



What is the Refugee Review Tribunal?

The Refugee Review Tribunal (the Tribunal) is a statutory body that provides a final independent merits review of protection visa decisions made by the Minister for Immigration and Citizenship (the Minister) or by officers of the Department of Immigration and Citizenship (the Department) acting as delegates of the Minister. The Tribunal can review decisions to refuse to grant protection visas and decisions to cancel protection visas.

In conducting a review the Tribunal considers afresh whether the applicant is a person to whom Australia owes protection according to the United Nations Convention Relating to the Status of Refugees (the Refugees Convention). Subject to certain exclusions, a refugee is defined by the Refugees Convention as any person who:

"...owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable, or owing to such fear, is unwilling to return to it."

Who can apply for review?

If a decision is made not to grant you a protection visa, or to cancel a protection visa, the Department will notify you of that decision. The notification will tell you if you have a right to apply to the Refugee Review Tribunal for a review of the decision.

Some decisions not to grant a protection visa or to cancel a protection visa cannot be reviewed by the Refugee Review Tribunal. In those cases, the Department's letter will tell you about other review rights.

When must I apply for review?

If you want to apply for review of a decision you should act quickly. The Tribunal cannot extend the time limits set out below.

If you are not in immigration detention

The Tribunal must receive your application within 28 calendar days of the date you were taken to be notified of the decision by the Department.

If you are in immigration detention

The Tribunal must receive your application within 7 working days of the date you were taken to be notified of the decision by the Department. You must tell the detention review officer at the detention centre about the application on the same day that you send the application to the Tribunal.

When am I taken to have been notified?

The date you are taken to have been notified depends on **how** you were notified by the Department of the decision.

If you authorised a person to receive correspondence in relation to your protection visa application that person is known as your authorised recipient. You are taken to be notified by the Department of the decision when your authorised recipient is notified of the decision.

If the notice of the decision was sent by fax or email, you are taken to have been notified at the end of the day on which the notification was sent.

If the notice of the decision was given by hand, you are taken to have been notified when it was handed to you or your authorised recipient.

If the notice of decision was sent by post, you are taken to have been notified 7 working days after the date of the notification letter.

How do I apply to the Tribunal for review?

You must complete an **application for review** form (R1). You can get this form from one of the offices listed at the end of this information sheet or print a copy from the Tribunal website at www.mrt-rrt.gov.au.

You may supply other documents to support your application for review. Any documents that are not in English should be translated into English by a qualified translator. You should provide both the original documents and the translations.

Should I seek advice about my application?

The Tribunal is committed to ensuring that the outcome of your application does not depend on whether you have obtained professional advice or assistance. However you may seek advice and assistance and there are many organisations and individuals who can provide this.

The only persons who can legally provide immigration assistance are:

- registered migration agents; or
- parliamentarians; or
- an official as defined in Part 3 of the *Migration Act 1958* in the course of his or her duties; or
- a member of a diplomatic mission, consular post or office of an international organisation; or
- a close family member (which means a spouse, child, parent or brother or sister).

For the purposes of your review application to the Tribunal, immigration assistance means using knowledge or experience of migration procedure to assist in preparing, advising or representing you in relation to your case.

What does an application for review cost?

There is no fee to be paid when you apply. However, if your review is unsuccessful there is a post-decision fee. This fee is not payable, or will be refunded, if the Tribunal determines that you are a refugee, or if the Minister substitutes a favourable decision for the decision of the Tribunal.

The fee is currently \$1,540 for applications for review which are received by the Tribunal on or after 1 July 2011.

Where do I send my application?

Details of the Tribunal's registries, as well as registries of the Administrative Appeals Tribunal where Refugee Review Tribunal applications are accepted, are set out at the end of this form.

How will the Tribunal contact me?

You may choose to nominate a person known as an authorised recipient to receive correspondence on your behalf.

If you nominate an authorised recipient and you are not in immigration detention, the Tribunal will send all correspondence to your authorised recipient. The Tribunal only sends copies of correspondence to applicants who have nominated an authorised recipient where the applicant is in immigration detention.

If you have a representative or adviser who is not your authorised recipient, the representative or adviser will not be sent copies of any correspondence sent to your authorised recipient.

If you do not nominate an authorised recipient all correspondence will be sent to you.

If you or your authorised recipient provide the Tribunal with a fax number, the Tribunal may send correspondence by facsimile.

What happens next?

The Tribunal will send a letter confirming that it has your application and inviting you to send any documents, information or other evidence you want the Tribunal to consider.

The Tribunal will ask the Department to send us its documents relating to your case. The Tribunal will also assess the validity of your application. The Tribunal can only review a decision if a valid application for review has been made. The Tribunal will advise you if it appears that your application may not be valid.

