



Migration and Refugee Division Practice Direction

This Direction is given under section 18B of the *Administrative Appeals Tribunal Act 1975*.

1. Our requirements and expectations

- 1.1 The purpose of this Direction is to set out the AAT's requirements and expectations of applicants and representatives in relation to the conduct of reviews in the Migration and Refugee Division. We may alter procedures set out in this Direction to suit individual applications for review.
- 1.2 By acting in accordance with this Direction, applicants and representatives can assist the AAT to fulfil our objective set out in section 2A of the AAT Act to provide a mechanism of review that is fair, just, economical, informal, quick and proportionate to the importance and complexity of the matter. You should use your best endeavours to assist the AAT to fulfil the objective in section 2A of the AAT Act.
- 1.3 Representatives play an important role in assisting the AAT, including by:
 - (a) lodging all documentary evidence on which an applicant seeks to rely and any written submissions in accordance with this Direction; and
 - (b) preparing clear and concise written submissions that address the matters the Tribunal must determine.
- 1.4 In deciding whether to allow a representative to present arguments at a hearing, the Tribunal will consider the extent to which the representative is likely to assist the Tribunal in achieving our objective set out in section 2A of the AAT Act, and also our obligation to afford procedural fairness to the applicant.
- 1.5 Representatives must act in a manner consistent with applicable professional conduct rules and standards.
- 1.6 In this Direction, unless the Tribunal has altered the procedure:
 - (a) the term '**must**' denotes something that you are required to do;
 - (b) the term '**should**' denotes something that the AAT expects you to do and, if you are a representative, indicates good practice; and
 - (c) the term '**may**' denotes something that you can choose to do.

2. Application of this Direction

- 2.1 This Direction applies to applications for review of decisions in the AAT's Migration and Refugee Division.

Note: The AAT's Migration and Refugee Division reviews migration decisions [Part 5 of the Migration Act] and refugee decisions [Part 7 of the Migration Act]. Migration decisions include decisions to refuse or cancel migration visas and sponsorship and nomination-related decisions. Refugee decisions include decisions to refuse or cancel protection visas.

The AAT's General Division reviews the following decisions relating to visas under the Migration Act: to refuse or cancel any type of visa on character grounds under section 501; to not revoke the mandatory cancellation of a visa under section 501CA; to refuse a protection visa on character grounds relying on section 5H(2), 36(1C) or 36(2C); or to cancel a business visa under section 134.

You should ensure you lodge your application in the correct division. If you do not, it may affect whether the AAT can review the decision or delay the processing of your application. More information can be found on the AAT website.

- 2.2 This Direction takes effect from 1 March 2023. It applies to all applications, whether lodged before, on or after this date, and remains in effect until it is superseded or revoked.
- 2.3 The Migration and Refugee Matters Practice Direction dated 1 August 2018 and the COVID-19 Special Measures Practice Direction – Migration and Refugee Division dated 2 March 2021 are revoked at the time this Direction comes into effect.
- 2.4 This Direction should be read in conjunction with the following directions made under section 18B of the AAT Act:
- (a) the [General Practice Direction](#);
 - (b) the [Giving Documents or Things to the AAT Practice Direction](#);
 - (c) the [Conducting Migration and Refugee Reviews President's Direction](#); and
 - (d) the [Prioritising Applications in the Migration and Refugee Division Practice Direction](#).

Note: Some parts of the General Practice Direction do not apply to the Migration and Refugee Division.

- 2.5 Where the terms of this Direction are inconsistent with the terms of another direction on the same matter, the terms of this Direction apply.
- 2.6 The Dictionary in [paragraph 12](#) defines particular words used in this Direction.

3. When you lodge an application for review

Invalid applications for review

- 3.1 If we consider that your application does not meet the requirements for lodging a valid application for review, we will write to you and explain why.

Note: To be a valid application, the AAT must be authorised by law to review the decision you want us to review, you must be a person eligible to apply for review of the decision, you must lodge the application within the applicable timeframe that is prescribed by law and, if a fee is payable for your application, you must either pay the fee or give the AAT the details to be able to process a credit card payment within the prescribed timeframe. The AAT cannot extend the timeframe for making an application. More information can be found on the AAT website.

