

Australian Judge Reinstates Tennis Star's Visa

An Australian judge has reinstated tennis star Novak Djokovic's visa, which was canceled after his arrival last week because he is unvaccinated.

Circuit Court Judge Anthony Kelly also ordered the government on Monday to release Djokovic from Melbourne hotel quarantine within 30 minutes of his decision.

Government lawyer Christopher Tran told the judge after the ruling that the minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, Alex Hawke, "will consider whether to exercise a personal power of cancelation."

That would mean Djokovic could again face deportation and could miss the Australian Open, which starts on Jan. 17.

The Australian government canceled 34-year-old Djokovic's visa shortly after he arrived in Melbourne late Wednesday to play in the Australian Open because officials decided he didn't meet the criteria for an exemption to an entry requirement that all non-citizens be fully vaccinated for COVID-19.

Djokovic, who court documents say is unvaccinated, argued he did not need proof of vaccination because he had evidence that he had been infected with the coronavirus last month.

Australian medical authorities have ruled that a temporary exemption for the vaccination rule can be provided to people who have been infected with COVID-19 within six months.

Circuit Court Judge Anthony Kelly noted that Djokovic had provided officials at Melbourne's airport with a medical exemption given him by Tennis Australia, which is organizing the tournament that starts on Jan. 17, and two medical panels.

“The point I’m somewhat agitated about is what more could this man have done?” Kelly asked Djokovic’s lawyer, Nick Wood.

Wood agreed with the judge that Djokovic could not have done more.

Transcripts of Djokovic’s interview with Border Force officials and his own affidavit revealed a “repeated appeal to the officers with which he was dealing that to his understanding, uncontradicted, he had done absolutely everything that he understood was required in order for him to enter Australia,” Wood said.

Djokovic has been under guard in hotel quarantine in Melbourne since Thursday, when his visa was canceled.

But the judge ordered that the world, No. 1-ranked tennis player be released from hotel quarantine during his court hearing. It was not clear where Djokovic relocated to during his hearing. He did not appear on screen in the first hours of the virtual hearing.

Djokovic’s lawyers submitted 11 grounds for appeal against his visa cancellation. The lawyers described the cancellation as “seriously illogical,” irrational and legally unreasonable.

Lawyers for Home Affairs Minister Karen Andres said in their submission that if the judge ruled in Djokovic’s favor, officials might cancel his visa a second time.

They said the vaccination requirement could only be deferred for arriving travelers who have had a COVID-19 infection if their illness was acute.

“There is no suggestion that the applicant (Djokovic) had ‘acute major medical illness’ in December” when he tested positive, the written submission said. {eo}

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