

Administrative Appeals Tribunal

## Migration & Refugee Division

# Information on making an application for review - Refugee

(For persons applying for review of decisions about protection visas or protection findings)

You can use this form (R1) to apply for review of most decisions to refuse or cancel a protection visa.

However, if you want to apply for review of:

- (a) a decision to refuse or cancel a protection visa on character grounds relying on section 5H(2), 36(1C), 36(2C) or 501 of the *Migration Act* 1958, or
- (b) non-revocation of a protection visa cancellation under section 501CA of the Migration Act,

you must use a different form which you can find on our website (<u>www.aat.gov.au</u>).

You can also use this form to apply for review of a decision under section 197D(2) of the Migration Act that a non-citizen is no longer a person in respect of whom a protection finding would be made.

Contact us on 1800 228 333 if you are not sure this is the correct form.

Please read all of the information pages in this form before you start to fill in the application form (pages 1-10).

You must complete this form in English. If you are completing this form by hand use blue or black pen.

You may use an interpreter to assist you. See 'Information in other languages' at the end of these information pages if you need assistance in your language.

You should complete all the details requested in this form. If you do not have enough space for all of your information, you can write the information on a separate sheet and attach it to your application.

## Who can apply for review?

The Migration and Refugee Division of the Administrative Appeals Tribunal (the AAT) reviews certain decisions made by the Department of Home Affairs (the Department) to refuse or cancel a protection visa and decisions that a protection finding would not be made about a non-citizen. Some decisions about protection visas cannot be reviewed by the AAT.

The Department's letter providing notification of the decision will specify whether the decision can be reviewed by the AAT.

## Can an application cover other family members?

Generally, members of a family unit who are named as visa applicants in the Department's decision can be included on the one application form (a combined application). Please contact us if you need further information.

## When should I apply for review?

There are strict timelines for applying for review. You **must** lodge your application for review within the time limit referred to in the letter from the Department notifying you of the decision. If you do not apply within the time limit we will not be able to consider your application for review. We do not have any power to extend the time limit.

## **Dealing with the AAT**

You can deal with us directly or you can appoint someone to represent you and act on your behalf in relation to your application.

If you choose to appoint a person to represent you, this person is known as your representative. If you appoint a representative, they can:

- communicate with us on your behalf
- give us written evidence and written submissions on your behalf
- request access to documents relating to the review, and
- attend a hearing with you (but cannot present oral arguments, unless the Tribunal Member permits this).

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

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

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

Only a registered migration agent or an Australian lawyer with a practising certificate can ask you to pay a fee for providing immigration assistance.

By law, all persons acting as migration agents in Australia must be registered with the Office of the Migration Agents Registration Authority (Office of the MARA). You can check whether a migration agent is registered on the Office of the MARA's website (www.mara.gov.au).

More information about who can assist you with your application can be found on the '<u>Assistance</u>' page on our <u>website</u>.

## **Corresponding with the AAT**

### Where will correspondence and other documents be sent?

You can choose to have all correspondence/documents sent to you or you can authorise a person (known as the authorised recipient) to receive correspondence/ documents on your behalf in connection with the application.

If you appoint a representative in relation to your application, we will assume that you are also authorising that person to communicate with us and receive correspondence/documents on your behalf in connection with your application. Any correspondence/ document that is sent to your representative or another person you authorise in writing will be taken to have been given to you.

In cases where more than one person applies for review, all correspondence/documents will be sent to the person identified as Person 1 in the application form unless we are notified otherwise in writing. Person 1 should advise all other applicants of any correspondence/document from us.

If Person 1 has appointed a representative or authorised recipient then we will regard that appointment as applying to the other people named as review applicants in the application form unless we are notified otherwise in writing.

### How will the AAT send correspondence/documents?

We may send correspondence by email, by fax or by post.

## What will it cost to apply for review?

There is no fee payable to apply for a review by the Migration and Refugee Division of a decision about a protection visa or a decision that a protection finding would not be made about a person. However, if the application for review is not successful, a fee of \$2,151 will be payable. If a fee is payable you will be advised after we make a decision on your case.

