Affairs*,<sup>3</sup> which affirmed the approach established in previous authorities that it is not for the Tribunal to determine for itself the expectations of the Australian community by reference to an Applicant's circumstances or evidence about those expectations. Instead, the Tribunal is to be guided by the Government's views as to the expectations of the Australian community, which are to be found in the Direction.

90. Paragraph 8.5(2) contains a statement of the Government's views as to the expectations of the Australian community, which operates to ascribe to the whole of the Australian community an expectation aligning with that of the executive government which the decision maker must have regard to.

91. In *Ismail*<sup>4</sup> the High Court said (regarding the same primary consideration as it appeared at paragraph 8.4 in the former Direction 90):

*... para 8.4 does not stipulate that, in assessing what weight is to be given to the expectations of the Australian community, the decision maker must attribute to that hypothesised community knowledge of the personal circumstances of the Applicant for the visa as known to the delegate. To the contrary, para 8.4(4) stipulates that the decision maker is to proceed on the basis of the Australian Government's views as set out in para 8.4 "without independently assessing the community's expectations in the particular case".*

*Paragraph 8.4(4) is to be understood as directing the decision maker not to attempt to infer what the expectations of the Australian community would be*

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<sup>3</sup> [2019] FCAFC 185

<sup>4</sup> *Ismail v Minister for Immigration, Citizenship and Multicultural Affairs* [2024] HCA 2 at [51]-[52].

*"in the particular case" (that is, with the knowledge of the delegate about the Applicant's personal circumstances), but to proceed on the basis that the views of the Australian Government set out in para 8.4(1)- (3) are the relevant norm described as the expectations of the Australian community...*

92. The Applicant had committed a violent offence which put at risk the health, safety and potentially the life of another person. This consideration weighs against the revocation and, having regard to the seriousness of the offence, the Tribunal places significant weight on this consideration.

### **Other considerations**

#### ***Legal consequences of the decision***

93. Paragraph 9.1 of the Direction directs a decision-maker to take into account the following:

*Decision-makers should be mindful that unlawful non-citizens are, in accordance with section 198, liable to removal from Australia as soon as reasonably practicable in the circumstances specified in that section, and in the meantime, detention under section 189, noting also that section 197C(1) of the Act provides that for the purposes of section 198, it is irrelevant whether Australia has non-refoulement obligations in respect of an unlawful noncitizen...*

94. The Applicant is not the subject of a protection finding. The Applicant does not claim, and there is no evidence before the Tribunal to indicate that, Australia's non-refoulement obligations are engaged in this case.
95. If the Applicant's visa remains cancelled, the Applicant would remain in detention as an unlawful non-citizen and will be removed from Australia. There is no suggestion the Applicant would be subject to indefinite detention. The cancellation of the visa means that the Applicant may not be able to apply for another Australian visa onshore (subject to a very limited exception) and will be subject to the special return criteria in relation to any future visa applications. That is, the Applicant's future opportunities to stay with his family in Australia would be very limited or non-existent.
96. The Respondent submits, by reference to *Stoneley*,<sup>5</sup> that these consequences are the intended consequences and hence this consideration should be given neutral weight. The issue was most recently considered in *Doan v MIMA*<sup>6</sup> where the court held that it is

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<sup>5</sup> *Stoneley v Minister for Immigration and Multicultural Affairs* [2025] FCA 143

<sup>6</sup> *Doan v Minister for Immigration and Multicultural Affairs* [2025] FCA 1411

permissible for the Tribunal to have regard to the applicant's particular circumstances, and it is open for the Tribunal to conclude that this factor should be given neutral weight.

97. Having regard to the applicant's particular circumstances and the likely significantly adverse effect of the applicant's removal on his family members in Australia, the Tribunal has decided that this consideration weighs in favour of the revocation.

