

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

No. M47 of 2018

BETWEEN:

Plaintiff M47/2018

Plaintiff

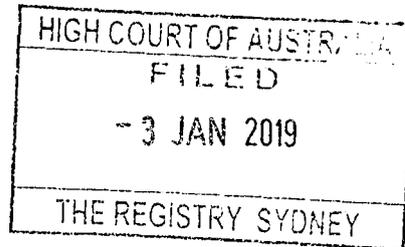
and

Minister for Home Affairs

First Defendant

The Commonwealth of Australia

Second Defendant



PLAINTIFF'S REDACTED CHRONOLOGY

PART I:

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

Part II:

Date	Event	Revised Special Case Paragraph Reference ¹
28 January 2010	Plaintiff arrives in Australia by plane at Melbourne Airport and is taken into immigration detention.	[19]
3 February 2010 to approx. 24 April 2010	Department ² officers conduct identity assessment.	[73.1]
23 February 2010	Plaintiff lodges protection visa application (First Protection Visa Application).	[20]; [33]
18 March 2010	Defendants aware at least at this date of the existence of the plaintiff's Norwegian Temporary Residence Permit (Norwegian Permit), and expiry date of 24 September 2010 of the same.	[54]
27 March 2010	Plaintiff's lawyer informs Department that plaintiff wishes to withdraw First Protection Visa Application and requests removal to Norway.	[55]

¹ Unless otherwise noted.

² References to the **Department** are from 28 January 2010 to 17 September 2013, to the Department of Immigration and Citizenship; from 18 September 2013 to 19 December 2017, to the Department of Immigration and Border Protection; and from 20 December 2017 to the present, to the Department of Home Affairs.

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Ref: Alison Battisson / M47/2018

Date	Event	Revised Special Case Paragraph Reference ¹
28 March 2010	Plaintiff tells Departmental case manager that he wishes to be returned to Norway.	[56]
29 March 2010	Plaintiff makes written request to be removed from Australia.	[57]
8 April 2010	Plaintiff withdraws First Protection Visa Application.	[33]; [58]
6 April 2010	Departmental officers lodge application for travel document for plaintiff with Norwegian Embassy, Canberra.	[61]
13 April 2010	Norwegian Embassy informs Department that plaintiff's case handled by INTERPOL Oslo, in co-operation with INTERPOL Canberra.	[62]
24 April 2010	INTERPOL Oslo advises Department that travel document could not be issued to plaintiff unless Norwegian Directorate of Immigration agrees plaintiff could return to Norway. Identity Confirmation Assessment report.	[63] [73.1]
2 June 2010	Department emails Oslo Police District and Norwegian National Bureau of Criminal Investigation requesting assistance to obtain travel document for plaintiff. Department emails Norwegian Embassy in Canberra regarding same.	[64]
9 June 2010	Departmental officers ask embassy officers at Australian Embassy, Moscow, to assist in formal request to Norwegian Directorate of Immigration for plaintiff's return to Norway.	[65]
11 June 2010	Plaintiff lodges second protection visa application (Second Protection Visa Application). Request to Norwegian Directorate of Immigration for plaintiff's return to Norway not pursued after lodgement.	[21]; [34]; [66] [66]
5 August 2010	Plaintiff raises claims of harm in Norway, and refoulement from Norway to Morocco.	[68]
25 August 2010	Second Protection Visa Application refused by delegate.	[34]
27 August 2010	Plaintiff applies to Refugee Review Tribunal (RRT) to review Second Protection Visa Application rejection.	[34]
20 September 2010	RRT affirms Departmental rejection of Second Protection Visa Application.	[34]

Date	Event	Revised Special Case Paragraph Reference ¹
24 September 2010	Norwegian Permit expires.	[69]
17 February 2011	Department requests officers at Australian Embassy, Copenhagen to assist in liaising with Norwegian Directorate of Immigration to facilitate plaintiff's return to Norway.	[70]
13 April 2011	Norwegian Directorate of Immigration advises Australian Embassy, Copenhagen, plaintiff will not be granted travel document; and plaintiff required to apply for renewal of Norwegian Permit which authorities would consider.	[71]
9 May 2011	Plaintiff escorted to Norwegian Embassy, Canberra to apply for renewal Norwegian Permit, renewal lodged same day.	[72]
Approx. 7 November 2011	Renewal of Norwegian Permit rejected.	[72]
November 2011 to 11 February 2015	Departmental identity investigations re-activated.	[73.2]
20 January 2012	Plaintiff interviewed by officers of the Department.	[22]
31 May 2012	Plaintiff interviewed by officials from Moroccan Embassy, Canberra.	[75]
11 January 2013	Plaintiff interviewed by officers of the Department.	[24]
5 March 2013	Minister declines to consider exercising powers under s195A of the <i>Migration Act 1958 (Cth) (Act)</i> in respect of the plaintiff.	[35]
27 March 2013	Plaintiff interviewed by officers of the Department.	[25]
28 June 2012	Plaintiff interviewed by officials from Algerian Embassy, Canberra.	[75]
5 November 2013	Plaintiff lodges third protection visa application (Third Protection Visa Application).	[26]; [36]
15 January 2014	Minister declines to consider exercising powers under s 417 of the Act in respect of the plaintiff.	[37]
28 February 2014	Plaintiff's representatives made submissions to Department, identifying plaintiff as "YY", DOB: 11 October 1992, stateless, Western Saharan descent.	[27]; [36]