## How will the information that I provide to the AAT be used?

As authorised under the *Migration Act 1958*, the information provided to us will be used to assess your application for review and may be used in connection with other purposes relating to the administration of the Migration Act. Any information provided to us during the review process by you or by other parties may be provided to other participants in the proceedings or to other individuals or organisations for the purpose of reviews conducted under the Migration Act.

For example, we may seek an opinion, information or records from an organisation or person as part of the review.

In certain circumstances, we may also provide information relevant to your application for review to, or obtain information from, other government agencies or other entities. These include but are not limited to the Department, the Office of the MARA, 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.

In providing personal/sensitive information to us, you are taken to have given consent to the collection, use and disclosure of that information for the purposes above.

Further information about our privacy policy and how to make a complaint about a privacy breach is on our <u>website</u>.

## What laws protect my rights and prevent misuse of my personal information?

The AAT is bound by the *Privacy Act* 1988, the *Administrative Appeals Tribunal Act* 1975 and the Migration Act in relation to the collection, storage, use and disclosure of personal/sensitive information. You have a right to have your personal/sensitive information handled in accordance with the law.

## **Can I access documents containing my personal information?**

Access to documents held by us can be obtained under the *Freedom of Information Act 1982*. Under this Act you can apply for access to documents containing your personal information or seek to amend or annotate personal records which are incomplete, incorrect, out of date or misleading.

You can use the <u>Request for access to documents under</u> <u>the FOI Act form</u> on our website for this purpose.

## How do I lodge an application for review?

Applications for review using this form can be lodged by email, by post, by fax or in person. Available options are set out in the table on the next page.

An application for review using this form is taken to have been lodged with us at the time that it is received by us.

If you want to apply online, which is a convenient 24 hours, 7 days a week service, go to <u>www.aat.gov.au</u>.

## What happens once I lodge the application for review?

We will send you a letter confirming receipt of your application and inviting you to send any documents, information or other evidence you want us to consider. All documents that you provide that are not in English should be translated into English by a qualified translator. You should provide both the documents and the translations. We will also ask the Department to send us relevant documents relating to your case. For further information on the conduct of reviews, please refer to our <u>website</u>.

## **Changes to your contact details**

While we are dealing with your application, you must immediately advise us, in writing, of any change in your contact details (including changes to your residential (home) address) or if you are placed in detention by the Department. You should also advise the Department of any change in your address or other contact details. If you are unable to collect your mail, you should arrange for someone to collect your mail on your behalf.

You must also inform us immediately in writing if:

- you change your authorised recipient or representative, or cancel your representative's authority to act on your behalf, or
- the contact details of your authorised recipient or your representative change.

If we do not receive a response to important correspondence we send you, your case may be decided without further notice.

#### Method of lodgement and contact

#### Online

You can complete an application online at <u>www.aat.gov.au</u>

#### By post or by fax

Applications for review can be posted or faxed to:

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

Applications for review can be lodged on weekdays between 8:30am and 5:00pm in the following locations:

**Sydney** Level 6, 83 Clarence Street, Sydney NSW

**Melbourne** Level 4, 15 William Street, Melbourne VIC

Brisbane Level 6, 295 Ann Street, Brisbane QLD

Adelaide Level 2, 1 King William Street, Adelaide SA

Perth

Level 13, 111 St Georges Terrace, Perth WA

#### **Contacts**

Websitewww.aat.gov.auNational telephone enquiry number1800 228 333Emailmrdivision@aat.gov.au

#### Information in other languages

For assistance in your language please contact TIS ± 131 450 (local call cost only)

للحصول على المساعدة بلغتكم اتصلوا بخدمة الترجمة الهاتفية (115) = 131 (15 (لقاء كلفة مكالمة محلية فقط)

আপনার ভাষায় সাহাযোর জন্ড, অনুগ্রহপূর্বক চিস্ (TIS) 📾 এ ১৩১৪৫০ (131 450) নম্নারে যোগাযোগ করন্দ (গুরুমাত্র ছানীয় কল এর থরচ। ।

如需传译员的协助,请联系TIS,电话号码: # 131 450(按本地电话收费)

برای کمک به زبان خودتان لطفابا TIS به تلیفون 🛥 131450 نماس بگیرید(بمصرف مخابره محلی)

Kevaka ko ni gadreva na veivuke ena vosa vakaviti, e kerei mo ni veitaratara kei na TIS e na naba ni talevoni = 131450 (na isau ni giri e tautauvata ga kei na isau ni nomuni girita e dua e na nomuni yasa ni koro)

તમારી ભાષામાં મદદ મેળવવા માટે કૃપા કરીને TIS 🖶 131 450 નંબર પર સંપર્ક કરશો. (ફક્ત સ્થાનિક ફ્રોન દર લાગુ પડશે.)

