

Information about Judicial Review from the AAT

This information is suitable for you if:

- The Department of Immigration and Border Protection (**Department**) refused your application for a temporary or permanent protection visa because it said you are not a refugee or entitled to complementary protection; **AND**
- Your case was reviewed by the Administrative Appeals Tribunal (**AAT**); **AND**
- The AAT affirmed (agreed with) the Department's Decision; **AND**
- You live in Western Australia.

What are my options now?

- You can contact the Department and tell them you want to return to your home country; **OR**
- If you think the AAT decision was unfair, you can ask the Federal Circuit Court to review the AAT decision. This is called judicial review.

What happens in judicial review?

When the AAT reviews cases and makes decisions there are legal rules that it must follow. In judicial review, the Federal Circuit Court checks whether the AAT followed those rules when it made its decision on your case.

If the Court decides the AAT did not follow the legal rules, it will direct the AAT to decide your case again. The AAT still may not find that you are a refugee.

The Court cannot say whether you are a refugee or not. Only the AAT can do that.

Can I get help to apply for judicial review?

We recommend you get legal advice before filing a judicial review application. You should file your judicial review application at the Federal Circuit Court within 35 days of the AAT decision. Sometimes the Court will extend this time limit but you should file within time if you can. If you cannot see a lawyer before the time limit expires, you can file the application first.

[Community focused legal services for people new to Australia](#)

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If you cannot pay a lawyer, you can:

- call Legal Aid WA on (08) 9261 6356 and ask for an appointment with the Federal Court Duty Lawyer; **OR**
- fill out the forms and file them with the Court yourself.
- **After you have filed your forms with the Court**, you can also ask for help finding a lawyer from [Law Access](#).

What will happen to my Bridging Visa?

Your Bridging Visa will expire 35 days after the AAT makes its decision.

If you decide to apply for judicial review, you can apply for another Bridging Visa. You can do this by:

- filing your judicial review application at the Court; **THEN**
- completing a [Form 1008](#) Application for Bridging Visa E; **AND**
- taking your Court documents and the Form 1008 to the Department at 836 Wellington Street, Perth.

If you do not do this before your Bridging Visa expires, you may be detained. The Federal Circuit Court gives you 35 days to file your judicial review application, so you should:

- file it within 35 days of your AAT decision notification so that you can apply for a new Bridging Visa in time; **OR**
- when you apply for another Bridging Visa, tell the Department that you intend to file your judicial review application within the time limit given by the Federal Circuit Court.

What forms do I need to file with the Court?

You need to complete three forms:

- [Application – Migration Act](#); **AND**
- [Affidavit](#); **AND**
- Application for Exemption from paying court fees:
 - if you are in the community:
[Application for exemption from paying court fees – financial hardship](#)
 - if you are in detention:
[Application- Exemption from paying court fees – general form](#)

The forms contain some instructions to help you fill them out.

The Federal Circuit Court [website](#) also has general information about judicial review.

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