



**IN THE FEDERAL CIRCUIT COURT  
OF AUSTRALIA  
AT SYDNEY**

**File No:** SYG3134/2016

**AMRINDER SINGH**  
Applicant

**MINISTER FOR IMMIGRATION AND BORDER PROTECTION**  
Respondent  
**ADMINISTRATIVE APPEALS TRIBUNAL**  
Second Respondent

**ORDER**

**BEFORE:** JUDGE BARNES  
**DATE:** 27 July 2017  
**MADE AT:** SYDNEY

**THE COURT ORDERS, BY CONSENT, THAT:**

1. A writ in the nature of certiorari be issued to quash the decision of the Second Respondent, AAT reference 1605955, dated 25 October 2016.
2. A writ in the nature of mandamus be issued directing the Second Respondent to reconsider and determine the application made to it for review of the decision of a delegate of the First Respondent dated 28 November 2013 according to law.
3. The First Respondent is to pay the Applicant's costs fixed in the sum of \$3,606.
4. The call-over listed at 9.30am on 6 August 2018 be vacated.

**THE COURT NOTES THAT:**

1. The First Respondent concedes that the Second Respondent (**Tribunal**) fell into jurisdictional error because in applying clause 820.211(2)(d)(ii) of Schedule 2 to the *Migration Regulations 1994* (Cth), the Tribunal erroneously concluded that being in a long-standing genuine relationship, on its own, is not sufficient to



establish compelling reasons for the waiver of the requirement to satisfy Schedule 3 criterion 3001. The First Respondent concedes that there is no statutory basis for the Tribunal to reach the conclusion that the existence of a long term relationship on its own, could never give rise to a “compelling reason” for waiving the requirement that the applicant satisfy Schedule 3 criterion 3001.

**By the Court**

**DATE ENTERED:** 27 July 2017

*Adele Byrne*  
**Registrar**