अपनी भाषा में तहायता के लिये कृपया दि आई एस (TIS) ते 🕿 (131 450) पर सम्पंक करें थ्खनी केवल स्थानीय काल का लगेगा।

Untuk bantuan dalam bahasa Anda harap menghubungi TIS 🗢 131 450 (dengan biaya telpon lokal)

귀하의 모국어 도움이 필요하시면 ㅠ 131 450 으로 TIS에 문의해 주십 시요(시내 동화요금 적용 )

Untuk bantuan dalam bahasa anda, sila hubungi TIS @ 131 450 (bayaran panggilan tempatan sahaja)

നിങ്ങളുടെ സ്വന്തം ഭാഷയിലുള്ള സഹായന്തിന് ടി.ഐ.എസ്

- നെ 🕿 131 450 -ൽ വിളിക്കും (ലോക്കൻ കോളിന്റെ ചാർള് മാത്രം). Өөрийн эх хэл дээр туслалцаа анахын тулд

ТІS-ийп ☎ 131 450 дугаар руу холбогдово уу (зөвхөн орон нутгийн утсан ярианы үнээр)

तपाईलाई आफ्नो भाषामा सहयोग चाहिए कृपया TIS क 131 450 मा सम्पर्क राख्नु होला। (स्थानिय फोनको मात्र खर्ष लाग्ने छ)

یه خپله ژبه کی د مرستې لپاره لطفاً TIS ته په 131 450 کی زنگ ووهدی(د محلبی مخابرې په رېغه) برای دریافت کمک به زبان خودتان لطفا با TIS به شماره <del>م</del>ه 131 131 (با هزینه تلفن محلی) تماس بگیرید.

Pomoc we własnym języku uzyskać można kontaktując się z TIS pod numerem # 131 450 (koszt połączenia miejscowego)

Para ajuda na sua língua faça o favor de contactar TIS no número 🕫 131 450 (custo de chamada local)

ਆਪਣੀ ਭਾਸ਼ਾ ਵਿਚ ਸਹਾਇਤਾ ਪ੍ਰਾਪਤ ਕਰਨ ਵਾਸਤੇ ਕ੍ਰਿਪਾ ਕਰਕੇ TIS (ਟਿਸ) ਨੂੰ ਛ 131 450 ਨੰਬਰ ਉਤੇ ਫੋਨ ਕਰੋ ।

Если вам нужна помощь переводчика, то позвоните в переводческую службу TIS по номеру ± 131 450 (по стоимости местного звонка)

ඔබගේ භාෂාව හා සමගන්ධයෙන් උපකාර සදාහා අමතන්න TIS 🛥 131 450 (අභපතිකර ඇමතිම භාස්තුව පමණයි)

Para solicitar ayuda en su idioma, favor de llamar a TIS al número = 131 450 (al costo de una llamada local)

Para sa tulong sa iyong sariling wika mangyari lamang na kumontak sa TIS & 131 450 (sa halaga lamang ng lokal na tawag )

ஊங்கள் மொழியில் உதவிக்குத் தயவு செய்து ரிஸ்கடன் (வுஜனு) 🗢 131 450 ல் தொடர்பு கொள்ளவும்(உள்ளுர் கூனழப்புக் கட்டணம் மட்டுமே)

ทากท่านต้องการความช่วยเหลือเป็นภาษาไทย ไปรดดิตต่อ TIS หมายเลข 🕿 131 450 (ค่า โทรสัพท์ราคาท้องถิ่นเท่านั้น)

Ka'l ai ha'o fiema'u tokoni fekau'aki pea mo'etau lea, kataki 'o fetu'utaki ki he TIS'l he # 131 450 ('l he totongi fakalotofonua pe.)