- 3.2 If you consider that your application does meet the requirements, you should write to us within the timeframe we specify and explain why.
- 3.3 We will decide whether or not you have made a valid application and notify you of our decision in writing.

Related applications for review

- 3.4 Within 14 days after lodging an application for review, you should:
- (a) inform us if one or more of your family members has a separate current application for review before the AAT in relation to the same type of visa refusal decision; and
 - (b) if you want to have these applications heard together, inform us in writing that you consent to this.

Note: Generally, 'family member' includes your spouse, de facto partner, child, and/or step-child. Where separate applications for review have been received from more than one member of a family for the same visa subclass, the AAT will, where practicable and appropriate, seek to conduct hearings in those applications together.

- 3.5 If:
- (a) you are included in an application for review with one or more of your family members; and
 - (b) you no longer want to be included in that application and want your application for review to be treated separately,
- you should inform us in writing as soon as possible.

Gender-related issues

- 3.6 If there are any factors relating to the application for review that would make it appropriate for a member of a particular gender to conduct the review, you should inform us of this as early as possible.

Vulnerabilities

- 3.7 If there are any factors that may affect your ability to participate in the review, such as intellectual, physical, psychosocial or other disability, age-related issues or any other factor of vulnerability, you should inform us of this as early as possible.

Requesting access to documents

- 3.8 You should make any request for access to documents under the *Freedom of Information Act 1982* (Cth) or section 362A of the Migration Act as early as possible after the application for review has been lodged.

4. Communicating with us

Lodging and giving us documents or other things

- 4.1 To the extent possible:
- (a) an application for review of a decision; and/or
 - (b) a document relating to an application for review that is before the AAT,
 - (c) should be lodged with, or given to, the AAT using an AAT online system accessible via the AAT website.

Note: Applications for review and documents may also be lodged or given to the AAT in accordance with the methods outlined in the [Giving Documents or Things to the AAT Practice Direction](#). These methods include leaving it with any person who is performing duties for the AAT at a Registry of the AAT, sending it by pre-paid post to a Registry of the AAT, faxing it to a specified fax number, or emailing it to a specified email address.

Signatures

- 4.2 If a document requires a signature, you should either sign it physically by hand or sign it electronically using a digital signature.

Case number

- 4.3 If you send us documents by email, you must include your case number in the subject line of the email.
- 4.4 If you send us documents by post, you must include your case number with the documents.

Your contact details

- 4.5 You must give us an address where documents may be posted to, or left for, you and, to the extent possible, you should also give us:
- (a) an email address; and
 - (b) a telephone number.

Note: Wherever possible, the AAT will send you documents by email.

- 4.6 If a representative lodges an application for review on behalf of an applicant, the representative should give the AAT contact details for the applicant as well as the contact details for the representative.

Note: The contact details given to us for the applicant should not be the same as the contact details for the representative.

- 4.7 If you change your contact details during a review, you:
- (a) must notify us in writing of the change as soon as possible; and
 - (b) should complete and lodge the 'Change of Contact Details – MR Division' form (Form MR6).

Communicating with AAT members

- 4.8 You must not contact, or communicate with, a member other than during a case management hearing or a hearing. At all other times, contact or communication will be through AAT staff at a Registry.

5. Appointing a representative and/or an authorised recipient

- 5.1 If you are a representative and commence representing an applicant after an application for review has been lodged, you:
- (a) must notify us in writing as soon as possible; and
 - (b) should complete and lodge the 'Appointment of Representative/Appointment of Authorised Recipient – Migration & Refugee Division' form (Form MR5).
- 5.2 If you are a representative and you cease representing an applicant, you must notify us in writing as soon as possible.

