



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 21 Aug 2020 and has been accepted for filing under the *High Court Rules 2004*. Details of filing and important additional information are provided below.

Details of Filing

File Number: B43/2020
File Title: Minister for Immigration and Border Protection v. EFX17
Registry: Brisbane
Document filed: Form 27B - Appellant's chronology-21.08.2020
Filing party: Appellant
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Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

BETWEEN:

MINISTER FOR IMMIGRATION AND BORDER PROTECTION
Appellant

and

EFX17
Respondent

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APPELLANT’S CHRONOLOGY

Part I: Certification

1. The appellant certifies that this chronology is in a form suitable for publication on the Internet.

Part II: Chronology

Date	Event	Core Appeal Book Reference
16 December 2009	The Respondent is granted a Protection (Class XA) visa (protection visa).	CAB 170 [1]
19 December 2016	The Respondent is convicted of an offence of “acts intended to maim/disfigure/disable” also described as “malicious acts with intent” contrary to s 317 of the <i>Criminal Code 1899</i> (Qld) and sentenced to a term of seven years’ imprisonment. The Respondent had been in custody in relation to that charge since 14 August 2014.	CAB 14, 170-171 [4]
3 January 2017	A delegate of the Minister holding position number 00001385 (Delegate) cancels the Respondent’s protection visa (cancellation decision) pursuant to s 501(3A) of the <i>Migration Act 1958</i> (Cth) (Act).	CAB 8-13, 170 [1], 176 [26]
3 January 2017	The Delegate sends to the Brisbane Correctional Centre an e-mail stating that the Respondent’s protection visa has been cancelled and requesting that the documents attached to the e-mail be given to the Respondent and that he acknowledges receipt.	CAB 6, 8-13

Date	Event	Core Appeal Book Reference
	<p>The e-mail relevantly attaches a letter dated 3 January 2017 from the Delegate addressed to the Respondent:</p> <ul style="list-style-type: none"> • setting out the cancellation decision; • setting out particulars of the relevant information (being information that the Delegate considers would be the reason, or a part of the reason, for making the cancellation decision and is specifically about the Respondent); and • inviting him to make representations to the Minister about revocation of the cancellation decision. <p>(together, the Notice)</p>	
4 January 2017	A Queensland Corrective Services (QCS) officer gives to the Respondent, by hand, the Notice.	CAB 170 [1], 171 [7], 172 [8]
4 January 2017	<p>Case notes held by QCS record the following:</p> <ul style="list-style-type: none"> • The Respondent is given the Notice and informed that “his protection visa has been cancelled under s 501” “due to his substantial criminal record and [the fact that] he is serving a full-time term of imprisonment” and could “request a revocation of the cancellation ... within 28 days”. • The Respondent “advise[s] that he can understand English while talking, but cannot read or write well” and that “he wishes to leave Australia and will not be seeking a revocation of the cancellation”. • The Respondent has “limited English language abilities and expresse[s] concern with reading and understanding the ... documentation”. • The Respondent “request[s] assistance from another prisoner” and sa[ys] that he 	CAB 200-201 [111]-[112]

Date	Event	Core Appeal Book Reference
	“want[s] to return to Afghanistan to be closer to his family”.	
9 January 2017	<p>According to the Respondent’s legal representatives, the Prisoners’ Legal Service (PLS), the Respondent has a conversation with an officer of the Australian Border Force (ABF) “indicat[ing] his intention to seek revocation and stay in Australia until a revocation decision ha[s] been made”.</p> <p>The ABF officer informs the PLS that the Respondent “appear[s] to be very confused about the cancellation notice”.</p>	CAB 172 [9]
31 January 2017	<p>The PLS notifies the Minister’s department (Department) that it has been appointed by the Respondent to represent him.</p> <p>The PLS makes a request for access to documents relating to the Respondent held by the Department under the <i>Freedom of Information Act 1982</i> (Cth) (FOI request).</p>	CAB 202 [117]
7 February 2017	The PLS revises the terms of the FOI request to seek access to documents in relation to the Respondent’s protection visa application and visa cancellation.	CAB 203 [121]
24 May 2017	<p>The Department responds to the FOI request by providing to the PLS, relevantly, a copy of the Notice.</p> <p>The Notice is received by the PLS on 1 June 2017.</p>	CAB 204 [125]
9 June 2017	The PLS writes to the Department to request that the Notice be re-issued to the Respondent on account of his claimed illiteracy and inability to understand the nature of the visa cancellation and revocation processes under the Act.	CAB 171 [5], 205 [129]-[130]
15 August 2017	The Department writes to the PLS to advise that the Notice is “legally effective” and there are “no grounds for the Department to re-notify [the	CAB 206 [131]

Date	Event	Core Appeal Book Reference
	Respondent] of the decision to cancel his visa under s 501(3A)".	
4 December 2017	The Respondent files an Amended Application in the Federal Circuit Court (FCC).	CAB 96-109
7 November 2018	The FCC dismisses the Respondent's Amended Application.	CAB 111-149, 151
28 November 2018	The Respondent files a Notice of Appeal in the Federal Court.	CAB 153-158
20 December 2018	The Minister files a Notice of Contention in the Federal Court.	CAB 160-163
16 December 2019	The Federal Court allows the Respondent's appeal.	CAB 165-244, 246
3 July 2020	Justices Bell and Gageler grant special leave to appeal to the Minister.	CAB 253-254
17 July 2020	The Minister files a Notice of Appeal in this Court dated 15 July 2020.	CAB 256-259
24 July 2020	The Respondent files a Notice of Contention in this Court.	CAB 264-265

Dated: 21 August 2020


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