RAILS
Refugee and Immigration Legal Service

The Administrative Review Tribunal

This factsheet is for people who have had a visa refusal from Home Affairs.

Character refusals

If your visa was refused because of the character provisions in migration law (ss 501, 501CA) or if your protection visa was refused under ss 5H(2), 36(1C) or 36(2C) then **this factsheet is <u>not</u> suitable for you**. (Look on the letter and decision Home Affairs sent you to see why it was refused). If your visa was refused for these reasons, you may have a very short time to apply to the ART. You should **get legal advice quickly**.

What is the Administrative Review Tribunal (ART)?

The ART is independent from Home Affairs and can:

- Look at your case afresh and decide if you meet the visa requirements;
- Look at new information or evidence you give the ART, including information that you might not have given Home Affairs; and
- Talk to you, ask you questions and listen to any witnesses who can support your case.

The ART will then make a fresh decision about whether you meet the visa requirements.

If they decide you DO MEET THE REQUIREMENTS, they will send your case back to Home Affairs. Home Affairs will then look at any other visa requirements that haven't been considered yet - often the ones relating to health and character – before granting you the visa.

If the ART decides you DO NOT MEET THE VISA REQUIREMENTS then the refusal decision will stand.

Who can apply to the ART?

Your decision letter from Home Affairs will tell you if you can apply to the ART. Generally, you can apply if:

- You are the visa applicant;
- You were in Australia when you applied; and
- The visa was one that could be granted while you were in Australia.

If you applied for a Protection Visa, you must also be in Australia when you apply to the ART.

For family reunion visas like Partner, Child and Orphan Relative Visas, the visa applicant can apply if they are in Australia. If the visa applicant is outside Australia then the sponsor in Australia can apply to the ART.

You cannot apply to the ART in relation to Humanitarian Visa refusals.

Time to apply

You must apply to the ART within 28 days of the date on refusal decision was sent. This deadline cannot be extended so it is important to check the date on the letter and decision from Home Affairs.

If you are in immigration detention, you must apply within 14 days.

Costs

If your refusal is for a protection visa, you need to pay a fee of $1,863.50.

For refusals of most other types of Visa, the fee is $3,727. If paying the fee would cause financial hardship, you can ask for a fee reduction of 50%, which means that you pay $931.75

There are no fees if you are in immigration detention and your refusal is for a bridging visa or protection visa. There is also no fee if your refusal is about BVR conditions.

Getting legal advice

If Home Affairs refuses your visa application, you should speak with a lawyer. They can help you:

- Understand why it was refused;
- Explain the strengths and weaknesses of your case; and
- Give a legal opinion about whether the ART is likely to make a different decision.

If you decide to apply to the ART and the lawyer believes you have a reasonable chance of having the refusal overturned, they can represent you. They will then help you provide fresh evidence and make legal submissions in support of your case.



Free immigration legal help

The community legal centres below provide free legal assistance in relation to some ART matters, including protection visas.

State	Service	Website
Queensland	Refugee and Immigration Legal Service (RAILS)	rails.org.au
New South Wales	Refugee Advice & Casework Service (RACS)	racs.org.au
New South Wales	Immigration Advice & Rights Centre (IARC)	iarc.org.au
Victoria, South Australia, Northern Territory	Refugee Legal	refugeelegal.org.au
Victoria	Asylum Seeker Resource Centre (ASRC)	asrc.org.au
Tasmania	Tasmanian Refugee Legal Service	trls.org.au
Western Australia	Circle Green	circlegreen.org.au

This factsheet is general information not legal advice. You should always speak to a lawyer before applying for a visa, sponsoring someone or doing anything that might affect your immigration status. Last updated 2 November 2026.