- 5.3 If you appoint a representative, we will treat them as your authorised recipient unless you inform us in writing that you do not want them to be your authorised recipient.
- 5.4 If you want to appoint another person as your authorised recipient after you have lodged your application for review, you:
- (a) must notify us in writing; and
 - (b) should complete and lodge the 'Appointment of Representative/Appointment of Authorised Recipient – Migration & Refugee Division' form (Form MR5).
- Note:** We must send all documents to your authorised recipient, instead of you, unless you withdraw the authorisation.
- 5.5 If you want to withdraw your authorisation for a person to act as your representative or as your authorised recipient, you should complete and lodge the 'Change of Contact Details – MR Division' form (Form MR6).

6. Triaging of cases

- 6.1 The AAT conducts triaging processes to inform the prioritisation of applications for review and to facilitate case management.
- Note:** The AAT constitutes applications for review in accordance with the priorities set out in the [Prioritising Applications in the Migration and Refugee Division Practice Direction](#).
- 6.2 You can help inform our triaging and case management processes by:
- (a) making a request for prioritisation if you consider your application meets the criteria, including on the basis of 'compelling reasons', as set out in the [Prioritising Applications in the Migration and Refugee Division Practice Direction](#);
 - (b) notifying us if you consent to the Tribunal determining the review without you appearing before it, in accordance with [paragraph 6.5](#);
 - (c) making an expedited decision request if you consider your application meets the criteria for an expedited decision request, in accordance with [paragraph 6.7](#).
- 6.3 The AAT may, as part of our triaging and case management processes, ask an applicant in writing to lodge evidence and/or submissions. You should respond to our request within the timeframe we specify.

Consenting to the Tribunal deciding the review without a hearing

- 6.4 You may consent to the Tribunal deciding the review without you appearing before it at a hearing.
- 6.5 You should consider doing this if the sole purpose of your application is to ask the Tribunal to refer your matter to the Minister for intervention under section 351 or 417 of the Migration Act.
- Note:** If the Tribunal cannot decide the review in your favour on the material before it, the Tribunal is generally required to invite you to appear at a hearing to give evidence and present arguments relating to the issues arising in relation to the decision under review. If you consent to the Tribunal deciding the review without you appearing before it, you will no longer be entitled to give evidence and present arguments at a hearing. The Tribunal will decide on the material before it whether the decision under review should be affirmed, varied, set aside or remitted for reconsideration in accordance with the Tribunal's directions or recommendations.
- 6.6 If you consent to the Tribunal deciding your review without you appearing before it at a hearing, you must notify us in writing. In addition, if your representative notifies us

(rather than you directly), the notice must include your signature.

Expedited decision requests

6.7 You may make an expedited decision request if all of the following requirements are met:

- (a) you have applied for review of a decision to refuse to grant a visa;
- (b) the visa was refused on the basis that you did not meet one or more criteria; and
- (c) you can give us documentary evidence that objectively demonstrates the criterion or criteria are now met.

Examples:

1. You *can* make an expedited decision request if your student visa application was refused because you did not provide evidence that you meet the English language requirements and you now have this evidence.
2. You *cannot* make an expedited decision request if you are applying for review of a decision about nomination or sponsorship of an activity, occupation, position or person.
3. You *cannot* make an expedited decision request if the criterion requires any subjective assessment such as whether you are in a genuine relationship for a partner visa or you are a genuine temporary entrant for a student visa.

6.8 An expedited decision request should:

- (a) be lodged using the online form 'Request for expedited decision (online)' accessible at <https://www.aat.gov.au/landing-pages/other-forms/request-for-expedited-decision-online>;
- (b) be accompanied by the evidence that demonstrates you meet the relevant criterion or criteria; and
- (c) include a written submission that explains how the evidence satisfies the relevant criterion or criteria and how the Tribunal can decide the review in your favour on the basis of the material before it without conducting a hearing.

Note: An expedited decision request is different from a request for prioritisation. An expedited decision request is made where you have evidence that objectively demonstrates you meet the criterion or criteria on which the delegate refused your visa application. A request for prioritisation is made if you consider your application meets the criteria as set out in the [Prioritising Applications in the Migration and Refugee Division Practice Direction](#), including on the basis of 'compelling reasons'.

