



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: M90/2022
File Title: Benbrika v. Minister for Home Affairs & Anor
Registry: Melbourne
Document filed: Applicant's Chronology
Filing party: Applicants
Date filed: 06 Apr 2023

Important Information

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**IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY**

BETWEEN:

ABDUL NACER BENBRIKA
Applicant

and

MINISTER FOR HOME AFFAIRS
First Respondent

COMMONWEALTH OF AUSTRALIA
Second Respondent

APPLICANT'S CHRONOLOGY

Part I: CERTIFICATION

1. This chronology is in a form suitable for publication on the Internet.

Part II: CHRONOLOGY OF PRINCIPAL EVENTS

Date	Event	Special Case Book Reference
17 February 1960	Applicant born in Algiers, Algeria.	32 [3]
16 May 1989	Applicant arrived in Australia.	32 [4]
13 January 1998	Applicant granted certificate of Australian citizenship pursuant to s 13 of the <i>Australian Citizenship Act 1948</i> (Cth).	16, 32 [4]
15-16 September 2008	Applicant convicted in Supreme Court of Victoria (Bongiorno J) of three terrorism offences under Pt 5.3 of the <i>Criminal Code</i> (Cth) pursuant to: <ul style="list-style-type: none"> • s 102.3(1) (Count 1); • s 102.2(1) (Count 2); • s 101.4(1) (Count 12). 	32-33 [5]
3 February 2009	Applicant sentenced to imprisonment for: <ul style="list-style-type: none"> • 7 years in respect of Count 1; 	13 [3], 19, 33 [6]

	<ul style="list-style-type: none"> • 15 years in respect of Count 2; • 5 years in respect of Count 12. 	
25 October 2010	<p>Court of Appeal of Supreme Court of Victoria (Maxwell P, Nettle and Weinberg JJA):</p> <ul style="list-style-type: none"> • upheld Applicant's convictions in respect of Counts 1 and 2; • set aside Applicant's conviction on Count 12 • reduced Applicant's sentence in respect of Count 1 to 5 years' imprisonment; • upheld Applicant's sentence of 15 years' imprisonment for Count 2. 	21-22, 33 [7]
5 November 2020	Applicant's total effective sentence of 15 years (with minimum non-parole of 12 years) expired.	13 [4], 22, 33 [8]
20 November 2020	First Respondent determined that Applicant ceased to be Australian citizen pursuant to s 36D of the <i>Australian Citizenship Act 2007</i> (Cth) (Citizenship Act) (Determination).	13 [5], 24, 33 [9], 37
20 November 2020	Applicant granted ex-citizen visa pursuant to s 35(3) of the <i>Migration Act 1958</i> (Cth).	33 [11]
24 November 2020	First Respondent notified Applicant about Determination.	33 [12], 39-40
12 February 2021	Applicant applied for revocation of Determination pursuant to s 36H of Citizenship Act.	33 [13]
30 September 2022	<p>Applicant filed originating application in Federal Court of Australia seeking relief under s 39B of <i>Judiciary Act 1903</i> (Cth) (Judiciary Act) of <i>inter alia</i>:</p> <ul style="list-style-type: none"> • declaration that s 36D of Citizenship Act is invalid; 	5

	<ul style="list-style-type: none"> • declaration that Applicant is Australian citizen. 	
30 September 2020	Applicant filed notice of Constitutional matter pursuant to s 78B of Judiciary Act.	9
18 November 2022	Applicant filed application for removal in High Court of Australia pursuant to s 40 of Judiciary Act.	26
7 December 2022	Application for removal granted by High Court of Australia (Steward J).	26 [2]
23 February 2023	Cause referred to Full Court of High Court of Australia (Steward J).	30 [8]

Dated: 6 April 2023

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