

*IMAD*  
v  
*DIRECTOR GENERAL OF SECURITY & ANOR*  
[2025] HCADisp 46  
M109/2024

- 1       The applicant requires an extension of time within which to seek special leave to appeal from part of the judgment of the Full Court of the Federal Court of Australia (Bromwich, Thawley and Shariff JJ) dismissing the applicant's amended application for judicial review of the first respondent's decision under s 134C of the *Migration Act 1958* (Cth) to recommend to the second respondent (the Minister) not to revoke the applicant's visa cancellation on the basis of an adverse security assessment.
- 2       It is now common ground that the hearing before the Full Court was conducted upon the basis of a misapprehension by all parties as to the expiry date of the applicant's visa, if it had not been validly cancelled. As the Full Court correctly concluded, that visa would have expired on 13 November 2024. Even if it were concluded that the applicant's visa cancellation should have been revoked, there is no basis for the assertion that s 134D of the *Migration Act* required the Minister to extend the time at which the applicant's visa expired. In those circumstances any appeal to this Court would be inutile. Accordingly, it would be futile to grant an extension of time.
- 3       Special leave to appeal is refused with costs.

Gageler CJ  
Gordon J  
Edelman J  
Steward J  
Gleeson J  
Jagot J  
Beech-Jones J

6 March 2025