

**OGEYSIINTA KA BIXIDA  
FEDERAL COURT OF AUSTRALIA  
MAXKAMADA FEDERAALKA EE AUSTRALIYA**

**CLASS ACTION-KA XIRID SHARCI DARO AH EE DAD DOONAYEY MAGANLGELYO  
DBE17 (Ilaaliyahiisa dacwada Marie Theresa Arthur) oo ka soo horjeeda Commonwealth of  
Australia  
(VID1392 ee 2019)**

**FIIRA-GAARA:**

WAA INAAD U AKHRIDAA OGEYSIISKAAN SI TAXADAR LEH.

WAXAA BILAABATY ARRIN MAXKAMADEED OO LA XIRIIRTA ADIGA IYO DAD KALEETO ARRIN KU SAABSAN WAQTIGII LAGUGU HAYEY AUSTRALIYA 2 MAALMOOD OO LA SHAQAYNAYEY INTII U DHEXAYSAY **27DII AGOOSTO 2011 ILAA 25KA FEBRAAYO 2020.**

MAXKAMADU WAXAY AMARTAY IN AAN KUU SOO DIRO MACLUUMAADKAAN SABABTOO AH WAXAAD U BAAHAN TAHAY INAAD GO'AAN KA GAARTO INAAD KUU SII JIRTO KAYSKAAN IYO IN KALE.

HADDII AAD QABTO WAX SU'AALLA OO KU SAABSAN OGEYSIINTAAN WAA INAAD HESHO TALO. **MAAHA** INAAD LA XIRIIRTO MAXKAMADA.

Haddii aadan akhriyi karin Ingiriiska, Ogeysiiskan waxaa lagu hellaa luqada kale websaytka soo socda waxayna ku hoos imanaysaa “sharci daro u xirida dad raadinaya magangelyo class action (class action-ka xirid aan sharci ahayn magangelyo) :<https://www.mauriceblackburn.com.au/class-actions/current-class-actions/unlawful-detention-of-people-seeking-asylum-class-action/>. Waxad kaloo codsan kartaa koobiga ogeysiinta oo afkaaga ku qoran adigoo kala xiriiraya garyaqaanada Maurice Blackburn 1800 930 956 ama email u dir [asylumseekerclassaction@mauriceblackburn.com.au](mailto:asylumseekerclassaction@mauriceblackburn.com.au)

## 1. Maxaan u helayaa midaan?

Ogeysiintaani waxay ku saabsan tahay arrin maxkamadeed oo uu bilaabay qof loo yaqaan “**DBE17**”. Sababa sharci darteed ma aanu sheegi karno magaciisa runta ah. Wuxuu ka yar yahay 18 sanadood, waxaana dacwadan u bilaabay isaga ilaaliyaha dacwada oo ah Marie Theresa Arthur.

Dacwadu waxay taallaa Maxkamada Federaalka ee Australia. Dacwadu waxay ka soo horjeedaa Dawlada Australia (“**Xukuumada Australiya**”).

DBE17 wuxuu ku andacooday in isaga iyo dad kaleeto (“**xubnaha kooxda**”) ay ku jireen xabsiga ii-hayda ee Immigrayshanka Australia laga soo bilaabo 27dii Agoosto 2011 ilaa 25kii Febraayo 2020 waxaana *si aan sharci ahayn* u xirtay Xukuumada Australia. Sababta laguugu soo diray ogeysiintaan waxa weeye waxaa laga yaabaa inaad ku jirtay dadkii uu xiray immigrayshanka Australiya intii u dhexaysay 27dii Agoosto 2011 ilaa 25kii Febraayo 2020. Sidaas darteed waxaa laga yaabaa inaad tahay xubin ka tirsankooda.

## 2. Nadaamka Sharciyeed ee Australiya

Nadaamka sharci ee Australiya wuxuu ogol yahay qofka (loogu yeero arjiilaha’) in uu bilaabo dacwad si uu uga hello magdhow dhaqaale qof kaleeto, ama shirkad ama xukuumad (“loogu yeero **jawaabixiye**”) haddii arjiiluhu aaminsan yahay in dhaawaca ama khasaaraha soo gaaray arjiilaha uu jawaabixiyuhu sameeyey, iyo haddii ay jirto sabab macquulla oo arjiilaha taas oo lidi ku ah jawaabixiyaha.

Dhamaan maxkamadaha Australiya waa ka madax banaan yihiin baarlamaanka iyo xubnaha baarlamaanka. Maxkamaduhu waxay leeyihiin shuruuc ay u raacaan nadaamka. Kuwaas waxaa ku jira diyaarinta caddaynta iyo dabikhida mabaadiida sharciyeed si go’aan looga gaaro kayska maxkamada sida waafaqsan qaanuunka.

