



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: M86/2026
File Title: XMBQ v. Minister for Immigration and Citizenship
Registry: Melbourne
Document filed: Form 27B - Appellant's chronology
Filing party: Appellant
Date filed: 24 Sep 2026

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.

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

BETWEEN:

XMBQ

Appellant

and

MINISTER FOR IMMIGRATION AND CITIZENSHIP

Respondent

APPELLANT'S CHRONOLOGY

PART I: CERTIFICATION

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

PART II: LIST OF PRINCIPAL EVENTS LEADING TO THE LITIGATION

**Square brackets indicate line numbering references*

Date	Event	Reference
21 March 1969	The appellant was born in Somalia.	CAB 13 [19], 29 [6], 48 [12]
About 1992	The appellant fled persecution in Somalia and subsequently resided in Lebanon as an illegal immigrant for approximately 10 years, where he experienced violence resulting in his acquired brain injury.	CAB 13 [19], [30], [33]–[40]; CAB 24 [10]–[21], CAB 33 [25]–[40]

2003	The appellant was granted a Refugee (Class XB) (Subclass 200) visa to enter Australia.	CAB 7 [20], [25]; CAB 23 [15]; CAB 33 [40]
9 January 2004	The appellant arrived in Australia, aged 34.	CAB 36 [38]–[40]
7 May 2014 to 22 June 2017	The appellant appeared before courts in Australia on nine occasions and was found guilty or convicted of offences, including sexual offending, offences of indecency and violent offences.	CAB 31 [16]–[28]
15 December 2017	A delegate of the Minister mandatorily cancelled the appellant's visa under s 501(3A) of the <i>Migration Act 1958</i> (Cth) (Act).	CAB 7 [20]; CAB 29 [21]
10 January 2018; 11 November 2018	The appellant made representations seeking revocation of the delegate's s 501(3A) decision on 10 January 2018. The Refugee & Immigration Legal Centre Inc made further representations on his behalf on 11 November 2018.	CAB 7 [28]–[31]
15 January 2019	A delegate of the Minister decided not to revoke the mandatory cancellation of the appellant's visa under s 501CA(4) of the Act.	CAB 7 [33]; CAB 29 [24]
9 April 2019	The Administrative Appeals Tribunal affirmed the delegate's	CAB 7 [13]; CAB 29 [25]

	decision not to revoke the cancellation of the appellant's visa.	
19 December 2019	The Federal Court of Australia determined that the Tribunal's decision was affected by jurisdictional error, quashed that decision and ordered that the matter be remitted to the Tribunal for reconsideration according to law.	CAB 29 [29], CAB 49 [8]–[10]
13 April 2021	On remittal, the Tribunal set aside the delegate's decision and substituted a decision that the cancellation of the appellant's visa be revoked under s 501CA(4) of the Act. The appellant's visa was reinstated and he was released from immigration detention.	CAB 5, CAB 29 [33]–[34]
7 June 2023	The appellant was convicted of offences which included the sexual offences of direct sexual activity person and sexual exposure in public place and received an aggregate sentence of 359 days' imprisonment.	CAB 31 [30], CAB 51 [29]–[33]
29 January 2024	The Department notified the appellant the Minister would personally consider whether to set aside the Tribunal's decision and to cancel the appellant's visa under s 501BA(2) of the Act. The appellant was invited to comment on the relevant information	CAB 51 [34]–[45]; CAB 52 [1]–[14]

	(including a National Criminal History Check dated 9 November 2023) and provide reasons why his visa should not be cancelled.	
February 2024	Correspondence was exchanged between the appellant's legal representatives and the Department in February 2024, including a request for an extension of time to respond to the notice.	CAB 52 [22]–[24]
26 February 2024	The Department informed the appellant's representatives that it could not authorise an extension, but that any further information submitted before the Minister made a decision would be taken into consideration.	CAB 52 [28]–[37]
26 February 2024	The appellant's representatives requested that the Minister refrain from exercising the power under s 501BA(2) until the appellant's pending criminal matters had been determined.	CAB 52 [38]–[46]
8 June 2024	The Minister made a personal decision to set aside the Tribunal's decision of 13 April 2021 and cancel the appellant's visa under s 501BA(2) of the Act.	CAB 27
27 May 2025	The Federal Court (Horan J) allowed the appellant's application for judicial	CAB 119

	review and issued a writ of certiorari quashing the Minister's 8 June 2024 decision.	
24 June 2025	The Minister appealed from the judgment and orders of the Federal Court to the Full Court of the Federal Court.	CAB 120–124
9 March 2026	The Full Court allowed the Minister's appeal, set aside the orders of the Federal Court and dismissed the appellant's application for judicial review.	CAB 128–170
30 April 2026	The Full Court made costs orders in the proceeding.	CAB 178
6 August 2026	The High Court of Australia granted the appellant special leave to appeal from the judgment of the Full Court dated 9 March 2026.	CAB 181
20 August 2026	The appellant filed a notice of appeal in the High Court.	CAB 182–183

Dated 24 September 2026

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