

BETWEEN

**JAVED HUSSAIN TAHIRI**

Plaintiff

**MINISTER FOR IMMIGRATION AND CITIZENSHIP**

Defendant

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**PLAINTIFF'S CHRONOLOGY**

**Part I: Internet publication**

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

**Part II: Chronology**

Date	Event	SC reference
Not known	The father (Mohamed Moussa TAHIRI) and mother (Aziza Begum TAHIRI), citizens of Afghanistan and ethnic Hazaras, are married in Afghanistan.	Att A, pp 1, 2, 9 Att B, pp 1, 8 Att O, p 2
1 June 1992 <sup>1</sup>	The Plaintiff is born in Afghanistan.	[1]
31 Dec 1994	Masuma TAHIRI is born in Afghanistan.	Att B, p 2
31 Dec 1995	Abbas Ali TAHIRI is born in Afghanistan.	Att B, p 3
31 Dec 1998	Nasreen TAHIRI is born in Afghanistan.	Att B, p 3

<sup>1</sup> All dates of birth are "deemed" ones. The deeming, whilst generally appropriate for the purposes for which it was made, causes some uncertainties. In particular, uncertainty with respect to when the last child was born, in Afghanistan, relative to the date of the family's departure for Pakistan.

Date of document: 12 November 2012  
Filed on behalf of: The Plaintiff

Victoria Legal Aid  
350 Queen Street  
Melbourne VIC 3000  
Email: Krystyna@vla.vic.gov.au



DX 210646 Melbourne  
Tel: 03 9269 0416  
Fax: 03 9629 0210  
Ref: 11X017451 / Krystyna Grinberg

Date	Event	SC reference
Early 2003	The family is living in Anguri, Jaghori, in the Ghazni province of Afghanistan. The father goes missing while travelling to Kandahar, Afghanistan. The mother is pregnant with Batool when the father disappears.	[15], [26] Att A, pp 2, 9 Att B, p 8 Att K, p 1 Att O, p 2
Sometime in 2003	Batool TAHIRI is born in Afghanistan.	Att B, p 2
Early 2003, but subsequent to the father's disappearance	The mother leaves Afghanistan and enters Pakistan.	Same references as the entry immediately below.
Between early 2003 and March 2009	The mother, the Plaintiff, Masuma, Abbas Ali, Nasreen and Batool all live in Quetta, Pakistan, as illegal residents.	[16] Att A, pp 2, 6, 9 Att B, pp 1, 16 Att K, p 1 Att O, pp 6, 14, 22
March 2009	The Plaintiff leaves Pakistan to travel to Australia.	Att A, pp 2, 6
March 2009 – present	The mother, Masuma, Abbas Ali, Nasreen and Batool all continue to live in Quetta, Pakistan.	
On or about 18 May 2009	The Plaintiff arrives in Australia at Christmas Island without a valid visa.	[2]
Before 7 Sep 2009	Relationship between the Plaintiff and his mother is declared to the Department of Immigration and Citizenship ( <b>the Department</b> ).	[17]
7 Sep 2009	The Plaintiff makes an application for a Protection (Class XA) visa.	[5]
9 Sep 2009	A delegate of the Defendant grants a Protection (Class XA) visa to the Plaintiff.	[5] Att A Att I, p 8
11 Nov 2009	The Plaintiff's mother applies for a Refugee and Humanitarian (Class XB) visa. The Plaintiff proposes his mother's application.	[6], [14] Att B Att I

Date	Event	SC reference
Soon after 11 Nov 2009	Consideration of the mother's visa application commences.	[19]
From 11 Nov 2009 until notification of the decision	<p>Various officers of the Department assist the Delegate in various ways, such as conducting interviews, requesting DNA tests, etc.</p> <p>Relevant events occurring in the course of considering the mother application are recorded in a computerised records system of the Department. Each entry indicates when it was made (even if it refers to an earlier event), and by whom the entry is made.</p>	[19] Att J
16 Nov 2009	The mother's application is being considered under the "split family" part of subclass 202.	[22]
6 May 2010	Interview conducted by "Gaye Lalor", an officer of the Department, with the mother and the two older children.	[23] Att K
On or after 6 May 2010	"Gaye Lalor" considers there should be DNA testing done to establish the relationships between the Plaintiff, the mother and the two older children.	[24]
Before 2 Nov 2010	The Plaintiff, the mother and the two older children undertake DNA testing.	[25]
2 Nov 2010	The Department receives the results from the DNA testing.	[25]
7 March 2011	<p>The Delegate reviews the mother's application, considers that, as the Plaintiff is now over the age of 18, the application no longer falls within the "split family" part of subclass 202.</p> <p>The Delegate accepts that the father has been missing since 2003.</p> <p>The Delegate requests that an interview be conducted to establish the age of Abbas Ali.</p>	[26]

Date	Event	SC reference
17 April 2011	An officer of the Department overrules the Delegate's request for a further interview.	[27]
6 Sep 2011	The Delegate asks that a letter be sent to the mother requesting information " <i>with regard to custody</i> ".	[28]
6 Sep 2011	An officer of the Department sends a letter to the mother, with the subject line: " <i>Invitation to comment on information for Class XB (Refugee and Humanitarian) visa application</i> ".	[29] Att L
Before 28 Sep 2011	The mother provides to the Department a document entitled "Aram High Court, Kabul, Afghanistan", written in English and bearing a heading "True Translation from Persian".	[30] Att M
28 Sep 2011	The mother is requested to provide the original document issued in Persian.	[31] Att N
On or before 10 Oct 2011	An officer of the Department contacts the Plaintiff regarding the documents provided by the mother. The Plaintiff says that no document was issued in Persian; the Afghan Consulate in Quetta issued the document in English.	[33]
20 Oct 2011	An officer of the Department writes to the mother requesting her to provide the original document in Persian.	[36] Att Q
On or about 28 Oct 2011	The Department receives a document in Persian.	[37] Att R
23 Nov 2011	The Delegate reviews the mother's application, finds that he has reason to believe the documents that have been provided are not genuine, requests that "natural justice [be provided] with respect to the [letter of 6 September 2011] and court finding" recorded in the documents.	[38]

Date	Event	SC reference
24 Nov 2011	An officer of the Department conducts a further interview with the mother.	[39] Att S
2 Jan 2012	The Delegate reviews the mother's application, and makes the decision refusing the grant of the visa.	[40]
9 Jan 2012	The Delegate writes to the mother, notifying her of the decision.	[41] Att T
30 July 2012	The Plaintiff files an application for an order to show cause.	
30 Oct 2012	Justice Hayne refers the questions of law arising in the proceeding for consideration by the Full Court	

DATED: 12 November 2012



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L. G. De Ferrari  
Dawson Chambers  
Telephone: 03 92295036  
Facsimile: 03 92295060  
lisa.deferrari@vicbar.com.au