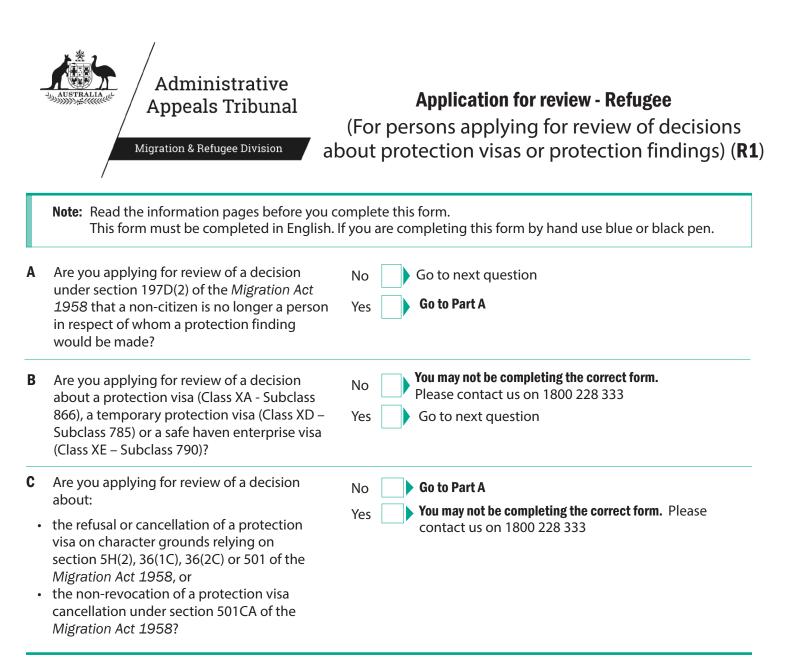
Kendi dilinizde yardım için lütfen <del>a</del> 131 450'den TIS'i arayın (şehir içi telefon ücreti karşılığı)

ا پی زبان میں مدد کیلیے ، براہ کرم ٹی آتی ایس ( TIS) ہے فون قبر

ل 131 پر *ایڈ کری (سرف ختان کال کی آیت پر)* Để được giúp đồ bằng tiếng Việt, xin quí vị gọi cho Dịch Vụ Thông Ngôn và Phiên Dịch (TIS) số क 131 450 (giá bằng cú gọi dịa phương )

Please keep these information pages for your reference

Please keep these information pages for your reference



## Part A – Details of person(s) applying for review

Important: Please read 'Who can apply for review?' in the information pages before filling out this Part.

The purpose of this Part is to collect information about the person, or persons, applying for review.

If more than one person is applying for review, one person (Person 1) should provide their details at Question 1. The details of the other persons should be provided at Question 7.

## **1** Details of the person applying for review

Person 1	Mr Mrs Miss Ms Other
Family name Given names	
Have you been known by any other names?	No Yes Family name
	Given names
	What type of name was this? (e.g. alias, name before marriage)

	Date of birth Nationality Passport number	DAY MONTH YEAR	Male		Female	Uns	specified
2	Do you (or any person N included in the application) Y need an interpreter when communicating with us?	o es Language/Diale	ect				
3	Your contact details in Australia Address in Australia where you currently live						
	you currently live				State/T	erritory	Postcode
	Contact numbers in Austral Note: Please provide as many contact numbers as possible	a	Daytime Evening Mobile Fax	( ( (	) ) )		
	Your email address						
4	Are you in immigration detention (including community detention)?	No Go to qu on't know Yes Go to ne	restion 6 xt question				
5	details in immigration detention?	Name of immigration de Other arrangement (such				ı) — plea	ase provide details
6	applying for roviow?	No <b>b Go to Part B</b> — y Yes <b>b</b> Go to next ques		need	to compl	ete Ques	stions 7 and 8

7 Details of all other persons applying for review — Please read 'Can an application cover other family members?' in the information pages before you complete this question.

