



# Administrative Appeals Tribunal

Migration & Refugee Division

## Special measures during the COVID-19 pandemic

This factsheet contains information about how cases in the Migration and Refugee Division will be handled during the COVID-19 pandemic. It summarises key information in COVID-19 [Special Measures Practice Direction – Migration and Review Division](#) (the Practice Direction). You should refer to the Practice Direction for further information, particularly if you are a representative.

### How we operate during the pandemic

- ❖ We provide our services by telephone and electronically.
- ❖ We provide services in person at our Registries if local COVID-19 conditions allow. Sometimes a Registry may be closed to visitors because of COVID-19.
- ❖ We conduct hearings:
  - (a) by telephone
  - (b) by video
  - (c) in person where local COVID-19 conditions allow
  - (d) by a combination of the above.
- ❖ If a Registry is closed and we cannot hold hearings in person, we may give precedence to cases that:
  - (a) don't need a hearing, or
  - (b) can have a hearing by telephone or video.
- ❖ You must not visit a Registry if you have any COVID-19 symptoms. If you visit a Registry, you must comply with COVID-safe requirements.

### How to contact us and give us documents

- ❖ Contact us by [phone](#) or [email](#).
- ❖ Lodge any new applications [online](#).
- ❖ If you already have an application with us, give us documents via our [online document submission system](#).
- ❖ If you cannot send us documents using our online services, email them to us at [mrdivision@aat.gov.au](mailto:mrdivision@aat.gov.au) in accordance with [guidelines on our website](#). Include your case number in the subject line.
- ❖ A document, CD, USB or other thing can be sent to us by post or delivered to a Registry if it is open to visitors. If a Registry is closed to visitors and a document or thing can only be lodged by delivering it to that Registry, telephone us to discuss how it can be lodged.

- ❖ If you do not have access to technology to scan a document that requires a signature, including by taking a photo of it, the document may be signed electronically instead. This may be done by the person applying a digital signature or typing their name in the appropriate place in the document.
- ❖ If your nearest Registry is open to visitors, you can contact us or give us documents in person by visiting the Registry provided you don't have any COVID-19 symptoms.

## **How to help us progress your case to hearing**

- ❖ If we write to you and ask you to do something, do what we ask as soon as possible and according to any timeframes in our letter.
- ❖ Write to us if you think you meet the requirements for an expedited decision. See the [Practice Direction](#) (paragraph 5.4) for further information.
- ❖ Write to us if you consent to not having a hearing. You should consider doing this if the sole purpose of your application is to seek Ministerial intervention. See the [Practice Direction](#) (paragraph 5.6) for further information.

## ***Nomination and sponsorship cases***

- ❖ 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 as a result of the COVID-19 pandemic; or
  - (b) you no longer want to proceed with your application;you should notify us of this in writing as soon as possible.
- ❖ 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 notify us in writing of your changed circumstances as soon as possible.

## ***Partner visa cases***

- ❖ If you have applied for review of a decision to refuse to grant a partner visa, you should consider carefully the nature and volume of evidence you lodge with us about your circumstances.

### **Example:**

You may want to lodge a sample of certain types of evidence about your relationship such as joint financial documents, letters or photographs.

- ❖ If you lodge a sample of supporting material, you must:
  - (a) notify us in writing that you have additional evidence that you can lodge; and
  - (b) include a brief description of the nature of the additional evidence.

## ***Protection visa cases***

- ❖ If you have applied for review of a decision about a protection visa and 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 must:

- (a) lodge a copy of that country information with the AAT;
- (b) explain in your written submissions or otherwise 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.

### ***Student visa cases***

- ❖ If you have applied for a review of a decision to refuse to grant a student visa, you must lodge with the AAT prior to the hearing:
  - (a) evidence of enrolment in an approved course; or
  - (b) if you have been unable to enrol in an approved course, a statement setting out a detailed explanation of your attempts to obtain enrolment.

### **What you must do if we invite you to a hearing**

- ❖ Carefully follow the instructions in our letter inviting you to the hearing. Complete the form attached to the letter and return it to us as quickly as possible and no later than seven days after you receive it.
- ❖ If you have been invited to a telephone or video hearing, let us know in this form if you believe that you or another person will experience difficulty participating in the hearing by telephone or video and explain why. Assume that the hearing will proceed as planned unless we tell you otherwise.
- ❖ If you haven't done so already, provide us with a written statement by you and any other witness setting out the evidence you or the witness will give at the hearing. See the [Practice Direction](#) (paragraph 6.7) for further information.
- ❖ Give us all documents you want the Tribunal to consider at least seven days before the hearing. If documents are lodged less than seven days before the hearing, explain in writing why the documents are late when you send them to us.
- ❖ If you want us to postpone your hearing, you must let us know in writing as soon as possible and include supporting evidence. If you need a postponement for medical reasons, you must give us evidence from a medical practitioner. If you have not been notified that your hearing has been postponed, then you must appear at the hearing at the scheduled time. See the [Practice Direction](#) (paragraph 6.16) for further information.
- ❖ On the day of your hearing:
  - If we have notified you to join the hearing by video or by calling us on the telephone, follow the instructions we have given you to join the hearing by the time of the hearing
  - If we have notified you that we will telephone you, be available on your nominated phone number by the time of the hearing
  - Contact us immediately if you are prevented from participating in your hearing at the scheduled time, including due to issues with technology. You must do all you can to participate in the telephone or video hearing.

- Have in front of you during the hearing all the documents you have given us and that we have given to you.