***Extent of impediments if removed***

98. Paragraph 9.2 of the Direction directs a decision-maker to take into account the extent of any impediments that the non-citizen may face if removed from Australia to their home country, in establishing themselves and maintaining basic living standards (in the context of what is generally available to other citizens of that country), taking into account:

- a. *the non-citizen's age and health;*
- b. *whether there are any substantial language or cultural barriers; and*
- c. *any social, medical and/or economic support available to that non-citizen in that country.*

99. The Applicant is 78 years of age. In his revocation request and oral evidence, the Applicant referred to a number of health issues, including sleep apnoea, diabetes, enlarged prostate, throat injury, broken collar bone, ischemia and infarcts, mild cognitive impairment, an eye condition requiring regular injections and episodes of depressive mood. The Tribunal has been provided with the Applicant's detention medical records.
100. In his statement of 5 October 2025 the Applicant states that he is a citizen of UK but has never been to the UK, having been born in Sri Lanka and coming to Australia at the age of 17. The Applicant told the Tribunal that at his age, he would not find any employment in the UK and his entire family is in Australia. The Applicant refers to his marriage since 1969 and the close relationship with his two children and grandchildren. The Applicant refers to his family circumstances and his employment history. The Applicant refers to his close relationships with his grandchildren and extended family. The Applicant repeated that evidence in oral evidence.
101. There is no evidence to indicate that the Applicant would experience any language or cultural barriers in the UK.
102. In his revocation request the Applicant states that if returned to the UK, he would experience loneliness and isolation due to lack of social connections or support systems, his declining health and inability to work. The Applicant states that he may not be able to find secure accommodation in the UK. The Applicant states that he has never resided in the UK (having been born and having lived in Sri Lanka until he migrated to Australia). The Applicant states that is concerned about access to healthcare in the UK which is

crucial for him to manage his health condition. The Applicant refers to the emotional distress of being separated from his family and his concern for his family's welfare. In oral evidence the Applicant told the Tribunal that UK is a completely foreign country and he would not be able to establish himself there at his age. The Applicant stated that if he was to leave the country, he would prefer for his wife to remain in Australia as she is the main support to the grandchildren.

103. Mr Watson-Munro expressed a view that if the applicant was to be removed to the UK, his mental health is likely to deteriorate.
104. The Respondent submits that the UK has standards of health care, social welfare and housing support which are comparable to Australia and the Applicant would be able to access these as a UK citizen. The Applicant submits that the Tribunal cannot rely on the mere existence of services to negate real barriers of age, frailty and absence of supports. The Tribunal acknowledges that it is necessary to consider the practicalities of the Applicant's residence in another country and it is not sufficient to state that supports may be available to him. It is also necessary to consider the Applicant's ability to access and rely on such supports. The Tribunal accepts that the Applicant's age, the fact that he has never lived in the UK, his multiple health conditions and his personal circumstances may pose a barrier to his ability to access supports in the UK, even if such supports are available.
105. The Respondent submits a copy of the DFAT SmartTraveller report on UK. The Respondent submits that such supports will be able to assist the Applicant in establishing himself and maintaining basic living standards in the UK. The Respondent notes that the Applicant would have some time before his removal to commence arrangements with respect to health issues and housing. The Respondent also notes that the Applicant will have access to his assets and retirement arrangements and he has gained financial independence. The Respondent submits that while the Applicant may have limited social supports available in the UK, this can be mitigated through remote communication. The Respondent also notes that the Applicant was able to establish himself in Australia after departing Sri Lanka and has a 'record of establishing himself' and maintaining living standards in a foreign country.
106. The Tribunal accepts that the Applicant is unlikely to have any practical and useful connections in the UK where he had never lived. The Tribunal accepts that in his particular circumstances, the Applicant may experience significant impediment in re-setting in that country, particularly given his age and health, lack of supports, separation from his immediate family and grief arising from his daughter's condition. The Tribunal accepts that the uncertainty about accommodation, access to healthcare and lack of supports, as well as separation from family in Australia, may contribute to the Applicant's distress. This is consistent with the evidence of Mr Watson-Munro.

107. The Tribunal finds that this consideration weighs strongly in favour of the revocation.

***Impact on Australian business interests***

108. There is no evidence before the Tribunal to indicate that a decision not to revoke the cancellation of the Applicant's visa would significantly compromise the delivery of a major project or of an important service in Australia. This consideration is neutral.

