

HIGH COURT OF AUSTRALIA

GORDON J

SANJAY KWATRA

APPLICANT

AND

MINISTER FOR IMMIGRATION, CITIZENSHIP
AND MULTICULTURAL AFFAIRS & ANOR

RESPONDENTS

[2026] HCASJ 12

Date of Judgment: 14 May 2026

M1 of 2023

ORDERS

- 1. Leave be granted for Carina Ford Immigration Lawyers to withdraw as solicitors on the record for the applicant.*
- 2. Carina Ford Immigration Lawyers serve a sealed copy of this order on every other party to the proceeding.*

Representation

The applicant is represented by Carina Ford Immigration Lawyers

The first respondent is represented by Australian Government Solicitor

Submitting appearance for the second respondent

1 GORDON J. On 20 April 2023, this Court refused, with costs, the applicant's application for special leave to appeal to this Court from the judgment of the Full Court of the Federal Court of Australia (Markovic, Cheeseman and Hespe JJ) which, in turn, dismissed an appeal from a decision of a single judge of the Federal Court of Australia (Burley J). There is now an application before this Court by the applicant's solicitors, Carina Ford Immigration Lawyers, for leave to withdraw as solicitors on the record for the applicant. That application should be granted.

2 On 22 January 2026, 4 February 2026, and 11 February 2026, Carina Ford Immigration Lawyers sent emails to the applicant seeking instructions about costs. No response was received to these emails.

3 On 17 April 2026, Carina Ford Immigration Lawyers filed an application under r 6.02.5(c) of the *High Court Rules 2004* (Cth) for leave to withdraw as the legal representatives for the applicant in this matter. Rule 6.02.5(c) provides that a solicitor may cease to be the solicitor for a party "if, the solicitor having first given notice in writing to the party of intention to apply for leave to withdraw as solicitor, the Court or a Justice grants the solicitor leave to withdraw and the solicitor serves a copy of that order on every other party".

4 In support of the application, Carina Ford Immigration Lawyers filed two affidavits. The first, filed on 17 April 2026, was inadequate as it failed to address the requirements of r 6.02.5(c). In the second affidavit, filed on 7 May 2026, Ms Carina Ford explains that on 14 April 2026, a day after notifying the applicant in writing of their intention to withdraw as his solicitors, they were contacted by the applicant, and they told him that they would be applying for leave to withdraw as his solicitors before the High Court due to his lack of response to their earlier emails seeking instructions about costs. Ms Ford goes on to explain that Carina Ford Immigration Lawyers were then contacted by a solicitor at Victoria Legal Aid ("VLA"), who said that VLA were acting on the applicant's behalf in relation to his ongoing Protection (subclass 866) visa. The VLA solicitor said that she would let the applicant know of this application.

5 At the time Ms Ford's affidavit was affirmed on 7 May 2026, no reply from the applicant in relation to the emails seeking instructions about costs had been received by Carina Ford Immigration Lawyers. Having regard to the affidavit material before the Court, I am satisfied that the applicant's solicitors have complied with the requirement under r 6.02.5(c) of the *High Court Rules* to give notice in writing to the applicant of their intention to apply for leave to withdraw prior to making the application to this Court, and have also provided, by affidavit, the last known address and contact details for the applicant. In all the circumstances, it is appropriate for leave to be granted. Under r 6.02.5(c), withdrawal will be complete upon the applicant's solicitors serving a copy of the order granting leave to withdraw on every other party to this proceeding.

2.

6 Orders should be made in accordance with r 6.02.5(c) of the *High Court Rules* as follows:

1. Leave be granted for Carina Ford Immigration Lawyers to withdraw as solicitors on the record for the applicant.
2. Carina Ford Immigration Lawyers serve a sealed copy of this order on every other party to the proceeding.