

Information about the Administrative Review Tribunal (ART)

This Fact Sheet provides brief information about the formation of the new *Administrative Review Tribunal*. This Fact Sheet is for people who arrived in Australia by either plane or boat, and who have received a negative decision about their Protection Visa application or a visa cancellation decision from the Department of Home Affairs (**Department**).

WHAT IS THE ADMINISTRATIVE REVIEW TRIBUNAL?

In June 2024, the Australian Government passed laws¹ which together give the Australian Government the power to:

- abolish the Immigration Assessment Authority (**IAA**);²
- abolish the Administrative Appeals Tribunal (**AAT**); and
- establish the Administrative Review Tribunal (**ART**).

The ART is a new federal administrative review body which will replace the existing AAT and IAA from **14 October 2024**.³ The ART will review government administrative decisions, including certain Department decisions about protection visa refusals and visa cancellations.

Decision-makers at the ART are called 'members'. Members take a fresh look at your protection visa application to decide whether you are a refugee or someone who is in need of protection in Australia. Members can also review certain visa cancellation decisions and make a new decision to overturn your visa cancellation.

WHAT DOES THIS MEAN FOR MY CASE?

How the establishment of the ART will affect you depends on what stage of the appeal your protection visa application is at. Please refer below to common stages and circumstances that may be applicable to you.

I currently have a case before the AAT or IAA, what is going to happen now?

Your case before the AAT or IAA will continue as usual. If you have not received a decision from the AAT or IAA before 14 October 2024, your case will be automatically transferred to the ART. You do not need to do anything to transfer your case to the ART.

It is important that you update the AAT or IAA with any changes to your contact details, so that you receive any important information from the AAT or IAA and ART about your case.

AAT and IAA decisions that have already been finalised before the ART commences on 14 October 2024 will not be considered again by the ART (unless your case is sent to the ART from court - see below).

¹ *Administrative Review Tribunal Act 2024* (Cth), *Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024* (Cth) and *Administrative Review Tribunal (Consequential and Transitional Provisions No. 2.) Act 2024* (Cth).

² The IAA was a limited review body for people who arrived to Australia by boat before 1 January 2014 and were processed under the 'Fast Track System'.

³ Attorney-General's Department, 'Administrative Review Tribunal to commence in October' (2024) available at: <[https://ministers.ag.gov.au/media-centre/administrative-review-tribunal-commence-october-19-07-2024#:~:text=The%20Administrative%20Review%20Tribunal%20\(ART,the%20Parliament%20in%20May%202024.>](https://ministers.ag.gov.au/media-centre/administrative-review-tribunal-commence-october-19-07-2024#:~:text=The%20Administrative%20Review%20Tribunal%20(ART,the%20Parliament%20in%20May%202024.>)>.

I am appealing my AAT or IAA decision to the Courts, what is going to happen now?

If you are successful in your case at the Courts:

- before 14 October 2024, it is likely that the Court will send your case back to the AAT or IAA to make a new decision. If the AAT or IAA has not made a new decision before 14 October 2024, your case will be transferred to the ART;
- on or after 14 October 2024, it is likely that the Court will send your case to the ART to make a new decision.

If you are unsuccessful at the Court stage, the dismissal of your judicial review application will operate as normal and you should seek legal advice about your options at that stage of the appeal process.

I have already had a successful decision at the AAT or IAA and am waiting to hear about my visa application.

If you successfully appealed your protection visa refusal at the AAT or IAA before the commencement of the ART, then your application will continue to be processed by the Department. The ART will not review your original Department refusal decision again.

I arrived in Australia by boat. My protection visa application went through the Fast Track system and was refused by the Department and the IAA, and I was not successful at the Courts. Can the ART review my case again?

Unfortunately, visa applications that have gone through the Fast Track system and have been refused by the IAA and/or Courts will not be reopened for review at the ART unless they fall within one of the categories above.

People in this situation only have the same limited options available, regardless of the commencement of the ART. If you are in this situation, you can write to the Minister for Immigration to intervene in your case to allow you to apply for another protection visa. You can refer to this [RACS fact sheet](#) and [ASRC fact sheet](#) about how to write to the Minister.

GETTING LEGAL HELP FROM RACS AND ASRC

RACS and ASRC are entirely independent of the Department of Home Affairs. All assistance is free.

If you are in NSW and would like legal advice, RACS offers the following service options:

Service	Day	Time	Address/Number
Client Line	Monday to Friday	11AM to 1PM and 2PM to 4PM	(02) 8355 7227 or admin@racs.org.au
TPV/SHEV Hotline	Monday to Friday	10AM to 1PM and 2PM to 4PM	(02) 8317 6505 or admin@racs.org.au

If you are in Victoria or in immigration detention and would like legal advice, ASRC offers the following service options:

Service	Day	Time	Address/Number
Human Rights Law Program	Monday, Tuesday, Thursday and Friday	10 AM to 12:30 PM	(03) 9274 9889
People in Detention	Monday to Friday		legal@asrc.org.au

You can also refer to this ASRC [fact sheet](#) for more information about organisations that provide legal assistance in Victoria.

Please note: This fact sheet contains general information only. It does not constitute legal or migration advice. RACS and ASRC are independent of the Department of Home Affairs. All assistance is free. This factsheet was prepared in July 2024.