



## BRIDGING E VISA CANCELLATIONS

This fact sheet answers questions about an AAT review of a Department of Home Affairs (the Department) decision to **cancel** a Bridging E visa under s.116 of the *Migration Act 1958*.

### What does the AAT need to decide?

The AAT needs to decide whether grounds for cancelling the visa are made out and, if so, whether the visa should be cancelled.

A Bridging E visa might be cancelled for a number of different reasons. This fact sheet provides information about a visa that is cancelled on the basis of grounds such as:

- your visa was granted because of a particular fact or circumstance that did not exist or no longer exists
- you failed to comply with a condition of your visa
- you are a risk to the health, safety, or good order of the Australian community, or the health or safety of individuals, or are a security risk
- you have been charged or convicted of an offence in Australia or overseas, are under investigation by a law enforcement or security agency, or have been the subject of a warning issued by Interpol.

### How does the AAT decide if my visa should be cancelled?

The **first stage** of the decision process is for the AAT to decide whether grounds exist for the cancellation.

If the AAT is satisfied that the grounds for the cancellation are made out, the **second stage** of the decision process is for the AAT to consider whether your visa should be cancelled. In deciding whether your visa should be cancelled, the AAT might consider matters such as:

- your circumstances, such as why you came to Australia and your past behaviour
- the degree of hardship for you and your family if the visa was cancelled
- any mandatory legal consequences or consequential visa cancellations and whether any international obligations would be breached.

In certain cases involving grounds in relation to charges, convictions, or investigations, the AAT must also consider certain considerations such as that the grounds for cancellation should be applied rigorously in every instance and the best interests of any children under 18 in Australia as well as any other considerations.

The Department decision letter may help you to identify the kinds of matters the AAT might consider when deciding whether or not the visa should be cancelled.

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.

Evidence means any relevant documents that support your claims. This includes statements by you or from other people, such as family members.

Examples of information to give us include:

- evidence that the Department's reasons for cancelling the visa are incorrect
- evidence that you complied with the conditions of the visa
- evidence supporting any claims as to why the visa should not be cancelled by addressing the matters the AAT will look at
- evidence as to the hardship you and your family will face if the visa is cancelled
- submissions by you or your representative.

## When should I give my information to the AAT?

You should give us the information as soon as possible. If the AAT is satisfied with the information you give us, a favourable decision might be possible without the need for a hearing. This means you might be able to get an outcome to your application sooner.

### ***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 us 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.

## What if I am in detention?

If you are in detention as a result of the cancellation of your visa, the AAT must make its decision and notify you of the decision within 7 working days from when we receive the review application. The AAT can extend this time if you agree.

## CONTACT US IF YOU HAVE ANY QUESTIONS

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

*When this Fact Sheet refers to "You" it means the applicant, and includes your authorised recipient, representative or support person. When it refers to "We" or "Us" it means the AAT.*

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