## 3. Waa maxay class action?

Dacwadaan maxkamadu waa waa “**class action**”. Class action-ku waa kays maxkamadeed oo uu u bilaabay hal qof (kaasi waa, arjiilaha) koox dad ah (kuwaasi waa, xubnaha kooxda) oo lidiga ku ah qofka ama hay’ad (taasi oo ah jawaabceliyaha).

Class action-ka, arjiilaha iyo xubnaha kooxdu waxay leeyihiin dacwooyin isku mid ah oo ka soo horjeeda jawaabceliyaha.

## 4. Maxaa class action-ku ku saabsan yahay?

Class action-kaan, DBE17 wuxuu yiri in xiritaanka qof aan sharci haysan oo aan muwaadin ahayn ay sharci tahay in Xukuumada Australiya ay xirto keliya haddii:

- 1) Ujeedada xiritaanku uu ahay mar walba:
  - a) Ka saarida Australia, taas oo ay ku jiraan xarumaha kala-saarida goboleed (kayskaan, Nauru ama Papua New Guinea);
  - b) Qabashada, baarista iyo go’aan ka gaarida dalabka fiisada taas oo u ogolaanaysa in dadka aan muwaadiniinta ahayni ay geli karaan oo joogi karaan Australiya; ama
  - c) Go’aaminta in loo ogolaado dalab sharci ah ama fiiso.

- 2) Ujeedka ku lugta leh xarig ku hayntu waa inuu awood u leedahay fulin.
- 3) Ujeedka ku lugta leh haynta waa in loo raacaa waqti loona fuliyaa sida ugu macquulsan oo maangal ahaan la samayn karo.

DBE17 wuxuu ku andacooday isaga iyo xubnaha kooxda si aan sharciga waafaqsanayn ay u xirtay Xukuumada Australiya sababaha soo socda midkood ama labadaba:

- a) DBE17 iyo xubnaha kooxda timid Australiya 12kii Agoosto 2012 loogana baahday in la geeyo Nauru ama Papua New Guinea laakiin si sharci daro ah loo xiray sababtoo ah ama:
  - i. Qaadista shakhsiyaadkaan goobahaas maahayn macquul la samayn karo ama awood u leh fulinta; ama
  - ii. shakhsiyaadkaan waxaa loo qaaday goobahaas laakiin maahayn sida ugu maangalsanayd oo la samayn karay.
- b) Xukuumada Australia mudo dheer ayay ku qaadatay inay go'aan ka gaaraan inay siiso DBE17 iyo xubnaha kooxda fiisa ay ku joogaan Australiya.

Xukuumada Australiya ma ogolaan in DBE17 iyo xubnaha kooxda loo xiray si sharci daro ah waxayna difaacayaan class-action-ka.

## 5. Ma waxaad tahay xubin kooxeed?

Waxaad tahay xubin kooxeed haddii:

- a) Lagugu xiray goobta xirida ee immigration-ka in ka badan laba maalmood oo shaqo qayb ka mid ah ama qaybaha Australiya intii u dhexaysay 27dii Agoosto 2011 iyo 25kii Febraayo 2020.
- b) Aan lagu xirin sababtoo ah fiisadaada Australiya lama burin.
- c) Uguma, marnaba ka dib imaanshahaagii Australiya, noqon si iskaa ah wadankaagii ama wadan kale kaas oo aad deganayd ka hor intii aadan iman Australia.
- d) Marnaba laga soo bilaabo 27dii Agoosto 2011 lagaama saarin Australiya laguumana dirin wadankaad ka timid ama wadan kale halkaas oo aad deganayd kumana soo noqon Australiya;
- e) Laguma xirin sababtoo ah waxaa dhacday fiisadaada waxaadna joogtay Australia fiisa la'aan, haddii aan lagu siin fiisa nabadgelyayn ah;
- f) Ma aadan helin, marnaba, qiimayn amniga ka soo horjeeda oo ay sameeyeen *Australian Security Intelligence Organisation sida waafaqsan xeerka 1979 (Cth)*.

Haddii aadan hubin inaad xubin ka tahay kooxda, waxaad kala xiriiri kartaa Garyaqaanada Maurice Blackburn tel: 1800 930 956 ama email-ka oo ah: [asylumseekerclassaction@mauriceblackburn.com.au](mailto:asylumseekerclassaction@mauriceblackburn.com.au) ama raadso talo sharci daahid la'aan.

