



Administrative Appeals Tribunal

Migration & Refugee Division

Refugee review process – MR Division

We are a statutory body with the power to review decisions made under the *Migration Act 1958* by the Minister, or by officers who are delegates of the Minister in the Department of Home Affairs.

In most cases, the primary issues that we consider are whether an applicant meets the definition of a refugee, or alternatively, whether there is a real risk that an applicant would suffer significant harm if removed from Australia to another country.

Further information about the review process can be found on our website at www.aat.gov.au.

Who can apply for review?

If a decision is made not to grant you a protection visa, or to cancel a protection visa, the department will notify you of that decision. The notification will tell you if you have a right to apply to us for a review of the decision.

When must I apply for review?

If you are intending to apply for review, you should note that we cannot extend time limits or accept applications made outside the time limits set out below:

- If you **are in immigration detention**, including community detention, we must receive your application within 7 working days of the date you were taken to be notified of the decision by the department.
- If you are **not in immigration detention**, we must receive your application within 28 calendar days of the date you were taken to be notified of the decision by the department.

If you are lodging an application by post, you should ensure that you allow enough time for the application to be received before the expiry of the time limit.

When am I taken to have been notified?

The date you are taken to have been notified depends on how you were notified by the department of the decision.

If the notice of the decision was sent by email or fax, you are taken to have been notified at the end of the day on which the notification was sent.

If the notice of the decision was given by hand, you are taken to have been notified when it was handed to you or your authorised recipient.

If the notice of decision was sent by post, you are taken to have been notified 7 working days after the date of the notification letter.

If you authorised a person to receive correspondence in relation to your protection visa application, that person is known as your authorised recipient. You are taken to be notified when your authorised recipient is notified by the department.

How do I apply for review?

You can lodge your application online or you can complete and lodge form R1 - *Application for review – Refugee*. You can get this form from our website at www.aat.gov.au, or at one of our offices (registries).

You may provide further claims or evidence to support your application for review. If you provide further information or evidence that was not given to the department, in certain cases we will need to consider the credibility of what you have provided and why it was not provided to the department. Any documents that are not in English should be translated into English by a qualified translator. You should provide both the original documents and the translations.

Should I seek assistance with my application?

We aim to ensure that the outcome of a review does not depend on whether or not a person receives professional advice or assistance. However, you may choose to seek advice and assistance.

Under the *Migration Act 1958*, only certain people can provide 'immigration assistance'. They include:

- a registered migration agent
- an Australian lawyer with a practising certificate
- a close family member (your spouse, child, parent, brother or sister), or
- a nominator or sponsor if you are a visa applicant.

'Immigration assistance' includes where a person uses, or claims to use, their knowledge or experience in migration procedure to assist you to prepare for, or represent you in, an application at the AAT.

The only people who can ask you to pay a fee for 'immigration assistance' are registered migration agents or Australian lawyers who hold a practising certificate.

You can get more information about finding help with your review from the [Assistance](#) page on our website.

What does an application for review cost?

There is no fee to be paid when you apply for review. However, you will be required to pay a fee if your review application is not successful.

For applications lodged on or after 1 July 2023 the fee payable is \$2,076.

How will you contact me?

You may choose to nominate a person (your authorised recipient) to receive correspondence on your behalf. Most applicants who have a representative nominate that representative as their authorised recipient.

If you nominate an authorised recipient, all correspondence will be sent to that person and will be taken to have been sent to you. We will only send a copy of correspondence

to you as well as sending it to your authorised recipient if you have nominated a migration agent as your representative or authorised recipient, and that migration agent's registration has been suspended or cancelled or has lapsed. We will continue to give documents about your review to your representative or authorised recipient until you tell us not to.

If you do not nominate an authorised recipient, all correspondence will be sent to you.

We will generally send correspondence by email where this method is available. We may also send correspondence by post or fax, or in certain circumstances may give documents by hand.

What happens after I lodge my application for review?

We will send you a letter confirming that we have received your application and invite you to send any documents, information or other evidence you want us to consider. Wherever possible, we would prefer if this material is sent electronically.

We will ask the department to send us its documents relating to your case. We will also assess the validity of your application. We can only review a decision if a valid application for review has been made. We will advise you if it appears that your application may not be valid.

When we are ready to consider your application, we may write to you again to get information or to ask you to comment on adverse information that we consider relevant.

If you do not provide this information or comments to us within the time specified, we may make a decision on your case without further notice and without offering you a hearing.

