

## 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).

### What has changed?

Currently, if your Protection Visa is refused by the Department of Home Affairs, you can apply to the Administrative Appeals Tribunal (AAT) for a review of that decision.

**New laws have passed, which abolish the AAT and replace it with a new body called the Administrative Review Tribunal (ART).**

**The ART will start working on 14 October 2024.**

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.

### What does this mean for me?

This depends on what stage your case is up to.

#### My application is still with the Department of Home Affairs

If you have applied for a Protection Visa and the Department does not make a decision on it until 14 October or later, you will be able to apply to the ART if the decision is a negative one.

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

**IMPORTANT: If the Department makes a negative decision on your Protection Visa before 14 October, you should apply to AAT within 28 days. Do not wait for the ART to start working.**

## **I have already applied to the AAT**

If you have applied to the AAT and are waiting for a hearing, keep checking your email regularly or stay in touch with your lawyer. All cases that are waiting for the AAT will automatically be transferred to the ART on 14 October. You should receive an email telling you that this has happened.

## **I have applied for judicial review in the courts because the AAT made a negative decision on my case**

If your court case is successful after 14 October 2024, the court will send your application back to the ART, instead of to the AAT.

If this happens, you should speak with a lawyer who can help you to provide new information and evidence for the ART to consider.

## **Where can I go for help?**

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

Phone: (07) 3846 9300

Email: [admin@rails.org.au](mailto:admin@rails.org.au)

Website: [www.rails.org.au](http://www.rails.org.au)