**6. Waxaan ahay xubin kooxeed waxaana doonayaa in aan ku jiro class action-ka – maxaan u baahnahay inaan sameeyo?**

Haddii aad doonayso inaad ka mid ahaato kooxda class action-ka **uma baahnid** inaad samayso waxba hadda.

Si kasta ha ahaatee, waad iska diiwaangelin kartaa garyaqaanada Maurice Blackburn websaytkooda, garyaqaanada DBE17, goobta <https://www.mauriceblackburn.com.au/class-actions/current-class-actions/unlawful-detention-of-people-seeking-asylum-class-action/>. Sidaas darteed ogeysiin kasta oo mustaqbilka oo ku saabsan class action-ka waxaa laguugu soo diri karaa emailka aad doonayso, email ama nambarka moobaylka.

**Maaha inaad bixin doonto wax lacag ah hadda** si aad uga mid ahaato class action-kaan: arag faahfaahinta hoose oo ah “8. *Wax lacag ah ma bixinayaa haddii aan ku sii jiro class action-ka?*”

Ku jirista Class action-ku ma saamaynayso fiisada aad haysato. Haddii aad qabto wax su’aalla waxaa waajiba inaad kala xiriirto wakiilka socdaalka.

Haddii aad ku sii jirto class action-ka, waxaad u “hogaansamaysaa” natiijada ka soo baxda class action-ka. Taas macneheedu waxa weeye waxaa waajib ah inaad aqbasho natiijada wayna ku khusaynaysaa ama calss action-ku ha noqdo mid guulaysta ama guuldaraysta ama la xaliyo.

- a) Haddii class action-ku guulaysto waxaa laga yaabaa inaad wax ka hesho oo saami ku yeellato wixii la go’aamiyey in wax lagu xaliyo. Taasi waxa weeye, waxaa laga yaabaa inaad lacag hesho.
- b) Haddii class action-ku aanu guulaysan ama uu ka hooseeyo guushii la rajeynayey, waxaa laga yaabaa in aadan waxba helin ama waxyar hesho. Si kasta ha ahaatee, wax lacag ah oo lagaa qaadayaa ma jirto.

Class action-ku ha guulaysto ama yaanu guulaysan, haddii aad ku sii jirto, ma awoodi doontid inaad mar dambe bilawdo dacwadaada ka soo horjeeda Xukuumada Australiya isla dacwadaas oo ah u haynta si aan sharci ahayn taas lagu sharxay qodobka 3aad ee kore. “*Waa maxay calss action-kaani?*”

**7. Waxaan ahay xubin kooxeed laakiin dooni mayo in aan ka mid ahaado class action-ka – maxaan u baahnahay in aan sameeyo?**

Haddii aadan doonayn inaad ku jirto class action-ka waxaad u baahan tahay inaad u sheegto Maxkamada Federaalka ee Australiya. Taas waxaa loogu yeeraa doorashada ka bixida (opting out).

Haddii aad ka baxdo ma aad:

- a) Heli doonto lacagta class action-kaan natiijadu waxay doonto ha noqotee;
- b) Natiijadu ma xirayso class action-ka waxaadna awoodi doontaa, haddii aad doonayso inaad sidaas samayso, inaad bilawdo dacwadaada wixii ku saabsan ashtakada si sharci daro ah u xirida ka soo horjeeda Xukuumada Australiya, waxaase shardi ah inaad bilawdo dacwada waqtiga sharcigu ogol yahay.

Haddii aad doonayso inaad keento dacwadaada ka soo horjeeda Xukuumada Australiya, waa inaad talo ka heshaa garyaqaan wixii ku saabsan dacwadaada iyo waqtigay ku egtahay **ka-hor** inta aadan ka bixin.

**Haddii aad doonayso inaad ka baxdo**, waxaa waajib kugu ah inaad buuxiso foomka ka bixida ogeysiiskan ka dib kuna soo dir:

The Registrar  
Federal Court of Australia  
Victorian District Registry  
305 William Street  
Melbourne VIC 3000  
ama  
[vicreg@fedcourt.gov.au](mailto:vicreg@fedcourt.gov.au)

**MUHIIM:**

Foomka ka bixida waxaa waajiba inuu gaaro Diiwaanhayaha 4ta Diseembar 2020. Haddii aanay dhicin, ka bixidaadu ma xisaabsana welina waxaad ka tirsanaan doontaa kooxda class action-kaan.

Xubin kasta oo ka mid ah kooxda oo doonaysa inay ka baxdo waa inay buuxisaa foomka ka bixida.

