Federal Court of Australia

District Registry: New South Wales Registry

Division: General No: NSD1248/2026

TCFS
Applicant

MINISTER FOR IMMIGRATION AND CITIZENSHIP and another named in the schedule
Respondent

ORDER

JUDGE: Justice Shariff

DATE OF ORDER: 11 November 2026

WHERE MADE: Sydney

BY CONSENT, THE COURT ORDERS THAT:

1. A writ of certiorari be issued quashing the decision of the Second Respondent made on 30 June 2026.
2. A writ of mandamus be issued remitting the Applicant's application for review to the Second Respondent for determination according to law.
3. The First Respondent pay the Applicant's costs as agreed or assessed.

THE COURT NOTES THAT:

1. The First Respondent (**Minister**) concedes that the Second Respondent's (**Tribunal**) decision is affected by jurisdictional error, in that the Tribunal failed to bring the all of the considerations prescribed by *Direction No. 110 — Visa refusal and cancellation under section 501 and revocation of a mandatory cancellation of a visa under section 501CA* (**Direction No. 110**) into account "as part of a single evaluation of their relative significance thereby weighing them all together" (emphasis added): ***CRNL*** *v Minister for Immigration, Citizenship and Multicultural Affairs* [2023] FCAFC 138 at [28] (Colvin, Stewart and Jackson JJ).

2. At page 447 [137] of the Appeal Book filed on 17 August 2026 (**AB**), the Tribunal failed to bring the considerations prescribed by cl 9.2 of Direction No. 110, entitled *"Extent of impediments if removed"*, into the final single evaluative exercise, as required by *CRNL*.
3. The Minister concedes that the failure to bring the considerations in cl 9.2 of Direction No. 110 into the single evaluative exercise was material, in that the Tribunal's decision could realistically have been different had the error not occurred: *LPDT v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2024] HCA 12; 280 CLR 321 at [14] (Gageler CJ, Gordon, Edelman, Steward, Gleeson and Jagot JJ), [38] (Beech-Jones J). Inclusion of the matters identified by the Tribunal at AB 444 [123] – AB 446 [127] in that exercise could have affected the Tribunal's state of satisfaction under s 501CA(4) of the *Migration Act 1958* (Cth).

Date orders authenticated: 11 November 2026

Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.

Schedule

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Second Respondent	ADMINISTRATIVE REVIEW TRIBUNAL