



INFORMATION ABOUT DISMISSAL OF APPLICATIONS

Dismissal of application

If you are invited to appear before us for a hearing but fail to attend the hearing, we may dismiss your application for review without any further consideration of the application or the information before us.

If we dismiss your application, a written statement of the dismissal decision will be given to you.

What happens if an application is dismissed?

Within 14 days after receiving notice of the dismissal decision you may apply, in writing, for reinstatement of the application. In a reinstatement application you should set out why you failed to appear at the hearing and provide any other information you want the Tribunal to take into consideration when deciding whether your reinstatement application should be granted.

On receiving an application for reinstatement, we may reinstate the application for review if we consider it appropriate to do so.

If we decide not to reinstate the application, or if you fail to apply for reinstatement within the 14 day period, we must confirm the decision to dismiss the application.

A written statement of our decision to reinstate the application or to confirm the dismissal of the application will be given to you.

What happens if we reinstate the application for review?

If we reinstate the application, the application is taken never to have been dismissed and we will conduct (or continue to conduct) the review accordingly.

What happens if we confirm the dismissal?

If we confirm the decision to dismiss the application, the decision under review is taken to be affirmed. The effect of this is that the decision of the Department of Home Affairs (the department) remains in force.

If you hold a bridging visa associated with the application that was the subject of our review, your bridging visa will cease either:

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.

- 35 days after our decision is made (if your bridging visa was granted on or after 19 November 2016); or
- 28 days after you are notified of our decision.

If you have any questions about your immigration status, or if your contact details have changed since you last communicated with the department, you should contact the department on 131 881.

Special arrangements during the COVID-19 pandemic

If you do not have a visa to remain in Australia and you are unable to depart Australia due to travel restrictions or no available flights, you must apply to the Department of Home Affairs for a further visa prior to your current visa ceasing. If you are unable to apply for a substantive visa prior to your current visa ceasing, you should apply for a Bridging Visa E.

You will be expected to leave Australia as soon as practicable once your departure from Australia becomes possible.

For further information visit: <https://immi.homeaffairs.gov.au/visas/visa-about-to-expire/stay-longer>.

If you think that our decision is wrong in law, you may consider seeking judicial review in the Federal Circuit and Family Court of Australia. If you wish to apply for review, you must do so within 35 days of the date of our decision.

The Minister has powers under the *Migration Act 1958* to substitute our decision with a decision that is more favorable to the applicant. Generally, the Minister will only do so if there are compelling, compassionate or humanitarian considerations.

For refugee review matters, applicants are required to pay a fee for the review. You are required to pay the fee within 7 days after receiving an invoice from the AAT. If you have any questions about the fee, after you have received the invoice, contact the AAT using the details provided in the invoice.

What if I want to make a comment or a complaint?

You can help us by telling us what you like about your dealings with us or where you think we can improve. If you wish to provide us with feedback you can tell the officer who is dealing with your case. Alternatively you can complete the online Feedback form available on our website under [Contact us](#), or forward a written complaint marked 'confidential' to us at GPO Box 9955, Sydney NSW 2001.

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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