



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

-
- [REDACTED]
Applicant - - -

MINISTER FOR IMMIGRATION AND CITIZENSHIP
Respondent

- - -
ORDER

BEFORE:

Judge [REDACTED]

DATE:

21 May 2026

MADE AT:

Melbourne (in Chambers)

[REDACTED]
[REDACTED]
[REDACTED]
THE COURT ORDERS [REDACTED]

1. The application be allowed.
2. A writ of certiorari issue, directed to the Respondent, quashing its decision dated 19 May 2026.
3. The Respondent pay the Applicant's costs to be agreed or assessed.

AND THE COURT NOTES THAT:

- A. The Respondent accepts that the decision dated 19 May 2026 is affected by jurisdictional error for the following reasons.
- B. In the context of addressing the issue of the best interests of the minor children, the Respondent failed to consider the best interests of the children as a primary consideration in accordance with Article 3(1) of the Convention of the Rights of the



Child (CROC) as required by the PAM3 (which it had purported to assess his cancellation against) (*Jabbour v Secretary, DHA* [2019] FCA 452; *MILGEA v Gray* [1994] FCA 225).

- C. The Respondent accepts that the error was material to its decision because there is a realistic possibility that consideration of the best interest of the children as a primary consideration could have affected the delegate's consideration of the best interests of the minor children in a way that was to the Applicant's benefit in determining what weight ought to be given in assessing whether to cancel the Applicant's Skills in Demand (subclass 482) visa: *LPDT v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2024] HCA 12.

By the Court



Registrar

DATE ENTERED: 21 MAY 2026