



Australian Government
Migration Review Tribunal

INFORMATION ABOUT TRIBUNAL DECISIONS

Tribunal decisions

The Tribunal reviews decisions made by delegated officers (delegates) within the Department of Immigration and Citizenship (the Department). When the Tribunal makes a decision, it prepares a written record of the decision and the reasons for decision. Copies of this statement are provided to the review applicant and to the Department.

If the Tribunal **affirms** the decision under review, it has decided that the delegate's decision should not be changed. The effect of this is that the delegate's decision remains in force.

If the Tribunal **sets aside** the decision under review, it has decided that the delegate's decision should be changed. The Tribunal may replace (substitute) the delegate's decision with a new decision.

If the Tribunal **remits** the decision under review, it has decided that the delegate's decision should be reconsidered. The effect of this is that the Department is required to reconsider the application having regard to any directions made by the Tribunal.

If the Tribunal decides that it has **no jurisdiction** to review the delegate's decision, the Tribunal has decided that it has no power to review the delegate's decision.

If you think that the decision of the Tribunal is wrong in law, you may consider seeking judicial review in the Federal Magistrates Court of Australia.

Combined applications

In cases involving members of the same family, any document or correspondence given by the Tribunal to the primary review applicant or an authorised recipient will, unless otherwise indicated, apply to all members of the family who combined their applications to the Tribunal.

Refund of application fee

If the covering letter states that all or part of the Tribunal application fee will be refunded, you should expect that the refund will be made within 4 weeks of the notification of the decision. If a refund has not been received within 4 weeks, please contact our Finance Section on 02 9276 5457.

An application fee cannot be refunded where the Tribunal affirms the decision under review, and can only be refunded in specific circumstances where an application for review is withdrawn.

What happens next?

After the Department receives a copy of your decision, the Department will act to give effect to the Tribunal's decision. If you are not an Australian citizen or permanent resident, your immigration status in Australia may change following the Tribunal's decision.

If you hold a bridging visa associated with the application that was the subject of the Tribunal's review or with a decision to cancel a visa, your bridging visa may cease, depending on the Tribunal decision. One of the following situations may apply:

- Where the Tribunal **sets aside** the decision under review and substitutes a decision that your visa be granted, your bridging visa will cease.
- If the Tribunal **remits** the decision under review to the Department for reconsideration your bridging visa will remain in effect while your application is being processed by the Department.
- If the Tribunal **affirms** the decision under review, deciding that the delegate's decision should not be changed, or decides it has **no jurisdiction** to review a decision (including where you have withdrawn your application for review), your bridging visa will cease 28 days after you are notified of the Tribunal's decision.

If you decide to seek judicial review of the Tribunal's **affirmed** or **no jurisdiction** decision, you may be eligible for a bridging visa that will keep your immigration status lawful throughout this process. You should apply for another bridging visa before your current bridging visa ceases.

The effect on a bridging visa may be different where there is a decision to **set aside** the decision under review and **substitute** a decision not to cancel a visa, or that the visa application is invalid. In these circumstances contact the Department for specific information about your situation.

If you have any questions about your immigration status, or if your contact details have changed since you last communicated with the Department, you should contact the Department on 131 881.

The Minister may substitute a more favourable decision

The Minister has powers under the Migration Act to substitute a decision made by the Tribunal with a decision that is more favourable to the applicant. Generally, the Minister will only do so if there are compelling, compassionate or humanitarian considerations.

What if I want to make a comment or a complaint?

Our Service Charter sets out our standards of service and is available on the Tribunal website at www.mrt-rrt.gov.au. You can help us by telling us what you like about dealings with us or where you think we can improve. If you wish to make a comment or compliment, you can tell the officer who is dealing with your case, call our national enquiry number 1300 361 969, or write to the Executive Officer at GPO Box 1333, Sydney NSW 2001.

Our Service Charter also sets out how to make complaints. If you are not satisfied with how we have dealt with a matter or with the standard of service you have received, and have not been able to resolve this by contacting the office or officer dealing with your case, you may forward a written complaint marked 'confidential' to the Complaints Officer at GPO Box 1333, Sydney NSW 2001.

Publication of decisions

The Tribunal is required to publish decisions that the Principal Member considers to be of 'particular interest'. The full text of the decision is published other than where it is determined that information, such as the identity of the persons involved, should not be published on public interest grounds. In such cases, the decision is edited so as not to contain the information which cannot be published. Decisions are published on the AustLII website at www.austlii.edu.au.

The Tribunal also publishes a monthly decisions bulletin. **Précis** is available on the Tribunal website at www.mrt-rrt.gov.au and summarises a selection of recently published Tribunal decisions. Selected summaries of High Court, Federal Court and Federal Magistrates Court judgments are also included.