



HIGH COURT OF AUSTRALIA

11 March 2026

SAN BAO PTY LTD v MINISTER FOR IMMIGRATION AND CITIZENSHIP
[2026] HCA 6

Today, the High Court unanimously dismissed an application for a constitutional or other writ by the plaintiff ("the Company"), which sought to quash the decision of a delegate of the defendant, the Minister for Immigration and Citizenship ("the Minister"), refusing the Company's application for nomination of a Subclass 482 (Skills in Demand) visa, and sought to require the Minister to determine that application according to law.

The Company operates a restaurant in Sydney. The Company lodged with the Department of Home Affairs an online application for standard business sponsorship, which included an organisational chart showing the organisational structure for the Company. The Company separately lodged an application for nomination of a proposed occupation in relation to Ms Haiming Du for a Subclass 482 (Skills in Demand) visa. A delegate of the Minister approved the Company's application to be a standard business sponsor but refused the Company's application for approval of the nomination of Ms Du for a Subclass 482 (Skills in Demand) visa. The delegate said the Company had not provided sufficient evidence to satisfy them that the position associated with the nominated occupation was genuine within the application of the criterion in reg 2.72(10)(a) of the *Migration Regulations 1994* (Cth).

The Company sought constitutional writs based upon two asserted jurisdictional errors: first, that the delegate constructively failed to exercise jurisdiction; and second, that the delegate's decision was legally unreasonable. Both were said to flow from the delegate's decision purportedly resting on the mistaken premise that no organisational chart was provided. The Company asserted, and there was no dispute by the Minister, that it brought the application for constitutional writs in the High Court because no other tribunal or court has jurisdiction, respectively, to review or judicially review the decision. The High Court held that this is not, by itself, an exceptional reason for invoking the original jurisdiction of the Court to correct an asserted jurisdictional error. Nevertheless, in dealing with the merits of the Company's application, the High Court held that there was no sufficient basis to infer that the delegate had mistakenly thought that no organisational chart had been provided.

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.