7. After constitution

7.1 After your application is constituted, the Tribunal will determine how it will progress, including whether:

- (a) to invite you to give, comment on or respond to information under section 359, 359A, 424 or 424A of the Migration Act (see section 8 below);
- (b) it can proceed to make a decision in your application without inviting you to appear before it at a hearing;
- (c) to list your application for a case management hearing; and/or
- (d) to list your application for a hearing.

Evidence, including witness statements or outlines of evidence

7.2 You should lodge any evidence which supports your claims within any timeframe we specify.

Note: You should give us relevant evidence that supports the claims you are making. This will depend on the type of decision under review and the issues in your review. The AAT publishes Fact Sheets on our website about the type of evidence and submissions that may be relevant to particular types of cases or caseloads.

See paragraph 7.8 for how you should format your evidence if you have a representative.

7.3 You should lodge a signed and dated written statement (**witness statement**) from any person you want the Tribunal to call as a witness at the hearing setting out the evidence they will give at the hearing.

7.4 If you are unable to obtain a statement from a witness, you should lodge an outline of the evidence the witness will give and how it is relevant to your application.

Written submissions

7.5 You should lodge a written submission within any timeframe we specify.

Note: A written submission is a document in which you set out your arguments about why your review application should be successful and may refer to the evidence you will give at the hearing. If you have already given us a statement setting out the evidence you will give at the hearing at an earlier point in the review, you do not need to resubmit it.

7.6 If you have a representative, the written submission provided on your behalf should:

- (a) clearly and concisely identify and address the issues in the review;
- (b) clearly and concisely identify and address the law relevant to the review;
- (c) set out in detail the relevant facts that support the submission and refer to the evidence that supports the submission; and
- (d) include the name of the person who prepared the submission and the date of the submission.

Note: See paragraph 7.8 for how you should format your written submission if you have a representative.

7.7 If you do not have a representative, your written submission should set out your claims, refer to the evidence you rely on and why you consider your application should be successful.

Format of evidence and written submissions

7.8 If you have a representative, to the extent possible, all documents should be in an electronically searchable PDF format with:

- (a) each document given a separate number;
- (b) each page numbered sequentially; and
- (c) an index with the pagination set out and bookmarks or links to each document or each relevant section of a document.

Note: At the hearing we may refer to your evidence and written submissions. Electronically searchable PDF documents with page numbers allow the Tribunal during the hearing to refer you or witnesses to specific parts of material given to us. This assists to ensure that there is no misunderstanding about the evidence or written submissions being discussed.

Copies and originals of documents, and translations of documents

- 7.9 Unless we ask you to, you are not required to lodge a hard copy of evidence or submissions you have lodged electronically.
- 7.10 However, if you are invited to an in-person hearing, you should bring with you originals of all evidence which we request you to bring or on which you want to rely.

Note: See [paragraph 9.12](#) in relation to documents you are required to have with you at the hearing.

- 7.11 All documents lodged with the AAT that are not in English must be translated into English. The documents should be translated by a Certified Translator accredited by the National Accreditation Authority for Translators and Interpreters.

Note: If documents are not translated, the Tribunal may not be able to understand the content. If the documents are not translated by an accredited translator, the Tribunal may not be satisfied that the translation is accurate. If documents are not translated and/or documents are not accompanied by an accredited translation, the Tribunal will decide the extent to which they may be relied on.

Case management hearing

- 7.12 If the Tribunal decides to hold a case management hearing, we will notify you in writing of:

- (a) the date and time;
- (b) whether it will be held in person at a Registry, by video (generally using Microsoft Teams) or by telephone.

- 7.13 If you want to ask us to hold the case management hearing by a different method or to postpone the case management hearing, you should make the request in writing as soon as possible and explain why.

- 7.14 If the Tribunal agrees to your request, we will notify you in writing.

8. Responding to invitations to give or comment on or respond to information and other requests to lodge evidence and submissions

Invitations with a prescribed period

- 8.1 If you have been invited to give, comment on or respond to information under section 359(2), 359A, 424(2) or 424A of the Migration Act, you must do so within the prescribed period.
- 8.2 If you want to request an extension of time to a prescribed period, you must make the request before the prescribed period expires (or if making a request for a further extension, before the expiry of the period as extended).
- 8.3 The request should:
- (a) be in writing;
 - (b) explain the reasons for requesting the extension; and
 - (c) be accompanied by any evidence or documentation in support of the request for the extension.

