



## HIGH COURT OF AUSTRALIA

10 December 2025

SANJEEV KANYAN v MINISTER FOR IMMIGRATION AND MULTICULTURAL AFFAIRS  
& ORS  
[2025] HCA 52

Today, the High Court unanimously dismissed an application for a constitutional or other writ by which the plaintiff sought judicial review of a decision of the second defendant, the Federal Court of Australia (Abraham J), which dismissed the plaintiff's application for an extension of time and leave to appeal from a judgment of the Federal Circuit Court of Australia ("Circuit Court").

The plaintiff arrived in Australia in 2014 as the holder of a student visa. In August 2017, he applied for a further student visa. That application was refused by a delegate of the Minister for Immigration and Multicultural Affairs on the basis that the plaintiff was not "a genuine applicant for entry and stay as a student", as required by cl 500.212 of Sch 2 to the *Migration Regulations 1994* (Cth). The plaintiff applied to the Administrative Appeals Tribunal ("Tribunal") for review of the delegate's decision and completed a form in which he stated that he did not have a current Confirmation of Enrolment in a registered course of study and that he consented to the Tribunal deciding the review without a hearing. The Tribunal affirmed the delegate's decision on the basis that the plaintiff was not enrolled in a registered course of study as required by cl 500.211 of Sch 2 to the *Migration Regulations*.

The plaintiff sought judicial review of the Tribunal's decision in the Circuit Court, which was not satisfied that the grounds in the plaintiff's application raised an arguable case and dismissed the application pursuant to r 44.12(1)(a) of the *Federal Circuit Court Rules 2001* (Cth). The plaintiff applied to the Federal Court for an extension of time and leave to appeal from the judgment of the Circuit Court. Abraham J dismissed those applications, concluding the proposed appeal grounds had little prospect of success.

The High Court held that the plaintiff had not identified any jurisdictional error by Abraham J such as could entitle him to the relief he sought. Nothing in Abraham J's reasons for decision suggested that her Honour misconstrued or misconceived the nature of her function or the extent of the power her Honour was exercising, being the correction of errors of the type that might amount to jurisdictional error. To the extent that the plaintiff sought to have the High Court address a contention that the Tribunal fell into jurisdictional error having regard to an issue raised or determined in an earlier proceeding, or which ought reasonably to have been made or raised for determination in that earlier proceeding, it would be an abuse of process for the plaintiff to do so in the original jurisdiction of the High Court, when he had already unsuccessfully litigated that issue in the Circuit Court and the Federal Court.

*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.*