**CONCLUSION**

109. The Tribunal has found that the Applicant had been convicted of an offence for which he was sentenced to more than 12 months imprisonment and he does not pass a character test. The Tribunal has considered if there is another reason why the decision to cancel his visa should be revoked.

110. The Tribunal has determined that the Applicant had committed very serious offences, and that if he were to commit another offence of similar nature, there would be a risk of serious harm to the victim. The Tribunal has formed the view that the risk of reoffending is low to medium. The Tribunal finds that the protection of the community weighs heavily against the visa revocation. The Tribunal places significant weight on the community expectations, which also weigh against revocation, and is the fact that the Applicant had committed family violence. The Tribunal acknowledges that paragraph 7(2) of Direction 110 states that the primary consideration of protection of the Australian community is generally to be given greater weight than other primary considerations.

111. The Tribunal acknowledges that the circumstances of this case are somewhat unique in that the Applicant does not have a history of offending other than the offending that led to the cancellation of his visa. Importantly, the Applicant's offending was in response to what he believed to have been inappropriate conduct towards his daughter and this is consistent with Ms Zipparo's professional view that the offending conduct was more likely an extreme stress response than a manifestation of cognitive decline. (The applicant told the Tribunal that he had 'snapped'.) That is, the offending appears to have been situational rather than reflective of the Applicant's criminogenic tendencies or due to the use of illicit substances or personality disorders. There is nothing to suggest these factors played a role in the offending. The Tribunal is of the view that the circumstances of the offending are such that the above factors that weigh against the revocation are to be given less weight than they may have been in different circumstances.

112. The Tribunal places significant weight on the strength, nature and duration of the Applicant's ties in Australia. The Tribunal accepts the evidence that prior to his detention the Applicant was the primary carer for his son and mother in law, both of whom have certain health issues, and that he was supportive of his daughter and grandchildren. The Applicant has expressed his desire to continue to support his family and while there may

be some restrictions in the immediate future due to conditions of the parole, the Tribunal accepts that in the longer term, the Applicant will be capable of providing practical, emotional and other supports to his family in Australia if he is able to remain in Australia. Importantly, the Tribunal accepts that the Applicant's family members will be adversely impacted if the Applicant is removed from Australia and, given their particular characteristics and health issues, such impact may be severe. The Tribunal finds that the Applicant's ties to Australia weigh heavily in favour of the revocation.

113. The Tribunal places significant weight on the extent of impediment if removed. In the circumstances of this case, the Tribunal accepts that there may be a significant impediment to the Applicant if he is removed, noting in particular the length of time he has lived in Australia and the fact that his immediate and extended family live in Australia. The Applicant would be removed to a country where he has never lived and has no connection to and while the Tribunal accepts that the Applicant may be able to establish himself in the UK in the future, there will no doubt be a considerable degree of hardship associated with that, given his age, health issues and lack of supports. The Tribunal finds that the extent of impediment if removed weighs heavily in favour of revocation.
114. The Tribunal has also determined that it is in the best interest of the Applicant's minor granddaughter that the cancellation is revoked, enabling the child to have an ongoing and meaningful relationship with the Applicant. The Tribunal gives this limited weight in favour of the revocation.
115. The business interests are neutral and the Tribunal gives the legal consequences of removal little weight in favour of the revocation.
116. Considering the circumstances as a whole, the Tribunal has decided to give greatest weight to the considerations of the extent of Applicant's ties to Australia and in particular the impact of his removal on his immediate family in Australia and the extent of impediment to the Applicant if he was removed. In the particular circumstances of this case, the Tribunal has decided that these considerations outweigh other considerations.
117. The Tribunal has decided that the decision under review should be set aside and that the cancellation of the visa should be revoked.

### **Decision**

118. The Tribunal sets aside the decision under review and substitutes a decision that the cancellation of the Resident Return visa previously held by the Applicant should be revoked.

Date(s) of hearing:

**20 November 2025**

Counsel for the Applicant:

**Dr J Donnelly, Latham Chambers**

Solicitors for the Respondent:

**Mr A Sharma HWL Ebsworth**