Note: If you fail to give, comment on or respond to information within a specified period (either the prescribed period or the period extended by us), you will no longer be entitled to appear before the Tribunal at a hearing and the Tribunal may make a decision without taking any further action to obtain the information. In the case of a review of a decision about a protection visa or a decision made under section 197D(2) of the Migration Act about a protection finding, the Tribunal retains a discretion to invite you to a hearing where you have lost your entitlement to a hearing. However, in a review of a migration decision, once you have lost your entitlement to a hearing, the Tribunal has no power to invite you to a hearing.

Other requests to lodge evidence or submissions

- 8.4 If you have otherwise been requested by the Tribunal to lodge evidence or submissions within a specified timeframe, as soon as you become aware that you may not be able to do so, you must request more time.
- 8.5 The request should:
- (a) be in writing;
 - (b) specify how much additional time you want;
 - (c) explain the reasons for requesting the extension; and
 - (d) be accompanied by any evidence or documentation in support of the request for the extension.

9. Hearings

- 9.1 The Tribunal will hold any hearing to which you are invited:
- (a) in person;
 - (b) by video (generally by using Microsoft Teams);
 - (c) by telephone; or
 - (d) by a combination of in person, telephone and/or video.
- 9.2 In determining how the hearing will be held, relevant considerations may include, but are not limited to:
- (a) where you are located and your distance from a Registry;
 - (b) your preference;
 - (c) whether you have an impairment, or any vulnerabilities, which would make it difficult for you to attend a Registry in person or to participate in a hearing by video or by telephone;
 - (d) the nature and complexity of the legal and factual issues to be decided, including the extent to which the Tribunal may need to assess the credibility of oral evidence given by the applicant or a witness and of documentary evidence;
 - (e) the number, nature and availability of any witnesses;
 - (f) the nature and volume of the documentary evidence; and/or
 - (g) whether the application for review has been included in a multi-applicant hearing list (see paragraph [12.1](#) for the meaning of a 'multi-applicant hearing list').
- 9.3 If you have a preference for a particular hearing method, you should inform us as soon as possible and explain why.

Note: There is no right to a particular hearing method. We will consider your preference when determining how the hearing will be held. For example, if you live in a regional area and it would be difficult for you to travel to a Registry for an in-person hearing, the Tribunal may decide to hold the hearing by video using Microsoft Teams in cases where there are limited issues and documents.

Responding to the hearing invitation

- 9.4 If we send you an invitation to a hearing, you should:
- (a) complete the 'Response to hearing invitation' form in full; and
 - (b) lodge the form with the AAT no later than seven (7) days after receiving the hearing invitation.
- 9.5 If you consider that you or another person will experience difficulty participating in the hearing in person, by video or by telephone, you should explain why in the form or in a separate document you send to us with the form.
- 9.6 We will tell you if the Tribunal decides that the hearing should be held by a different hearing method. You must assume that the hearing will proceed as we have notified you unless we tell you otherwise.

Interpreter at hearing

- 9.7 If you want to request an interpreter for the hearing, you should specify the language/dialect on the 'Response to hearing invitation' form.
- 9.8 If you are dissatisfied with the quality of interpreting at a hearing, you should tell the Tribunal immediately.

Note: The Tribunal member will assess whether the hearing should continue in light of your comments or whether the hearing should be adjourned until a new interpreter can be obtained.

Lodging evidence and submissions prior to the hearing

- 9.9 Unless the Tribunal has specified or allowed otherwise, you should lodge **at least seven (7) days before the hearing**:
- (a) all evidence, including witness statements or outlines of evidence, on which you want to rely; and
 - (b) any written submissions.
- 9.10 If you lodge documents less than seven (7) days before the hearing, you should explain why in writing when you send us the documents.
- Note:** The Tribunal may reschedule the hearing to the next earliest opportunity. Rescheduling the hearing will ensure that there is sufficient time for the Tribunal to read and consider the documents.
- 9.11 If you have a representative, you should lodge documents in accordance with our format requirements set out in [paragraph 7.8](#) above.