	Title (e.g. Mr, Ms)	Full name	Date of birth	Relationship to Person 1	Gender M/F/X *
Person 2		Family name			
		Given names	/ /		
Person 3		Family name			
		Given names	/ /		
Person 4		Family name			
		Given names	/ /		
Person 5		Family name			
		Given names	/ /		

\* M = Male; F = Female; X = Unspecified

**8** Are there more than five persons included in this application?

No

Yes Total number of persons included

 $\nearrow$  Please attach details of all other persons on a separate sheet

## **Part B – Representative details**

**Important:** Please read '*Dealing with the AAT*' in the information pages before filling out this Part.

Note: You can appoint a person to represent you and act on your behalf in relation to your application. This person is known as your representative. If you appoint a representative, they can: communicate with us on your behalf • give us written evidence and written submissions on your behalf • request access to documents relating to the review, and • attend a hearing with you (but cannot present oral arguments unless the Tribunal Member permits this). If you appoint a representative, we will assume you are also authorising that person to be your authorised recipient to receive correspondence/documents from us on your behalf in relation to your application. In cases where more than one person applies for review, we will regard the appointed representative of Person 1 as the representative and authorised recipient of all persons applying for review unless notified otherwise in writing. You can deal with us directly if you do not want to appoint a representative. 9 Do you want to appoint a Go to Part C No representative to act on your behalf and to be your authorised Yes Complete guestions 10, 11 and 12 below, then go to Part D recipient? **10** Type of representative Close family member Migration Agent Registration **Registered migration** Number (MARN) agent<sup>a</sup> Client reference number (if applicable) Australian lawyer who Australian Legal Practitioner 55 holds a practising Number<sup>b</sup> (if applicable) certificate<sup>a</sup> Former Migration Agent **Registration Number (MARN)** (if applicable) Client reference number (if applicable) Other Please specify

#### Notes:

<sup>a</sup> Some registered migration agents may also be Australian lawyers. If your representative is representing you as a registered migration agent, select 'Registered migration agent'. If they are representing you as an Australian lawyer in connection with legal practice, select 'Australian lawyer who holds a practising certificate'.

<sup>b</sup> This is the ID number that the Department of Home Affairs may issue to an Australian lawyer providing immigration assistance in connection with a legal practice.

11	Representative's	details	Mr	Mrs	Mi	ss	Ms	Other					
		Family name Given names											
		Organisation name (if applicable)	2					 					
	F	Postal address											
								Stat	e/Territo	ory	Postc	ode	
		Contact numbers	Daytime Evening Mobile Fax	(	) ) )								
		E-mail address											
12	Representative's signature	5	Ľ							DAY M	onth /	YEAR	
		Note for migra need to attack											not

Now go to Part D — you do not need to complete Part C

## Part C — Where do you want us to send correspondence and other documents about your application?

Important: Only complete this Part if you have not appointed a representative in Part B.

**Note:** If you do not appoint a representative then we will send correspondence/documents for all persons included in this application to the person you specify below.

**13** Please send correspondence about this application to (choose ONE option only):

Postal addres	s				
				State/Territory	Postcode
Fax	(	)			
Email addres	s				_
8					
R To my authoris	sed rec	ipient	Pleas	e give their contact d	etails
	sed rec	ipient	Pleas	e give their contact d	etails
To my authoris	sed rec	ipient	Pleas	e give their contact d	etails
To my authoris		ipient	Pleas	e give their contact d	etails
<b>To my authoris</b> Name		ipient	Pleas	e give their contact d	etails
<b>To my authoris</b> Name		ipient	Pleas	e give their contact d	etails
<b>To my authoris</b> Name		)	Pleas		
<b>To my authoris</b> Name Postal addres	ss		Pleas		
<b>To my authoris</b> Name Postal addres	ss		Pleas		

#### **Part D - Communication by email**

**Note:** If you have provided an email address, we may use the email address to contact you. You can also agree to receiving all case correspondence by email, including hearing invitations, written requests to respond to adverse information and decision notifications. You should note that these communications may include sensitive personal information and that you should consider your online security and email settings. Please check that emails from the AAT do not appear in your junk folder rather than your inbox, and adjust your email settings as appropriate to ensure we can email you. Information about online security is available on our website **www.aat.gov.au**.

14 Do you agree to us sending all correspondence by email, acknowledging that there are risks in transmitting information via email and that while we strive to protect such information, we cannot guarantee the security or integrity of information transmitted via email or by other means?

