

Common Deadlines For Protection Visa Applicants in Australia

Who is this Infosheet for?

If you are in the process of seeking protection in Australia, or you are working with people seeking protection, there are a number of deadlines you need to know. Failure to meet these deadlines could have serious consequences for you or your client's legal options.

Event	Deadline	Additional Information
<p>Visa application refusal by the Department of Home Affairs</p>	<p>People in the <u>community</u>:</p> <ul style="list-style-type: none"> • 28 days¹ to lodge at the Administrative Review Tribunal (ART), including the date of notification.² <p>People in <u>immigration detention</u>:</p> <ul style="list-style-type: none"> • 7 days³ to lodge at the ART, including the date of notification. 	<p>If the decision record is sent to the applicant by post, the applicant is deemed to be notified of the decision 7 working days after the date of the notification letter.⁴</p> <p>If the decision record is sent by email or facsimile, the applicant is taken to have received the document on that day.⁵</p> <p>The ART has no discretion to extend these deadlines.</p>
<p>Visa cancellation under Section 501 of the <i>Migration Act 1958</i></p>	<p>9 days to lodge at the ART,⁶ including the date of notification. This applies regardless of whether you are in detention or in the community.</p>	

¹ Section 347(3)(b), *Migration Act 1958*.

² *DZAFH v Minister for Immigration and Border Protection* [2017] FCCA 387: In this matter the FCC decided that the time period for lodging applications to the Tribunal includes the day the applicant was notified of the decision.

³ Section 347(3)(b), *Migration Act 1958*.

⁴ Section 494C(4)(a), *Migration Act 1958*.

⁵ Section 494C(5), *Migration Act 1958*.

⁶ Section 500(6B), *Migration Act 1958*.

Visa cancellation under section 109 made by delegate	28 days to lodge at the ART, including the date of notification. ⁷	This includes protection visas and other visas
Applications to the Federal Circuit and Family Court of Australia (FCFCoA)	To the <u>Federal Circuit and Family Court</u> : <ul style="list-style-type: none"> • 35 days from the date of the decision.⁸ If you miss the deadline, there is an opportunity to make an 'out of time' application to the Court seeking an order allowing leave to apply out of time. 	
Appeals to the to the Federal Court of Australia (FCA) from the FCFCoA	Appeal to the <u>Federal Court</u> from the Federal Circuit and Family Court: <ul style="list-style-type: none"> • 28 days from the date of judgment or the date on which leave to appeal was granted.⁹ 	
Other applications to the Federal Court of Australia (FCA)	Section 501, 5013A and 109 cancellations can be made by the Minister personally. These are not reviewable in the Tribunal and judicial review must be lodged in the Federal Court in its original jurisdiction (see s476A Migration Act). Also, review of s501 decisions made by the Tribunal must be lodged in the Federal Court. ¹⁰ The time frame to apply to the Federal Court in these matters is 35 days from the date of decision. ¹¹	

Disclaimer: This fact sheet provides general information to people seeking asylum in Australia through the onshore protection visa application process according to the law in January 2025. This fact sheet is not legal advice. You should not rely on this fact sheet to make decisions about your immigration matter. We strongly recommend that you get independent advice from a qualified legal practitioner or a registered migration agent. For information please visit: <https://immi.homeaffairs.gov.au/help-support/who-can-help-with-your-application>.

Date: 23 January 2025

⁷ Section 347(3)(b), *Migration Act 1958*.

⁸ Section 477, *Migration Act 1958*.

⁹ Rule 36.03, *Federal Court Rules 2011*.

¹⁰ Sections 476A and 500, *Migration Act 1958*.

¹¹ Rule 31.22, *Federal Court Rules 2011*.