Date	Event	Revised Special Case Paragraph Reference ¹
26 March 2014	Third Protection Visa Application rejected by delegate.	[38]
19 May 2014	Rejection of Third Protection Visa Application affirmed by RRT.	[38]
13 June 2014	Minister declines to consider exercising powers under s 195A of the Act in respect of the plaintiff.	[39]
24 September 2014	Plaintiff interviewed by officers of the Department.	[28]
26 September 2014	Department commences International Treaties Obligation Assessment (ITOA).	[40]
17 October 2014	Federal Circuit Court (FCC) dismisses plaintiff's application for review of RRT decision affirming rejection Third Protection Visa Application. ³	[41]
2 December 2014	Plaintiff lodges bridging visa application.	[42]
22 December 2014	Delegate of the Minister determines plaintiff's bridging visa application invalid.	[42]
11 February 2015	Identity Process Report.	[73.2]
13 March 2015	Full Court of Federal Court dismisses appeal from the FCC. ⁴	[43]
3 September 2015	Plaintiff's ITOA suspended.	[44]
19 January 2016	Minister declines to consider exercising powers under s 417 of the Act in respect of the plaintiff.	[45]
15 March 2016	Minister declines to consider exercising powers under s 195A of the Act in respect of the plaintiff.	[46]
5 January 2017	Plaintiff interviewed by officers of the Department. Department re-activates identity investigation.	[31] [73.3]
11 January 2017	Identity Assessment Report.	[73.3]
26 July 2017	Minister exercises power under s 48B of the Act to permit further visa application by plaintiff.	[47]
14 September 2017	Plaintiff lodges fourth protection visa application (Fourth Protection Visa Application).	[47]
27 November 2017	Addendum added to Identity Assessment Report.	[73.3]

³ *SZUNZ v Minister for Immigration & Anor* [2014] FCCA 2256.

⁴ *SZUNZ v Minister for Immigration and Border Protection* [2015] FCAFC 32

Date	Event	Revised Special Case Paragraph Reference ¹
2 January 2018	Delegate of the Minister refuses Fourth Protection Visa Application.	[47]
11 February 2018	Plaintiff's representative sends letter to Department regarding lawfulness of detention.	SI1 Affidavit 861
4 April 2018	Plaintiff commences the present proceeding.	SCD ⁵ 1
19 July 2018	Plaintiff files statement of claim in this proceeding.	SCD 9
21 September 2018	Complex Identity Advice.	[73.3]
18 October 2018	<p>Director of the Middle East and Africa Section, Americas, Europe, Middle East and Africa Branch (AEMEA Branch) of the International Policy Division within the Department meets with representatives of the Moroccan government at the Moroccan Embassy, Canberra. Officials raise the plaintiffs potential return to Morocco.</p> <p>Moroccan Government requests the plaintiff's fingerprints to enable checks to be conducted against Moroccan government databases.</p>	[78.1]
23 October 2018	Department provides copies of the fingerprints electronically to Morocco Embassy, Canberra.	[78.1]
30 October 2018	Hard copies of finger prints requested by Moroccan Embassy.	[78.1]
7 November 2018	Department supplies hard copy finger prints to Moroccan Embassy.	[78.1]
8 November 2018	<p>Department writes to the plaintiff for consent to engage with the Moroccan and Algerian High Commissions, Canberra to arrange a meeting between plaintiff and the High Commissions directed to establishing the plaintiff's identity and nationality.</p> <p>Director of Americas Section of the AEMEA Branch meets with an official of the Embassy of the United States of America, Canberra and raises the plaintiff's potential resettlement in the United States.</p> <p>Embassy official indicates that the United States would not be in a position to settle the plaintiff due to its identity screening requirements and the ongoing questions surrounding the plaintiff's identity.</p> <p>Director of the Europe Section of the AEMEA Branch</p>	<p>[78.2]</p> <p>[78.3]</p> <p>[78.3]</p>

⁵ Special Case Documents Book.

Date	Event	Revised Special Case Paragraph Reference ¹
	approaches officials at the United Kingdom High Commission in Canberra to arrange a meeting to discuss the possibility of the plaintiff's resettlement in the United Kingdom.	[78.4]
9 November 2018	<p>Meeting between Director of the Europe Section of the AEMEA Branch and officials at the United Kingdom High Commission, Canberra. The High Commission official undertakes to ask government officials in London regarding how the Department might best raise the plaintiff's case and provide a response.</p> <p>Assistant Secretary of the Pacific and Transnational Issues Branch of the International Policy Division within the Department meets with officials at the New Zealand High Commission, Canberra. It is agreed that the Department would provide a written summary of the plaintiff's case to the High Commission and the High Commission would raise the plaintiff's potential resettlement with authorities in New Zealand.</p> <p>Director of the Americas Section of the AEMEA Branch speaks with officials at the Canadian High Commission, Canberra about the plaintiff's possible resettlement in Canada. The High Commission requests further information on the plaintiff's case.</p>	<p>[78.4]</p> <p>[78.4]</p> <p>[78.5]</p> <p>[78.6]</p>
12 November 2018	<p>Minister declines to consider exercising powers under s 195A of the Act with respect to the plaintiff.</p> <p>Department provides further information to Canadian High Commission with respect to the plaintiff.</p>	<p>[50]</p> <p>[78.6]</p>

Dated: 2 January 2019

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