



BRIDGING E VISA REFUSALS

This fact sheet answers questions about an AAT review of a Department of Home Affairs (the Department) decision to refuse to grant a Bridging E visa.

What is a Bridging E visa?

A Bridging E visa (BVE) provides temporary lawful status in Australia and contains two subclasses:

- Subclass 050 - General: for persons to remain in Australia for a specific purpose
- Subclass 051 - Protection Visa Applicant: for persons who have been refused immigration clearance, or have bypassed immigration clearance, and have applied for a protection visa.

What does the AAT need to decide?

The AAT must decide whether you satisfy requirements for the grant of a BVE under the *Migration Regulations 1994*.

Requirements when you applied for the visa

- To be eligible for a BVE, the AAT must be satisfied that you met certain requirements at the time that you applied for the visa. For example, if you are:
 - applying for a substantive visa with the Department
 - seeking merits or judicial review for a visa or citizenship related matter
 - seeking Ministerial intervention, or
 - making arrangements to leave Australia.

Visa conditions

The AAT will need to decide whether you will abide by any conditions placed on the visa, if it is granted to you. To make this decision, the AAT will consider:

- your immigration history
- circumstances of any migration laws that you have previously breached
- your current circumstances.

The AAT might also need to consider:

- whether you would comply with the conditions if a security bond was paid
- whether you would comply with condition 8564 and not engage in criminal conduct, if this is applicable to you.

This fact sheet provides general information only. It is not legal advice about your case. If you have a question about the law or how it applies to your case, you should seek legal advice.

What information can I give the AAT to support my review?

You can give us any information that supports your case. The information you give the AAT will depend on your individual circumstances.

Examples of helpful information to give us might include:

- Evidence of acceptable arrangements to depart Australia:
 - Valid airline ticket, itinerary or reservation for travel to leave Australia within a reasonable period
 - Current passport or travel document, or attempts to get one
 - Certification by a doctor that you are unfit to travel, or evidence of a medical condition that limits your capacity to travel
- Details about either:
 - An application lodged for a substantive visa with the Department
 - An application for merits review lodged with the AAT or judicial review lodged with a Court for a visa or citizenship related matter, or
 - An application for Ministerial intervention
- Information about how you would pay for a security bond if this is required
- Evidence that you will abide by visa conditions, for example:
 - Information and evidence about how you would support yourself financially
 - The address and details of where you would live
- Evidence that shows that specific information in the Department decision is incorrect
- Any other information or documents that prove your circumstances.

When should I give my information to the AAT?

You should give us any information as soon as possible, preferably when you lodge the application.

Giving evidence at a hearing

At the hearing, an AAT Member will ask you about your application and consider all of the information that you present. Generally, this will include the documents you have given the AAT about your case.

Any information you present to the AAT Member is important evidence. Preparing this evidence well in advance of the hearing can assist you to present your case and help the AAT Member to make a decision.

Can I ask the AAT to obtain evidence from another person at a hearing?

You can give us the details of any person you want to give evidence at the hearing. You can do this when you lodge the application. You are required to provide their full name, address and telephone details, and arrange for them to attend the hearing in person or by telephone. The AAT Member will decide whether to take evidence from them.

CONTACT US IF YOU HAVE ANY QUESTIONS

- Telephone: **1800 228 333**
- Email: mrdivision@aat.gov.au
- www.aat.gov.au
- National Relay Service www.relayservice.gov.au
- Translating and Interpreting Service (TIS): 131 450

When this Fact Sheet refers to "You" it means the applicant, and includes his or her nominee, representative or support person. When it refers to "We" or "Us" it means the AAT.

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