



INFORMATION ABOUT WITHDRAWING AN APPLICATION FOR REVIEW

Withdrawing an application for review

An application for review can be withdrawn at any time prior to a decision being made on the application. An application is not regarded as withdrawn until we decide that we have no jurisdiction to review the application as a result of the withdrawal.

Once we decide we have no jurisdiction as a result of an application being withdrawn we cannot take any further action on the application for review. The decision under review remains unchanged, and the Department of Home Affairs is notified of the withdrawal.

Who can withdraw an application

A review application can be withdrawn by a review applicant or by a person authorised by them and should be made in writing on the 'Withdrawal of application for migration or refugee review – MR Division' form MR 10.

Where a person other than the applicant gives notice of the withdrawal, we have an obligation to ensure that the person is acting with the authority of the applicant. Where there is any doubt that a person is properly authorised to withdraw the application, further enquiries will be made.

Combined applications

In combined applications, where there is more than one review applicant, the application in respect of the remaining review applicants remains valid if one of the review applicants withdraws.

In cases involving members of the same family, an applicant cannot withdraw a family member's application without their authorisation.

Refund of application fee

For migration reviews

Where an application for review of a migration decision is lodged and is subsequently withdrawn, the application fee can be refunded only in the following circumstances:

- where the withdrawal has followed the death of a review applicant, or the death of a visa applicant, or the death of a member of the visa applicant's family unit; or
- where the withdrawal has followed the grant of a visa of the same class (other than on a reconsideration of the points score); or
- in relation to an application for a parent visa, where the visa applicant applied for another parent visa after the review application was lodged and the visa applicant wishes to have a decision made on the application for the other parent visa.

We will notify the applicant that their application for review has been successfully withdrawn by letter.

If that letter states that all or part of the application fee will be refunded, the refund will usually be made within 4 weeks of the date of notification of the decision. The most secure way for you to receive your refund is through electronic funds transfer (EFT) into a bank account. Note that a refund cannot be made to a credit card.

Should you wish to be paid by EFT, please send the following information to refunds@aat.gov.au.

- Your Tribunal case number
- Name of financial institution/bank (the name of your Australian financial institution)
- Account name (name of account holder)
- BSB number
- Account number

If you do not provide bank details, we will post a cheque for the value of your refund to your authorised recipient. Please notify the Finance section if your mailing address has changed.

If you wish for the refund to be made to an alternative payee, please provide a signed letter of authority with the name of the alternative payee, the information required above for an EFT payment or their postal address. Email a scanned copy of the signed letter to refunds@aat.gov.au from your personal email or mail the signed letter to our 'Finance Section'.

If you have any queries, or if a refund has not been received after 4 weeks of the notification of the decision, please contact the Finance section on refunds@aat.gov.au, by fax (02) 9276 5730, or by phone (02) 9276 5457 / (02) 9276 5464.

For refugee reviews

Where an application for review of a refugee decision is lodged and is subsequently withdrawn no post decision fee will be payable.

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 happens after an application for review is withdrawn?

Once an application for review has been withdrawn, if you are not an Australian citizen or permanent resident your immigration status in Australia may change.

If you hold a bridging visa associated with the application that was the subject of our review or if you have any questions about your immigration status you should contact the Department of Home Affairs immediately 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>

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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