When the Tribunal is ready to consider your application, we may write again to get information or to ask you to comment on adverse information that the Tribunal considers relevant. **If you do not give this information or comments to the Tribunal within the time specified, the Tribunal may make a decision on your case without further notice and without offering you a hearing.**

How is the decision made?

After considering the Department's documents and any further information you have given the Tribunal, the Tribunal will usually invite you to attend a hearing. The Tribunal will not hold a hearing if it can decide the case in your favour on the material before it, or if you consent to the Tribunal deciding the case without a hearing. The Tribunal may not offer a hearing if you fail to give comments or information within a specified time period following a particular request by the Tribunal.

At the hearing, you will be asked questions and you will have an opportunity to give oral evidence and present arguments in support of your claims. The Tribunal will make its decision after considering the information before it, including information you give at the hearing and any relevant information from other sources available to the Tribunal.

How will I find out about the hearing?

If you are invited to a hearing, the Tribunal will send a letter inviting you to a hearing and giving you a hearing date. A form will be enclosed with the letter asking you to confirm the hearing date in writing and to provide details of anyone you want the Tribunal to take evidence from to support your case.

Who will be at the hearing?

You may bring a representative or adviser to help you. The Tribunal is not required to allow that person to argue your case for you. However, the Tribunal usually lets them speak in your favour

before the close of the hearing. You may also bring a friend or relative or other support person to the hearing.

Can I have an interpreter?

If you or your witnesses need help communicating at the hearing, the Tribunal will provide a qualified interpreter. We will ask you in the application form if you prefer a male or female interpreter to help you. The Tribunal will pay for the services of the interpreter.

The Translating and Interpreting Services (TIS) can provide assistance for non-English speakers in contacting the Tribunal. Their telephone number is 131 450.

When will the decision be made?

As each case is different it is difficult to say how long it will take for the Tribunal to make a decision on your case. The Tribunal aims to decide all cases within 90 days of receiving the Department's documents.

In some cases, the Tribunal Member may announce the decision at the end of the hearing. If so, you will be sent a copy of the decision and reasons for the decision within 14 days. However, in most cases a decision will not be made at the end of the hearing but will be given to you at a later date.

How will the information provided to the Tribunal be used?

The information provided to the Tribunal will be used to assess your review application. Any information provided to the Tribunal during the review process may be provided to other participants in proceedings or to other individuals or organisations, for example, when seeking expert opinion or assessment. In certain circumstances the Tribunal may also provide information about your application to other government and non-government individuals or organisations. These include the Department, the Office of the Migration Agents Registration Authority, courts and tribunals and law enforcement agencies.

Hearings at the Tribunal are held in private and are not open to the public.

Some of the Tribunal's decisions are published. Published decisions do not contain names or any details which may identify an applicant or member of an applicant's family.

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 your 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.

Important

You should tell us immediately if you change your address or your telephone number or if there is any change in the name or address of your authorised recipient. It is also important that you inform your authorised recipient of any change in your contact details. If you do not, you might not receive an invitation to a hearing or other important information and your case may be decided without further notice. The Tribunal will acknowledge any change of contact information you provide. You should also inform the Department of any change in these details.

Registries of the Refugee Review Tribunal

An application for review can be lodged at any of the locations listed below. All locations are open on weekdays from 8.30am to 5.00pm local time.

The NSW Registry normally handles cases from applicants who reside in New South Wales, Queensland, the Australian Capital Territory and the Northern Territory. The Victoria Registry normally handles cases from applicants in Victoria, South Australia, Western Australia and Tasmania. However, applications can be lodged at any location and the Tribunal conducts hearings in a range of locations including Sydney, Melbourne, Brisbane, Adelaide and Perth.

New South Wales Registry Level 11, 83 Clarence Street Sydney NSW 2000 GPO Box 1333 Sydney NSW 2001 Phone (02) 9276 5000 Fax (02) 9276 5599	Victoria Registry Level 12, 460 Lonsdale Street Melbourne VIC 3000 PO Box 14158 Melbourne VIC 8001 Phone (03) 8600 5900 Fax (03) 8600 5801
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Registries of the Administrative Appeals Tribunal

The Tribunal has an agreement with the Administrative Appeals Tribunal (the AAT) to provide certain services which include receiving applications for review on behalf of the Refugee Review Tribunal. Applications for review can be lodged at the following registries of the AAT.

Queensland Level 4, 119 North Quay Brisbane QLD 4000 Fax (07) 3361 3001	South Australia 11th Floor, 91 Grenfell Street Adelaide SA 5000 Fax (08) 8201 0610	Western Australia Level 5, 111 St Georges Terrace Perth WA 6000 Fax (08) 9327 7299 [Phone (08) 9327 7200 (metropolitan area) 1300 366 700 (country areas)]
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