



Quiz

Judicial Review of Migration Decisions

1. Jurisdictional errors of law involve things such as:
 - a. Being required to take into account relevant considerations
 - b. Correctly construing the statutory provisions which govern the exercise of the decision-maker's function
 - c. Being prohibited from taking into account irrelevant considerations
 - d. All of the above
2. Which case expanded the notion of legal unreasonableness to overturn credibility findings?
 - a. *Waensila v Minister for Immigration and Border Protection* (2016) FCAFC 320
 - b. *DAO16 v Minister for Immigration and Border Protection* [2018] FCAFC 2
 - c. *Associated Provincial Picture Houses Ltd v Wednesbury Corporation* (1948) 1 KB 223
 - d. None of the above

3. What was held in *Singh v Minister for Immigration and Border Protection* (2018) FCAFC 52?
 - a. If there is a third party intention, then even if there is a fraud upon the applicant there remains a breach of PIC 4020
 - b. There was an apprehension of bias
 - c. If there is a third party intention, then even if there is a fraud upon the applicant there is no breach of PIC 4020
 - d. There is an obligation on the Authority to invite the applicant to provide new information where there is a difference in approach by the authority from the delegate
4. Apprehended bias...
 - a. Does require proof that the decision-maker is compromised
 - b. Does not require proof that the decision-maker is compromised – it is about perception
 - c. Requires proof that the applicant is compromised
 - d. None of the above
5. If the Tribunal finds that there are not compelling reasons to waive the Schedule 3 criterion...
 - a. The applicant cannot reapply
 - b. The applicant can reapply onshore
 - c. The applicant will need to make the application offshore
 - d. The applicant may reapply to the Tribunal with new information as to why the Schedule 3 criterion should be waived

Answers:

1. d 2. b 3. a 4. b 5. c