

ARCHER
v
MINISTER FOR IMMIGRATION AND CITIZENSHIP
[2026] HCADisp 165
M30/2026

- 1 Special leave to appeal is granted with respect to the following proposed grounds of appeal:
- a. the Full Court of the Federal Court of Australia erred in finding that the power under s 501BA(2) of the *Migration Act 1958* (Cth) to set aside a decision made under s 501CA(4) of that Act is not subject to an implied limitation that it be exercised within a reasonable time; and
 - b. the Full Court of the Federal Court of Australia erred in failing to find the primary judge ought to have made the factual finding that the respondent did not exercise the power in s 501BA(2) of the Act within a reasonable time.

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

6 August 2026