Form 118

Rule 35.14(1)

Application for extension of time and leave to appeal

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

**[Name of First Applicant]** [if 2 or more add "and [another/others] named in the schedule"]

Applicant[s]

**[Name of First Respondent]** [if 2 or more add "and [another/others] named in the schedule"]

Respondent[s]

To the Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

**Time and date for hearing**: [Registry will insert time and date]

**Place**: [address of Court]

The Court ordered that the time for serving this application be abridged to [Registry will insert date, if applicable].

Date:

|  |
| --- |
| Signed by an officer acting with the authority of the District Registrar |

**Application for extension of time**

The Applicant applies for an extension of time to seek leave to appeal.

The grounds of the application are set out in the accompanying affidavit.

**Leave to appeal**

The Applicant applies for leave to appeal from the judgment of [court of judge] given on [date] at [place].

Leave to appeal is required by *[legislation giving right to appeal with leave]*.

**Grounds of application**

1.
2.
3.

**Other applications**

1. [Statement indicating whether the party wishes to have the application dealt with without an oral hearing.]
2. [\*If rule 35.14 applies]The Applicant applies for an order dispensing with compliance with rule 35.13.

**Accompanying documents**

This application must be accompanied by the following:

1. the judgment or order from which leave to appeal is sought;
2. the reasons for the judgment or order, if published;
3. an affidavit stating:
	1. briefly but specifically, the facts on which the application relies;
	2. why the application for leave to appeal was not filed within time; and
4. a draft notice of appeal that complies with rules 36.01(1) and (2); and
5. a statement by the Applicant of whether the Applicant wants to have the application considered without oral argument.

**Applicant’s address**

The Applicant’s address for service is:

Place: [see rule 11.01]

Email:

The Applicant’s address is [if an individual - place of residence or business; if a corporation - principal place of business].

**Service on the Respondent**

[Select one of these 3 options and delete others]
[\*]It is intended to serve this application on all Respondents.

[\*or]It is intended to serve this application on the following Respondents:

[name of each Respondent on whom application is to be served]

[\*or]It is not intended to serve this application on any Respondent.

Date: [eg 19 June 20..]

|  |
| --- |
| Signed by [Name][Insert capacity eg Applicant / Lawyer for the Applicant] |

[\*Delete this section if this is not migration litigation - rule 8.04]
**Certificate under section 486I of the Migration Act 1958**

For the purposes of section 486I of the *Migration Act 1958,* I [name of lawyer] certify that there are reasonable grounds for believing that this migration litigation (within the meaning of section 486K of that Act) has a reasonable prospect of success.

Date:

|  |
| --- |
| Signed by [Name of lawyer] |

[\* If more than one applicant, respondent, cross-claimant or cross-respondent, insert names of the second, third, fourth etc as required in this schedule. Delete schedule if not required.]

**Schedule**

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

[\*]**Applicants**

Second Applicant: [Name]

[\* etc]

[\*]**Respondents**

Second Respondent: [Name]

[\* etc]

[\*]**Cross-claimants**

Second Cross-claimant: [Name]

[\* etc]

[\*]**Cross-respondents**

Second Cross-respondent: [Name]

[\* etc]

Date:

[\*delete if inapplicable]