



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 13 Jan 2023 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: M84/2022
File Title: AZC20 v. Minister for Immigration, Citizenship, Migrant Serv
Registry: Melbourne
Document filed: Form 27B - Appellant's chronology
Filing party: Appellant
Date filed: 13 Jan 2023

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:

AZC20
Appellant

and

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
First Respondent

Commonwealth of Australia
Second Respondent

Secretary, Department of Home Affairs
Third Respondent

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APPELLANT'S CHRONOLOGY

Part I: This chronology is in a form suitable for publication on the internet.

20 **Part II: Chronology**

Date	Event	Reference
21 September 1985	The Appellant is born in Ghasem Abad, Iran.	ABFM 11
15 July 2013	The Appellant arrives in Australia by boat and is taken to immigration detention.	CAB 19 [8]
30 September 2013	The Appellant is not, but could reasonably practicably have been, taken to a regional processing country under s 198AD of the <i>Migration Act 1958</i> (Cth) (Act) by this date.	CAB 40 [106]
2015	The Appellant attempts to take his own life by hanging and has been unable to speak since.	ABFM 96 [31]
13 August 2015	The First Respondent exercises power under s 46A(2) of the Act to permit the Appellant to apply for a Temporary Protection visa (TPV).	CAB 19 [9]; ABFM 8 [5]
9 September 2015	The Appellant lodges his application for a TPV .	ABFM 8 [6], 39
24 May 2016	A delegate of the First Respondent completes a 'Protection Visa Assessment,' finding that the Appellant satisfies s 36(2) of the Act .	ABFM 11–37

13 March 2018	The Appellant receives correspondence from the Department of Immigration and Border Protection inviting him to provide further information in support of his protection claims ‘given the passage of time’.	ABFM 8 [9]84/2022
9 May 2018	The Appellant’s TPV is refused by a second delegate of the First Respondent (the second primary decision).	CAB 19 [10]; ABFM 8 [10], 39–57
15 May 2018	The Third Respondent refers the second primary decision to the Immigration Assessment Authority (IAA) for review.	CAB 19 [10]; ABFM 8 [11]
29 March 2019	The IAA affirms the second primary decision (the first IAA decision).	CAB 19 [10]; ABFM 8 [12], 59–82
6 December 2019	The Federal Circuit Court of Australia (FCC) by consent, quashes the first IAA decision and remits it to the IAA.	CAB 19 [11]; ABFM 9 [13]
24 February 2020	The IAA affirms the second primary decision (the second IAA decision).	CAB 20 [12]; ABFM 9 [14]
21 August 2020	The FCC quashes the second IAA decision and remits it to the IAA.	CAB 20 [12]; ABFM 9 [15]
12 February 2021	The IAA affirms the second primary decision (the third IAA decision).	CAB 20 [13]
25 February 2021	The Appellant commences proceedings in the Federal Court of Australia (FCA) seeking (<i>inter alia</i>) a writ of <i>habeas corpus</i> (the habeas corpus application) (VID 89/2021).	CAB 10–12, 18 [2], 20 [14]
23 March 2021	The Minister for Home Affairs issues a direction under s 198AD(5) of the Act, with the effect that the Appellant could only be taken to Nauru if s 198AD applied to him.	ABFM 276
18–19 May 2021	The FCA (Rangiah J) hears the habeas corpus application.	CAB 15
23 June 2021	This Court pronounces orders in <i>Commonwealth v AJL20</i> (2021) 273 CLR 43.	CAB 18 [3]

19 August 2021	The Appellant commences proceedings in the FCC seeking mandamus (the mandamus application) and seeks the transfer of those proceedings to the FCA.	CAB 5–8, 184/2022 [4]
30 August 2021	The FCC transfers the mandamus application to the FCA (VID 503/2022).	CAB 9, 18–19 [4]
15 September 2021	The FCA (Rangiah J) hears the mandamus application.	CAB 15, 19 [5]
13 October 2021	The FCA (Rangiah J) gives judgment, issues declaratory relief, and makes an order in the nature of mandamus and a home detention order.	CAB 58–63
27 October 2021 <i>6:34am AWST</i>	The Republic of Nauru advises an officer under the Act that it is unwilling to accept the Appellant.	CAB 83 [15]; ABFM 139
27 October 2021 <i>9:30am AWST</i>	Officers at Perth Immigration Detention Centre approach the Appellant and tell him to pack his belongings in anticipation of his detention being relocated at 1:00pm AWST.	ABFM 144 [2]
27 October 2021 <i>by 1:00pm AWST</i>	The Third Respondent was ordered by the FCA (Rangiah J) to cause the detention of the Appellant to be at the home of Anette and Miguel Hermann.	CAB 58–63
27 October 2021 <i>1:30pm AWST</i>	Officers at Perth Immigration Detention Centre tell the Appellant to return to his compound in the detention centre.	ABFM 144 [2]
27 October 2021 <i>before 3:00pm AWST</i>	The Minister for Home Affairs makes a declaration under s 198AE of the Act preventing the Appellant being taken to a regional processing country under s 198AD of the Act.	CAB 83 [15]; ABFM 136 [6], 142
27 October 2021 <i>3:34pm AWST</i>	The Respondents lodge an application to vacate the mandamus order and home detention order.	ABFM 258–60
27 October 2021 <i>8:51pm AWST</i>	The Appellant lodges an application for variation of the home detention order.	ABFM 262–4
29 October 2021	The FCA (Rangiah J) hears the Appellant’s and Respondents’ applications lodged on 27 October 2021 and concludes that they should both be dismissed.	ABFM 251 [7]

10 November 2021	The First Respondent files notices of appeal to the Full Court of the Federal Court of Australia (FCAFC) from the orders of Rangiah J given on 13 October 2021 in both VID 89/2021 and 503/2021 (VID 659/2021 and 660/2021).	CAB 64–75 M84/2022
15 November 2021	The Appellant commences fresh proceedings in the Federal Circuit and Family Court of Australia (FCFCOA) seeking mandamus for removal under s 198 of the Act and a home detention order.	ABFM 211–217
25 November 2021	The Appellant’s proceedings in the FCFCOA commenced on 15 November 2021 are transferred to the FCA (VID 695/2021).	CAB 84 [21], ABFM 219–221
16 December 2021	The FCA (Rangiah J) adjourns proceedings in VID 695/2021 pending the outcome of the FCAFC appeals in VID 659/2021 and 660/2021.	CAB 84 [21], ABFM 223
17 December 2021	The Appellant writes to the Respondents inviting them to withdraw the appeals in VID 659/2021 and 660/2021 on the basis that they had been ‘rendered moot’, are ‘academic’ and would result in an ‘advisory opinion’.	ABFM 266–7
8 February 2022	The FCAFC (Jagot, Mortimer and Abraham JJ) hears the appeals in VID 659/2021 and 660/2021.	CAB 77
25 March 2022	The Respondents amend their notices of appeal in VID 659/2021 and 660/2021.	CAB 64–75, 84 [20]
5 April 2022	The FCAFC (Jagot, Mortimer and Abraham JJ) grants leave and allows the appeals in VID 659/2021 and 660/2021.	CAB 108–113
11 November 2022	This Court (Gordon, Edelman and Gleeson JJ) grants special leave to appeal from the orders and judgment of the FCAFC in both VID 659/2021 and 660/2021.	CAB 115–118

Dated: 13 January 2023



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