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Novak Djokovic's Rally With the Courts

By Corey Fletcher and Jessie Lewis

The number one star in men's tennis, Novak Djokovic, will not participate in the 2022 Australian Open and was deported from Australia on Sunday, January 16, 2022, following the Australian government's and court's decision to revoke his visa. This is part of the ongoing saga related to Djokovic's unvaccinated status and his hope to play at the Australian Open without being vaccinated against COVID-19.

As the world continues to battle surges in COVID-19 cases and the emergence of novel variants, sports officials have been hard pressed to consider whether world class athletes must be vaccinated in order to participate in various high-profile events. The Australian Open takes place in Melbourne, located in the state of Victoria. This state was one of Australia's hardest hit by COVID-19, which is why Premier Daniel Andrews indicated that his government would not apply for travel permits to allow unvaccinated players to compete in the grand slam. The statement reaffirmed that everyone at this year's first grand slam – including players, their support teams and spectators – would be fully vaccinated against COVID-19.

Leading up to this decision, Djokovic gained international attention for his disagreement with the vaccine mandate and the uncertainty of whether he would be defending his title due to his unvaccinated status. On December 30, 2021, two medical panels and Tennis Australia granted Djokovic a medical exemption from the vaccine mandate on account that he had contracted COVID-19 earlier that month. This exemption allowed Djokovic to acquire a visa to enter Australia and he was notified by the Australian government that he was cleared for quarantine-free arrival by the state government of Victoria. To Djokovic's surprise, upon landing in Melbourne on January 5, the Australian Border Force rejected his medical exemption on the grounds that it was not satisfactory, cancelled his visa and placed him in detention.

Although a judge subsequently quashed the government's decision to cancel Djokovic's visa, Djokovic's legal hurdles still continued. On January 14, his visa was cancelled for a second time, this time by Immigration Minister Alex Hawke who utilized his discretionary power to revoke Djokovic's visa. Minister Hawke noted that he had exercised his "power under Section 133C(3) of the Migration Act to cancel the visa held by Mr. Novak Djokovic on health and good order grounds, on the basis that it was in the public interest to do so."

The *match point* against Djokovic came on Sunday, January 16, when the Australian court dismissed Djokovic's appeal. Three Federal Court judges unanimously upheld Minister Hawke's decision to cancel Djokovic's visa, which also meant that Djokovic would be deported. Although deportation orders can come with a three-year ban to Australia, it is uncertain whether this will be the case or what the future holds for Djokovic. The world continues to watch to see how and when Djokovic will return to international play and, at the very least, who will walk away with the first grand slam title of 2022.

This may not be the last time Djokovic is eliminated from a tournament due to his unvaccinated status, as a new vaccine pass was approved by the French parliament that would preclude him from playing in the upcoming French Open. It was made clear by France's sports minister that these rules apply "to everyone, to volunteers and to elite sportspeople, including those coming from abroad, until further notice."

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