



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 27 Jun 2024 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: M44/2024
File Title: BIF23 v. Minister for Immigration, Citizenship and Multicultu
Registry: Melbourne
Document filed: Form 27B - Appellant's chronology
Filing party: Appellant
Date filed: 27 Jun 2024

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.

Form 27B – Appellant’s chronology

Note: see rule 44.02.3.

M44/2024

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

BETWEEN:

BIF23
Appellant

and

Minister for Immigration, Citizenship and Multicultural Affairs
Respondent

APPELLANT’S CHRONOLOGY

Part I: I certify that this chronology is in a form suitable for publication on the internet.

Part II:

Date	Event	Reference
1989	The appellant was born in Cambodia.	CAB 19
2002	The appellant arrived in Australia, aged 12, with his mother on a Class AH Subclass 101 Child (permanent) visa.	CAB 19, 48
22 October 2021	The appellant plead guilty to and was convicted at the Magistrates Court Dandenong of theft from a shop, intentionally cause injury, and affray, and sentenced to an aggregate term of imprisonment of 18 months.	CAB 19-20, 48
24 November 2021	A delegate of the Minister cancelled the appellant’s Class AH Subclass 101 Child (permanent) visa under s 501(3A) of the <i>Migration Act 1958</i> (Cth) (Act). Later that day, a departmental officer sent an email to Ravenhall Correctional Centre attaching the notice of visa cancellation required under s 501CA(3) of the Act.	CAB 20, 49
1 December 2021	The notice of visa cancellation was handed to the appellant. At that time, the appellant was residing in the psychiatric unit of the Ravenhall Correctional Centre, known as the “Erskine Unit”.	CAB 49, BFM 7, 25-35, 52-91

23 December 2021	A social worker employed by the Victorian Institute of Forensic Mental Health made an urgent application to the Victorian Civil and Administrative Tribunal for an order appointing a guardian for the appellant under the <i>Guardianship and Administration Act 2019</i> (Vic).	CAB 21, 49-50, BFM 7, 22-24
11 January 2022	The Tribunal made an order under s 30 of the Guardianship Act appointing the Public Advocate as guardian of the appellant.	CAB 50, BFM 7, 36-39
18 July 2022	Refugee Legal wrote to the Department of Home Affairs requesting re-notification of the cancellation of the appellant's visa under s 501CA(3) of the Act.	CAB 21, 50
6 September 2022	The Department of Home Affairs wrote to Refugee Legal advising of its view that the Minister could not re-issue a valid notice and invitation to the appellant under s 501CA(3) of the Act.	CAB 21, 50
8 September 2022	Further orders were made by the Tribunal pursuant to s 30 of the Guardianship Act appointing the Public Advocate guardian for the appellant.	BFM 49-50
12 October 2022	The appellant applied to the Federal Circuit and Family Court of Australia seeking, inter alia, a declaration that valid and effective notice under s 501CA(3) of the Act had not been given.	CAB 7, 26, 50
23 January 2023	The appellant's representative advised the Federal Circuit and Family Court of Australia that the appellant had been released from detention and his visa restored following the decision of the Full Court of the Federal Court in <i>Pearson v Minister for Home Affairs</i> [2022] FCAFC 203.	CAB 22
16 February 2023	The hearing of the appellant's application in the Federal Circuit and Family Court was adjourned to a date to be advised.	CAB 22
1 March 2023	The appellant's representative advised the Federal Circuit and Family Court of Australia that the appellant had been re-detained on around 20 February 2023 following the passage of the <i>Migration Amendment (Aggregate Sentences) Act 2023</i> (Cth) and requested	CAB 22

	the matter be re-listed for hearing as early as possible after 19 April 2023.	
1 May 2023	The appellant filed an amended application in the Federal Circuit and Family Court of Australia.	CAB 5-14
22 May 2023	The appellant's substantive application and application for an extension of time was heard by the Federal Circuit and Family Court of Australia.	CAB 23
7 June 2023	The Federal Circuit and Family Court of Australia (Judge Mansini) granted the appellant an extension of time pursuant to s 477(2) of the Act but dismissed the substantive application.	CAB 15-39
6 July 2023	The appellant filed a notice of appeal in the Federal Court of Australia.	
28 August 2023	Further orders were made by the Tribunal pursuant to s 30 of the Guardianship Act appointing the Public Advocate guardian for the appellant.	CAB 103
26 October 2023	The appellant filed an interlocutory application seeking leave to amend the notice of appeal filed in the Federal Court of Australia.	CAB 40-43
10 November 2023	The appellant's appeal was heard by a Full Court of the Federal Court of Australia.	CAB 46
19 December 2023	The Full Court of the Federal Court of Australia (Markovic, Derrington and Anderson JJ) dismissed the appellant's appeal.	CAB 46-86
9 May 2024	The appellant was granted special leave to appeal to the High Court from the decision of the Full Court of the Federal Court.	CAB 90

Dated: 27 June 2024


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