

FORM 1: APPLICATION

GENERAL

Jurisdiction: AUSTRALIA

Court of origin (where appropriate): HIGH COURT OF AUSTRALIA

Appeal number (where appropriate):P72/2015

Date of filing: 19/SEPTEMBER/2015

PHO-V-MINISTER FOR IMMIGRATION AND BORDER PROTECTION

AGENTS

Applicant's agents: AUSTRALIAN CONSTITUTIONAL TRUST

Respondent's agents: AUSTRALIAN GOVERNMENT SOLICITORS

1. DETAILS OF THE APPLICANT

Applicant's full name: JULIE-ANNE PHO

Original status:

Claimant

Defendant

Intervener

Petitioner

Respondent

AGENT (IF APPLICABLE)

Name: SHAE WOODWARD - AUSTRALIAN CONSTITUTIONAL TRUST

Address:

DOCTORS' COMMONS

PO BOX 223

NORFOLK ISLAND

Postcode: 2899

Telephone no: 6723 22543

Fax no:

DX no:

Ref:

Email: BARASSOCIATION@NORFOLKISLAND.EDU.NF

How would you prefer us to communicate with you?

Email

Post

Other (please specify):

COUNSEL (IF APPLICABLE)

Name:

Address:

Postcode:

Telephone no:

Fax no:

DX no:

Ref:

Email:

How would you prefer us to communicate with you?

Email

Post

Other (please specify):

2. NATURE OF THE APPLICATION

This applicant applies for:

- Extension of time Permission to intervene
- Security Order for substituted service
- Expedited hearing Review of Registrar's decision
- Other order (please specify)

3. GROUNDS ON WHICH APPLICATION IS MADE

On what grounds are you making this application?

I WANT TO APPEAL THE DECISION MADE BY THE HIGH COURT OF AUSTRALIA. I AM A VIETNAMESE NATIONAL WHO ARRIVED IN AUSTRALIA ON A STUDENT VISA IN JANUARY 2011. I ENROLLED IN THE BACHELOR OF COMMERCE COURSE AT MONASH UNIVERSITY, WHICH COMMENCED ON 18 FEBRUARY 2012 AND IS DUE TO CONCLUDED ON 23 NOVEMBER 2016.

ON 26 OCTOBER 2013 IT APPEARED TO A DELEGATE OF THE DEFENDANT MINISTER THAT MONASH UNIVERSITY HAD NOT REGISTERED MY ENROLMENT ON THE 'PROVIDER REGISTRATION AND INTERNATIONAL STUDENT MANAGEMENT SYSTEM' ('PRISMS'). AS THIS WAS THE CASE, I HAD BREACHED A CONDITION OF MY VISA IN THAT ACCORDING TO PRISMS, I HAD NOT BEEN ENROLLED IN A REGISTERED COURSE SINCE THAT DATE. MY VISA WAS THUS CANCELLED.

I DID NOT LEARN ABOUT THE CANCELLATION OF MY VISA UNTIL 7 DECEMBER 2014. I SOUGHT REVIEW OF THE DELEGATE'S DECISION AT THE MIGRATION REVIEW TRIBUNAL, WHICH DECIDED IT DID NOT HAVE JURISDICTION. I THEN SOUGHT REVIEW BY THE HIGH COURT OF AUSTRALIA. A HEARING WAS HELD ON 4 AUGUST 2015. THE HIGH COURT HELD THAT I WAS IN BREACH OF MY VISA AND THAT IT SHOULD BE CANCELLED. I HAVE BEEN GIVEN UNTIL 11 NOVEMBER 2015 TO LEAVE AUSTRALIA OTHERWISE I WILL BE DEPORTED.

4. CONSENT TO APPLICATION

The following parties
consent to the application:

THE HIGH COURT OF AUSTRALIA

See attached letter(s)
dated: 14 AUGUST 2015

The following parties
object to this application:

THE RESPONDENT - MINISTER FOR IMMIGRATION AND
BORDER PROTECTION

See attached letter(s) dated: 24 AUGUST 2015

5. OTHER RELEVANT INFORMATION

I AM STILL STUDYING AT MONASH UNIVERSITY, AND I WANT TO COMPLETE MY DEGREE.
I HAVE NOT DONE ANYTHING WRONG – I HAVE NOT BREACHED ANY CONDITIONS OF MY
VISA. THIS MESS IS DUE TO MONASH UNIVERSITY'S NEGLIGENCE.

6. DETAILS OF THE RESPONDENT

Respondent's full name: MINISTER FOR IMMIGRATION AND BORDER PROTECTION

Original status:

- Claimant Defendant Intervener
 Petitioner Respondent

AGENT (IF APPLICABLE)

Name: COLLIN KARP

Firm Name: AUSTRALIAN GOVERNMENT SOLICITORS

Address:

555 WILLIAMS ST

THE ROCKS

NSW

Postcode: 2000

Telephone no: (02) 8888 0170

Fax no: (02) 8888 0110

DX no:

Ref:

Email: CKARP@AGS.COM.AU

How would you prefer us to communicate with you?

Email Post Other (please specify):

COUNSEL (IF APPLICABLE)

Name:

Address:

Postcode:

Email:

Telephone no:

Fax no:

DX no:

Ref:

How would you prefer us to communicate with you?

Email Post Other (please specify):

7. CERTIFICATE OF SERVICE

EITHER COMPLETE THIS SECTION OF ATTACH A SEPARATE CERTIFICATE

On what date was this form served on the

Appellant: / /

Respondent: 20/AUGUST/2015

| | |
|---|--|
| I certify that this document was served on | AGENT OF THE RESPONDENT - COLLIN KARP |
|---|--|

| | |
|-----------|--------------------------|
| by | MY AGENT – SHAE WOODWARD |
|-----------|--------------------------|

| | |
|---------------------------------|-----------------|
| by the following method: | REGISTERED MAIL |
|---------------------------------|-----------------|

Signature:

JPhoSignature

8. DETAILS OF THE REGISTRAR'S ORDER/DECISION BEING APPEALED

Date of order/decision: / /

Please return your completed form to:

The Registrar

The International Tribunal of Natural Justice,

Registrar@ITNJ.org