Yes	
No	

Pa	rt E — Decision to be reviewed	
	Please attach a copy of the	e decision record and the notification letter from the Department.
15	What decision do you want reviewed?	Visa <b>refusal</b> Date of decision / /
		A decision under section 197D(2) of the Migration Act that a non-citizen is no longer a person in respect of whom a protection finding would be made
16	Details of the letter from the Department notifying of the decision	How was the letter By post By hand By fax or email from received?
		Date of letter from the Department
		Department's file number (if known)
		Boat identification number (if applicable/if known)

## **Part F – Declaration**

This form should be signed by each person applying for review.

**Note 1:** Where you are unable to sign the form in person, you may instruct another person (e.g. Person 1 or your representative) to sign the form for you. You must read the declaration or have the declaration read to you, before the form is signed.

**Note 2:** If the person applying for review is under 18 years of age or lacks legal capacity to sign on their own behalf, the form should be signed by a parent or guardian on that person's behalf.

Note 3: The provision of false or misleading information is subject to penalties under the Migration Act 1958.

#### 17 I declare that:

- I understand the information supplied to me in this form and in the information pages, and the information I have provided in this form and any attachments is complete and correct in every detail, and
- I consent to the AAT collecting personal/sensitive information about me from the Department of Home Affairs and other government agencies, entities, persons or publicly available sources, where that information is likely to be relevant to this review, and using it for the purposes of this review, and
- I consent to the personal/sensitive information that I provide to the AAT, or that the AAT collects from other sources about me, being collected and used for purposes relating to the *Migration Act 1958*, and
- I consent to any information/documents that I provide to the AAT, or that the AAT collects from other sources about me, being given to the Department at the end of the review, including personal/ sensitive information, and
- I will inform the AAT of any changes to my circumstances (e.g. marital status, changes to my family composition) while my application is being considered, and
- I understand that if I change my contact details and do not inform the AAT of my new address or other new contact details, the AAT may proceed to make a decision about my case even if it cannot contact me, and
- if this application includes more than one person, I undertake to inform each other person of the contents of any communication from the AAT.

Demon 4	~	Date	Family name
Person 1		/ /	Given name

If there is more than one person applying, the other person(s) should complete this declaration.

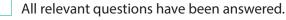
#### I declare that:

- I understand the information supplied to me in this form and in the information pages, and the information I have provided in this form and any attachments is complete and correct in every detail, and
- I consent to the AAT collecting personal/sensitive information about me from the Department of Home Affairs and other government agencies, entities, persons or publicly available sources, where that information is likely to be relevant to this review, and using it for the purposes of this review, and
- I consent to the personal/sensitive information that I provide to the AAT, or that the AAT collects from other sources about me, being collected and used for purposes relating to the *Migration Act* 1958, and
- I consent to any information/documents that I provide to the AAT, or that the AAT collects from other sources about me, being given to the Department at the end of the review, including personal/sensitive information, and
- I will inform the AAT of any changes to my circumstances (e.g. marital status, changes to my family composition) while my application is being considered, and
- I understand that if I change my contact details and do not inform the AAT of my new address or other new contact details, the AAT may proceed to make a decision about my case even if it cannot contact me, and
- I authorise the AAT to communicate with Person 1 or any person whom Person 1 appoints or authorises the AAT to communicate with in relation to my application unless I advise otherwise in writing.

Person 2	Date	Family name Given name
Person 3	Date	Family name Given name
Person 4	Date	Family name Given name
Person 5	Date / /	Family name Given name

## Part G – Checklist

18 Please complete this checklist to make sure this application is complete





Attachments

If there are more than 5 person(s) included in the application, details of the other person(s).

A copy of the decision record from the Department of Home Affairs.

A copy of the notification letter from the Department of Home Affairs.

Any evidence that will support your application or any comments you wish to make on why you disagree with the decision. You can provide additional documentation to us at any time before the decision on the review is made.

**Note:** All documents should be in English, or translated into English by a qualified translator. You should provide us with both the English translation and the original document (or a certified copy).

### **Lodging this application**

Lodge this application with a registry of the AAT as instructed in the information pages.

**Important**: You must lodge this application within the time limit referred to in the Department's letter that notified you of the decision.