**8. Ma bixin doonaa wax lacag ah haddii aan ku sii jiro class action-ka?**

Maaha inaad bixiso waxba hadda si aad ugu sii jirto class action-ka.

Garyaqaanada Maurice Blackburn ayaa u wadaya class action-kaan hab ku salaysan lacag bixin ku xiran natiijada (conditional pro bono). Taas macneheedu waxa weeye waxaa lacag la bixinayaa haddii dacwada lagu guulaysto.

Haddii class action-ka lagu guulaysto, lacagta garyaqaanada Maurice Blackburn ay heli doonaan ee adeega sharci waxay ku heli doonaan adeegyadooda waxayna ku ekaan doonaan qadarka lacag ah ee ka heli karaan xukuumada Australiya ama qola kale.

Waxaa laga yaabaa inaad bixiso wax uun dhamaadka dacwada haddii aad u baahan tahay talo sharci oo ugu dambayn ah si loo dhamaystiro dacwadaada. Waxaad hawl gelin kartaa Garyaqaanada Maurice Blackburn ama garyaqaana kale oo adiga kuu shaqeeya. Waxaad heli kartaa koobiga shuruudaha Garyaqaanada Maurice Blackburn kugu matalaya class action-ka adigoo la xiriiraya iyaga.

**9. Xaggee ka heli kartaa koobiyada dukumintiga la xiriira?**

Koobiyada la xiriira dukumintigaan, oo ay ku jiraan cadaynta dacwada, iyo difaaca, waxaa laga yaabaa in laga hello:

- (a) Kala soo bax <https://www.mauriceblackburn.com.au/class-actions/current-class-actions/unlawful-detention-of-people-seeking-asylum-class-action/>;
- (b) Eegista iyaga inta u dhexaysa 9ka subaxii iyo 5ta casarkii mid ka ah xafiisyada garyaqaanada Maurice Blackburn, faahfaahinta cida lala xiriirayo waxaa laga hellaa [www.mauriceblackburn.com.au](http://www.mauriceblackburn.com.au) ama adiga oo wacaya 1800 930 956;

- (c) Adiga oo wacaya diiwaanhayaha Degmada ee Maxkamada Federaalka (faahfaahinta qofka lala xiriirayo waxaa laga hellaa [www.fedcourt.gov.au](http://www.fedcourt.gov.au)) adiga oo bixinaya lacagta baarista; ama
- (d) Ka raadinta websaytka Maxkamada Federaalka <https://www.fedcourt.gov.au/law-and-practice/class-actions/class-actions>.

Fadlan u qadari arrimahaan kor ku xusan si degan. Haddii ay jiraan wax aadan hubin, waxaa waajiba inaad kala xiriirto Garyaqaanada Maurice Blackburn 1800 930 956 ama u dir email [asylumseekerclassaction@mauriceblackburn.com.au](mailto:asylumseekerclassaction@mauriceblackburn.com.au) ama raadso talo sharci oo kuu gaara. Waa in aadan daahin samaynta go'aankaaga.

Form 21  
Rule 9.34

**OPT OUT NOTICE**

No. VID1392 of 2019

**LIFAAQA B (ANNEXURE B)**

**Only use this form if you DO NOT want to remain part of the class action**

Form 21  
Rule 9.34

**OGEYSIINTA KA BIXIDA (OPT OUT NOTICE)**

No. VID1392 of 2019

Maxkamada Federaalka ee Australiya  
Diiwaanka Degmada: Victoria  
Qaybta: Caamka ah (Guud)

**DBE17 (Ilaaliyaha Dacwadiisu waa Marie Theresa Arthur)**

Arjiilaha

**The Commonwealth of Australia**

Jawaabceliyaha

To: The Registrar  
Federal Court of Australia  
VIC District Registry  
Owen Dixon Commonwealth Law Courts Building  
305 William Street  
Melbourne VIC 3000

*[Magacaaga oo buuxa], xubinta class action-kaani, wuxuu bixiyaa ogeysiin sida waafaqsan qaybta 33J ee Xeerka 1976, oo Maxkamada Federaalka Australia, [Magacaaga oo Buuxa] wuxuu ka baxayaa class action-kaan.*

Taariikhda: [Sida 19ka Juun 20..]

Saxiixaaga:

Magaca oo dhamaystiran:

Taariikhda dhalashada:

Cinwaanka Email-ka:

Telefoon nambarka:

**Goobaabin geli mid:** Xubin Kooxeed AMA masuul sharci oo Xubinta Kooxda AMA  
AHAYN Xubin Kooxeed