Documents at the hearing

- 9.12 You should ensure that, during the hearing, you have with you all of the documents that:
- (a) you have lodged with the AAT and the Department of Home Affairs; and
 - (b) the AAT and Department of Home Affairs have given to you.

Note: You may have a digital or printed copy of your documents.

For further information about the AAT, please call us on **1800 228 333** or go to www.aat.gov.au.

Adjournments (postponements)

9.13 The Tribunal will not postpone a scheduled hearing unless there are good reasons to justify the postponement.

Note: The unavailability of a representative may not be, of itself, a sufficient reason to grant a postponement. Requests for a postponement will be considered on a case by case basis.

9.14 If you want to ask us to postpone a scheduled hearing, you should make the request as soon as you become aware that a postponement is required. Your request should:

- (a) be in writing;
- (b) explain why a postponement is necessary; and
- (c) be accompanied by any supporting evidence.

9.15 If the request for postponement is based on medical reasons, you should give us evidence from a medical practitioner that sets out:

- (a) when you had your appointment with the medical practitioner;
- (b) that you are not fit to give oral evidence at the scheduled hearing; and
- (c) when the medical practitioner thinks you will be fit to give oral evidence at a hearing.

Note: A medical certificate stating you are not fit for work or study will not generally be sufficient.

9.16 If the Tribunal agrees to the postponement, we will notify you of the postponement in writing. If you have not been notified that your hearing has been postponed, then you must appear at the hearing at the scheduled time.

Failure to appear at the hearing

9.17 If the applicant does not appear before the Tribunal for the scheduled hearing, the Tribunal may:

- (a) make a decision on the review without taking further action to allow you to appear before it; or
- (b) dismiss the application.

9.18 In the case of a hearing:

- (a) in person – you must be at the Registry or other place stated in the hearing invitation by the time of the hearing;
- (b) by video – you must be available for the hearing in accordance with the instructions we have given you by the time of the hearing;
- (c) by telephone – you must:
 - (i) if we have notified you that we will telephone you – be available on your nominated telephone number by the time of the hearing; or
 - (ii) if we have notified you to telephone us – follow the instructions we have given you to telephone us by the time of the hearing.

9.19 If you are prevented from participating in your hearing at the scheduled time, including due to issues with technology, you must contact us immediately.

9.20 If the Tribunal dismisses your application because you did not appear before the Tribunal, you may apply to have your application reinstated. An application for reinstatement must:

- (a) be made within 14 days after you receive notice of the decision to dismiss the application;
- (b) explain why you did not appear before the Tribunal and why the Tribunal should reinstate the application; and
- (c) be accompanied by any supporting evidence.

Note: The Migration Act contains provisions which specify when such a decision is taken to have been received.

Recording of hearings

9.21 The AAT will record any hearing and, where considered appropriate, a case management hearing. By participating in a hearing or case management hearing, you or any other person consent to being recorded.

9.22 You or any other person must not use a communication or recording device for the purpose of recording a hearing or a case management hearing unless we give permission to do so.

10. Public access to hearings

10.1 The AAT will allow members of the public to attend a public hearing of an application for review of a decision under Part 5 of the Migration Act, including to the extent possible a hearing held by video or telephone.

Note: More information, including how to request to attend a public hearing held by video or telephone, can be found on the [AAT website](#).

10.2 The AAT will, and you must, take appropriate steps to ensure that any hearing of an application for review of a decision about a protection visa or a decision made under section 197D(2) of the Migration Act about a protection finding conducted in whole or in part by video and/or telephone is in private.

Note: The Migration Act requires that the hearing of an application for review of a decision under Part 7 of the Act is in private. You must ensure that any person who is not entitled to be at the hearing cannot see or hear the hearing.

11. Matters relating to specific caseloads

11.1 This part of the Direction sets out additional matters which apply to specific caseloads in the Migration and Refugee Division.

Note: The AAT publishes [Fact Sheets](#) on our website about the type of evidence and submissions that may be relevant to particular types of cases or caseloads. You should also have regard to any Fact Sheet relevant to your review.

