



## HIGH COURT OF AUSTRALIA

9 September 2026

EGH19 v MINISTER FOR IMMIGRATION AND CITIZENSHIP  
[2026] HCA 33

Today, the High Court unanimously dismissed an application by the plaintiff for an extension of time in which to challenge a decision made by a delegate of the defendant ("the Minister") not to exercise the power in s 501CA(4) of the *Migration Act 1958* (Cth) ("the Act") to revoke the decision to cancel his protection visa ("the Non-revocation Decision").

The plaintiff, who was born in Papua New Guinea, was granted a protection visa in 2022, following a long period in immigration detention after serving a criminal sentence. In 2024, the plaintiff was convicted of certain offences, and a delegate of the Minister cancelled his protection visa under s 501(3A) of the Act ("the Cancellation Decision"). The plaintiff made representations to the Minister seeking the revocation of the Cancellation Decision pursuant to s 501CA(4) of the Act, which referred generally to material already held by the Department of Home Affairs and a 2022 decision of the Administrative Appeals Tribunal. On the same day that the Non-revocation Decision was made, a different delegate of the Minister decided to grant the plaintiff a Bridging R Subclass 070 visa ("BVR").

By application for a constitutional or other writ, the plaintiff sought to contend that the Non-revocation Decision was affected by jurisdictional error on the basis that the delegate: (1) failed to have regard to information provided by the plaintiff to the Department of Home Affairs in connection with previous decision-making, including the 2022 decision of the Administrative Appeals Tribunal; (2) erred in reasoning that the cancellation of the plaintiff's protection visa would remove the risk posed to the Australian community of the plaintiff reoffending, when there was no real prospect of removing the plaintiff from Australia in the reasonably foreseeable future and, if his visa remained cancelled, he would be released into the Australian community on a BVR; (3) failed to consider the legal consequences of the Non-revocation Decision. The plaintiff sought a writ of certiorari quashing the Non-revocation Decision and a writ of mandamus requiring the Minister to determine whether to revoke the Cancellation Decision according to law.

The High Court rejected each of the plaintiff's contentions and refused to grant the extension of time, holding that the plaintiff's application did not disclose any arguable basis for any of the relief sought. The application was dismissed pursuant to r 25.09.1 of the *High Court Rules 2004* (Cth).

*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.*