



HIGH COURT OF AUSTRALIA

15 October 2025

PLAINTIFF M27/2025 v MINISTER FOR IMMIGRATION AND MULTICULTURAL AFFAIRS
[2025] HCA 40

Today, the High Court unanimously allowed an application for a constitutional or other writ by which the plaintiff sought judicial review of a decision of a delegate of the Minister for Immigration and Multicultural Affairs to refuse the plaintiff's application for a protection (subclass 866) visa.

In his application for a protection visa, the plaintiff claimed to fear persecution if returned to his country of origin, due to "programs" that he had made, including on the social media platforms YouTube and Twitter, that were said to "expose the evils" of the government of that country. Enclosed with the plaintiff's application for a protection visa was a portable document format document ("the pdf document"). The pdf document included screenshots of search results from both Google and YouTube, which depicted "thumbnail" images of YouTube videos with titles in Mandarin characters. The pdf document also included English text added by the plaintiff providing a general description of the searches that were undertaken.

An officer of the Department of Home Affairs wrote to the plaintiff requesting, amongst other things, that the plaintiff provide an English translation of the pdf document and further information, evidence and clarification about the plaintiff's claims, including details of his YouTube channel. It was common ground that the letter involved an exercise of the power conferred by s 56 of the *Migration Act 1958* (Cth). The plaintiff provided a response to that letter ("the s 56 response"). Amongst other things, the s 56 response included a screenshot containing Mandarin characters, said to show the numbers of subscribers to and views of the plaintiff's YouTube channel. The s 56 response stated that "Google Translate" could be used to verify that the titles of the videos on the plaintiff's YouTube channel matched his descriptions. The s 56 response added that the "vast number and length of my videos make it impossible for me to translate each one" and that Twitter also "has an automatic translation feature for browsing". The plaintiff did not, amongst other things, provide a translation of the pdf document. In refusing the plaintiff's application for a protection visa, the delegate noted that the plaintiff "did not provide any official translations of his documents" and "any documents that are not translated ... will not be included as part of this assessment".

The High Court held that the delegate failed to comply with ss 54 and 56 of the *Migration Act*, and that those failures were material and thus jurisdictional errors. The effect of s 54 was that the delegate was obliged to have regard to all the information included in the plaintiff's application for the protection visa, including the pdf document. Similarly, the delegate was obliged to have regard to the s 56 response. Although parts of the documents were in Mandarin, it was not open to the delegate to treat all documents involving untranslated components as having not been "included as part of this assessment". The Court was also satisfied that it was necessary in the interests of the administration of justice to grant the plaintiff an extension of time that he required to make his application for a constitutional or other writ.

This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.