

Form 3 – Order

Note: see rule 8.01.2

**High Court Victory for Proficient Legal and
Counsel Mr Oliver Jones!**

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

**Home Affairs Notice of Intention to Consider
Cancellation INVALID!**

BETWEEN:

████████████████████
Plaintiff

and

MINISTER FOR IMMIGRATION AND CITIZENSHIP
Defendant

ORDER

JUSTICE: Acting Chief Justice Gordon

DATE GIVEN: 16 September 2025

INITIATING PROCESS: Consent

THE COURT ORDERS BY CONSENT THAT:

1. Compliance with r 25.02.2 of the *High Court Rules 2004* (Cth) be dispensed with.
2. A writ of certiorari issue directed to the defendant quashing the decision of the delegate of the defendant dated 10 September 2024 to cancel the plaintiff's Student (class TU) (subclass 500) visa pursuant to s 116 of the *Migration Act 1958* (Cth).
3. A writ of mandamus issue directed to the defendant to give the notice of intention to consider cancellation dated 13 August 2024 according to law.
4. The defendant pays the plaintiff's costs fixed in an amount of \$17,000.

The Court notes that:

The defendant concedes that the decision of the delegate of the defendant dated 10 September 2024 is subject to jurisdictional error, on the basis that the delegate of the defendant did not give the notice of intention to consider cancellation dated 13 August 2024 to the plaintiff in accordance with s 119(2) of the Act. The notice was not sent to the plaintiff's last residential address, business address or post box address known to the defendant in accordance with *Migration Regulations 1994* (Cth) reg 2.55(3)(c).

DATE AUTHENTICATED: 16 September 2025

 
Deputy Registrar