



Factsheet:

Judicial Review

What is judicial review?

There are laws about how bodies like the Administrative Review Tribunal (ART) should make decisions. In judicial review, a court looks carefully at how a decision-maker has gone about deciding a migration matter, and whether they understood and followed the laws around decision-making.

Judicial review of decisions about visas is usually first done by the Federal Circuit and Family Court of Australia. Some decisions are first reviewed in the Federal Court of Australia.

If you have had a visa application refused by Home Affairs, you should apply for a review of that decision from the Administrative Review Tribunal, rather than judicial review. See [this factsheet](#) for people whose Protection Visas have been refused by Home Affairs.

Judicial Review Outcomes

Because judicial review focuses on whether or not the ART made a legal mistake, there are many things that the court cannot do. The court cannot:

- Listen to you explain why you need protection;
- Decide whether you told the truth to the ART; or
- Grant or refuse your visa.

If you are successful at judicial review, the judge can order the ART to look at your case again. Your case will generally be given to a different ART Member and you are likely to have another hearing with that Member.

Applying for Judicial Review

Judicial review of migration decisions is an extremely complex and technical area of law. Courts can order you to pay the [costs](#) of the government if you lose your case.

Before you apply, you should speak with an experienced lawyer who can advise you about whether judicial review is a good option for you or not.

See information on the [website of the Federal Circuit and Family Court](#) about the application process.