Cancellation cases

11.2 If you have applied for review of a decision to cancel a visa, you should lodge evidence and submissions about:

- (a) whether the ground for cancellation exists; and
- (b) if so, whether or not the visa should be cancelled.

Nomination and sponsorship cases

- 11.3 If you are an employer who has applied for review of a decision about the nomination or sponsorship of an activity, occupation, position or person and:
- (a) your business has ceased operating and is unlikely to re-open; or
 - (b) you no longer want to proceed with your application;
- you should inform us of this in writing as soon as possible.
- 11.4 If you have already given, commented on or responded to information or appeared before the Tribunal at a hearing and your circumstances have materially changed, you should inform us in writing of your changed circumstances as soon as possible.

Protection visa cases and protection findings cases

- 11.5 If you have applied for review of a decision about a protection visa or a decision made under section 197D(2) of the Migration Act about a protection finding and you want to make a new or varied claim, you should:
- (a) lodge a witness statement setting out your evidence about the new or varied claim; and
 - (b) clearly identify the new or varied claim in your written submissions.
- Note:** A new claim is a claim that has not previously been made. A varied claim is a claim that has changed or developed since it was made.
- 11.6 If you lodge any new evidence in support of the claims you are making, you should clearly identify the new evidence in your written submissions.
- 11.7 If you want the Tribunal to have regard to particular information about the situation in the country of origin relevant to the application (**country information**), you should:
- (a) lodge a copy of that country information with the AAT; and
 - (b) explain in your written submissions which parts of the information you rely on and why it is relevant to your review.
- Note:** You should not simply give the AAT a list of documents or a list of links to publicly available country information.
- 11.8 If you disagree with country information prepared by the Department of Foreign Affairs and Trade, you should explain in your written submissions which part you disagree with and why you disagree with it.

12. Dictionary

12.1 In this Direction:

AAT means the Administrative Appeals Tribunal;

AAT Act means the *Administrative Appeals Tribunal Act 1975* (Cth);

applicant means a person who has applied for review of a decision;

application for review means an application for review of a decision made under section 347 or 412 of the Migration Act;

authorised recipient means a person who is authorised by an applicant to receive documents on the applicant's behalf;

case management hearing means a hearing conducted by a member to talk to the applicant and any representative about how the review will progress, including the

evidence to be lodged and setting timeframes for lodging evidence and/or submissions;

constitute means to give a written direction in relation to the member who is, or the members who are, to constitute the Tribunal for the purposes of an application;

contact details mean an address where documents may be posted to or left for a person and may also include an email address, a fax number, another electronic address or a telephone number;

evidence means factual information relied on to try to prove something;

Note: Types of evidence include documents from official sources, letters, photos, statements from you and/or your witnesses, and, in reviews of decisions about protection visas, country information and newspaper articles.

hearing means a hearing where an applicant is invited under section 360 or 425 of the Migration Act to appear before the Tribunal to give evidence and present oral arguments relating to the issues arising in relation to the decision under review;

Migration Act means the *Migration Act 1958* (Cth);

multi-applicant hearing list means a list of hearings which are scheduled to take place in succession on the same day and are constituted to the same member(s);

Note: Applicants whose hearings are in a multi-applicant hearing list are invited to appear at the same time and will generally be present for other hearings in the same list, unless otherwise directed.

our, us or **we** means the AAT or the Tribunal;

Registry means any registry office of the AAT;

representative means a person appointed by an applicant to represent them and act on their behalf in relation to a review;

Note: Under the Migration Act, only certain people can provide immigration assistance. They include a registered migration agent, an Australian lawyer who holds a practising certificate, a close family member (defined in regulation 3H of the *Migration Agent Regulations 1998* (Cth) to include a spouse, child (including an adopted child), parent, brother or sister)) or a nominator or sponsor of a visa applicant.

Tribunal means the member or members constituted to conduct the review in a particular case;

you or your refers to an applicant and any representative of the applicant (unless otherwise indicated).

The Hon Justice Susan Kenny
Acting President of the Administrative Appeals Tribunal

22 February 2023