

The Administrative Review Tribunal: Information for people who have applied for a Protection Visa

Who is this information for?

This information is for people who:

- Have applied in Australia for a Permanent Protection Visa (Subclass 866).

Administrative Review Tribunal

If your Protection Visa is refused by the Department of Home Affairs, you can apply to the Administrative Review Tribunal (ART) for a review of that decision.

The ART is independent from the Department of Home Affairs and can:

- Look at your case afresh and decide if Australia has protection obligations towards you;
- look at new information or evidence which might not have been included when you first applied for your Protection Visa;
- Give you an oral hearing where you can explain why you need protection, answer questions from the Tribunal Member and call witnesses to support your case.

The ART Member will make a fresh decision about whether or not you are a refugee or need protection in Australia.

- If they decide that you **do need protection**, they will send your case back to Home Affairs and tell them that you are owed protection. Home Affairs will then look at the other visa criteria like health and character requirements.
- If the ART decides you are **not owed protection** then your refusal will stand. You will need to leave Australia if you do not apply for another visa or seek judicial review or Ministerial Intervention.

Applying to the ART

If Home Affairs refuses your protection visa application because they decide you are not a refugee or a person in need of protection, you can apply to the ART.

It is important that you check your emails regularly so that you know when the Department makes a decision. **You must apply to the ART within 28 days of your refusal decision. This is a strict deadline** and it cannot be extended.

You can apply to the ART through their website. You do not have to pay a fee to the ART when you apply. However, if the ART decides you are not owed protection, you will need to pay the fee of \$2,203.

What happens after you apply?

- The ART will send you a letter confirming that you have lodged an application.
- They will send you another letter via email when your case is being assigned to a Member.
- You will receive another email when a hearing is scheduled.

You should read these emails and the letters attached to them carefully because they may have instructions and important dates by which you need to do things. If you are asked to do something like attend a hearing and you don't go, the Member may make a decision without hearing your point of view.

Where can I go for help?

People in Queensland who have applied for a Protection Visa or are at the ART can get free legal advice from RAILS.

Phone: (07) 3846 9300

Email: admin@rails.org.au

Website: www.rails.org.au