

# Immigration Visa Has Been Refused? *Know Your Options*



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*If* you have applied to the Department of Immigration for a visa, and they have rejected your application or you are not satisfied with the visa decision, you may be able to ask for the decision to be reviewed. Depending on the type of visa you have applied for will determine which tribunal will review your matter. Most visa appeals will be reviewed by the Migration Review Tribunal.

However if it is a review on deportation or citizenship the decision is reviewable by the Administration Appeals Tribunal; or if your application related to an onshore protection visa then these matters are reviewed by the Refugee Review Tribunal. Further information regarding the review of visa decisions, and which Tribunal is right for your matter, can be found at [www.immi.gov.au](http://www.immi.gov.au). You can also call our expert immigration lawyers for advice on 1300 636 846.



## ➤ How do I make an application for review of the visa refusal?

You need to complete an application and file it with the necessary fees at the relevant Tribunal. Your application will then be given to a member to review. The length of time it will take the member to review your application will depend on the type of visa that has been refused, and the complexity of your matter. The matter will also be set down for hearing so you can present statements,

and have the opportunity to provide arguments as to why the Member should overturn the decision. The Migration Act 1958 (Cth) outlines the decisions that can be reviewed, who may apply for a decision, how the application is to be reviewed, and the time limits that apply.



## ➤ What happens once my application has been reviewed?

There are three decisions that the member can make after reviewing the application. The tribunal will either affirm the decision, which means the decision made by the department remains in force; set aside the decision; or remit the decision, which means the department's decision should be reconsidered and your visa application goes back to the department for determination.



“Most visa appeals will be reviewed by the **Migration Review Tribunal**”



## What do I do if I don't agree with the Tribunals decision?

If the tribunal affirms the immigration department's decision then you can seek judicial review by the Minister. The Minister has the power to substitute the decision made by the Tribunal and grant a visa. This will only occur if your reasons are very compelling, or on compassionate, or humanitarian grounds.



## How can I get copies of the documents used to determine the visa decision?

If you are considering appealing the visa decision, you may want to get a copy of the documents used in making the determination, which are held by the Department of Immigration. This can be done under the Freedom of Information Act 1982, by completing Form 42a and lodging it with the Department of Immigration office in your state.





Where you go from here depends on your situation. Everyone has their own individual priorities and demands on their life that they need to deal with.



This information guide aims to point you in the right direction so that you know the legal options available to you - options that many of our clients are not aware of before talking to us.

**Remember, you are NOT alone !**



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**1300 636 846**  
7am to Midnight, 7 Days

Call anytime between  
**7am to Midnight, 7 days** on

**1300 636 846**

and speak direct with an Immigration Lawyer to get your visa matter assessed.

You can also **request a callback** at [gotocourt.com.au/immigration](http://gotocourt.com.au/immigration)

When you call the hotline you will speak directly with a lawyer. Your conversation will be treated with the strictest of confidentiality and sensitivity. At the end of the call you will have some clarity on the steps you need to take next and how you can have the best chance at an outcome that will ensure that that you will attend Court armed with knowledge and support.

Scan this QR code now to access more Immigration information:

