



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

File No: SYG1858/2022

DXI22
Applicant

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

ADMINISTRATIVE APPEALS TRIBUNAL
Second Respondent

ORDER

BEFORE: REGISTRAR CUMMINGS

DATE: 12 May 2023

MADE AT: ADELAIDE

APPEARANCES: Mr. S. Stagliorio (counsel instructed by Fisher Dore) appeared by Microsoft Teams on behalf of the Applicant. Mr. K. Jeyakkumar (Clayton Utz) appeared by Microsoft Teams on behalf of the First Respondent.

BY CONSENT, THE COURT ORDERS THAT:

1. A writ in the nature of certiorari be issued to quash the decision of the Second Respondent dated 7 November 2022.
2. A writ in the nature of mandamus be issued directing the Second Respondent (differently constituted) requiring it to reconsider and re-determine the matter according to law.
3. The First Respondent pay the Applicant's costs fixed in the amount of \$4,189.38.

THE COURT NOTES THAT:

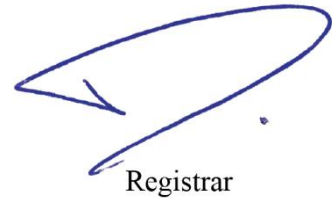
A. The First Respondent concedes that the Second Respondent committed a jurisdictional error (at [149], [165] of its decision record) by only considering what would occur if the Applicant continued to make payments to the local authorities:



which is contrary to *SZTAP v Minister for Immigration and Border Protection* (2015)
238 FCR 404.

By the Court

DATE ENTERED: 18 May 2023



Registrar