How is the decision made?

After considering the department's documents and any further information you have given us, we will usually invite you to attend a hearing. We will not hold a hearing if we can decide the case in your favour on the material before it, or if you consent to us deciding the case without a hearing. We may not offer a hearing if you fail to give comments or information within a specified time period following a particular request by us.

At the hearing, you will be asked questions and you will have an opportunity to give oral evidence and present arguments in support of your claims. The Member will make his or her decision after considering the information before them, including information you give at the hearing and any relevant information from other sources available to them.

How will I find out about the hearing?

If you are invited to a hearing, we will send a letter inviting you to a hearing and giving you a hearing date. A form will be enclosed with the letter asking you to confirm the hearing date in writing and to provide details of anyone you want us to take evidence from to support your case.

Who will be at the hearing?

You may bring a representative or adviser to help you. We are not required to allow that person to argue your case for you. However, the Member usually lets them speak in

your favour before the close of the hearing. You may also bring a friend or relative to support you. More information about hearings is contained in the fact sheet *Information about hearings (MR18)*.

Can I have an interpreter?

If you or your witnesses need help communicating at the hearing, we will provide a qualified interpreter and pay for the services of the interpreter.

The Translating and Interpreting Services (TIS) can provide assistance for non-English speakers in contacting us. Their telephone number is 131 450.

When will the decision be made?

As each case is different it is difficult to say how long it will take for us to make a decision on your case.

In some cases, the Member may announce the decision at the end of the hearing. The Member may decide to send you written reasons for the oral decision, in which case you will be sent the reasons within 14 days after the hearing. Alternatively, the Member may announce the decision and make an oral statement of the reasons for the decision at the hearing. If this occurs, you are entitled to make a written request within 14 days of the hearing for us to provide you with a written version of the decision and reasons which were stated at the hearing.

However, in most cases a decision will not be made at the end of the hearing and when the Member makes a decision, we will send you and the department a written statement of decision and reasons.

How will the information provided to us be used?

The information provided to us will be used to assess your review application. Any information provided to us during the review process may be provided to other participants in proceedings or to other individuals or organisations for the purpose of reviews, for example, when seeking expert opinion or assessment. In certain circumstances we may also provide information about your application to other government and non-government individuals or organisations. These include the department, the Office of the Migration Agents Registration Authority, courts and law enforcement agencies.

Hearings are confidential and are not open to the public.

If we prepare a written statement of the reasons for our decision in your case, it may be made public and published on the AustLII website (www.austlii.edu.au). However, the published decision will not include names or other details which may identify you or any of your relatives or other dependants. For more information about the decisions we publish, see our Publication of Decisions Policy on our website.

Important – Change in contact details

You should tell us immediately if you change your address or your telephone number or if there is any change in the name or address of your authorised recipient. It is also important that you inform your authorised recipient of any change in your contact details. If you do not, you might not receive an invitation to a hearing or other important

information and your case may be decided without further notice. You should also inform the department of any change in these details.

You can advise us in writing of your change of details, or complete form MR6 - *Change of contact details – MR Division* which is available from our website.

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.

Method of lodgement

Online

Applications for review can be lodged online at <http://www.aat.gov.au/apply-online>.

By post or by fax

Administrative Appeals Tribunal
GPO Box 9955, Sydney NSW 2001
Fax: (02) 9276 5599

Administrative Appeals Tribunal
GPO Box 9955, Melbourne VIC 3001
Fax: (03) 9454 6999

Administrative Appeals Tribunal
GPO Box 9955, Brisbane QLD 4001
Fax: (07) 3052 3069

Administrative Appeals Tribunal
GPO Box 9955, Adelaide SA 5001
Fax: (08) 8128 8099

Administrative Appeals Tribunal
GPO Box 9955, Perth WA 6848
Fax: (08) 6222 7299

By hand

Sydney
Level 6
83 Clarence Street
Sydney NSW 2000

Melbourne
Level 4
15 William Street
Melbourne VIC 3000

Brisbane
Level 6
296 Ann St
Brisbane QLD 4000

Perth
Level 13
111 St Georges Terrace
Perth WA 6000

Adelaide
Level 2
1 King William Street
Adelaide SA 5000

Office hours are available on our website at www.aat.gov.au.

Contacts

Website www.aat.gov.au
Email mrdivision@aat.gov.au
National telephone enquiry number 1800 228 333
National Relay Service www.relayservice.gov.au