



HIGH COURT OF AUSTRALIA

14 October 2026

MORTON v MINISTER FOR IMMIGRATION AND CITIZENSHIP
[2026] HCA 38

Today, the High Court unanimously granted an extension of time to file an application for a constitutional or other writ but dismissed the application. The application concerned a decision of a delegate of the Minister for Immigration and Citizenship to refuse the plaintiff's application for a Return (Residence) (Class BB) visa ("RR visa") under s 501(1) of the *Migration Act 1958* (Cth).

The plaintiff, a national of Singapore, arrived in Australia in 2005 and became a permanent resident. In 2015, he was convicted of importing a commercial quantity of a border-controlled drug. His visa was mandatorily cancelled in 2016, but that cancellation was revoked in 2017. Between 2020 and 2022, the plaintiff was convicted of further drug possession offences and of driving recklessly or in a dangerous manner. In December 2023, while departing Australia, the plaintiff made the application for an RR visa referred to above. In June 2026, a delegate of the Minister refused the application on character grounds.

By the application for a constitutional or other writ, the plaintiff sought a writ of certiorari quashing the delegate's decision and a writ of mandamus requiring the Minister to determine the application according to law, on two grounds. First, the plaintiff contended that the delegate had failed to consider whether he could access medication, therapy and supports necessary to maintain his sobriety and mental health and to treat his HIV in Singapore and that the delegate had thereby failed to comply with ss 54 and 55 of the *Migration Act* and denied the plaintiff procedural fairness. Secondly, he contended that the delegate's findings concerning the risk of harm he posed to the Australian community were legally unreasonable, illogical or irrational.

The High Court rejected both grounds. As to the first ground, the Court held that, read as a whole, the delegate's reasons disclosed consideration of the information provided by the plaintiff concerning his access to treatment and support in Singapore. As to the second ground, the Court held that the delegate's reasoning concerning the potential harm to the Australian community was not legally unreasonable or irrational and was logically based on the material before the delegate, including the plaintiff's history of offending. Accordingly, the Court dismissed the application.

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.