

Refused by the Department (Plane Arrival)

This information is for people who:

- Arrived to Australia legally (by plane on a valid visa and cleared through immigration clearance); and
- Who have received a negative decision from the Department of Home Affairs (the 'Department') about whether they are a refugee or owed complimentary protection obligations.

Your right to appeal

You have the right to appeal this decision to the Administrative Appeals Tribunal's (AAT) Migration and Refugee Division.

A strict time limit of **28 days** from the date you were notified of the refusal applies.

If you are in immigration detention – including community detention - the time limit is **7 working days**.

It is very important that you lodge the appeal in time. If you miss out it is not possible to appeal outside of this time.

The time period for review includes the day you were notified of the decision.

By lodging an appeal, you are asking the AAT to take a fresh look at whether you are a refugee and owed protection obligations.

No fee is payable at application. However if you are not successful then the full fee of A\$1764 will be payable.

How to appeal

You can lodge an appeal

- Online; or
- By fax; or
- In person.

We recommend you lodge online if you have access to an email address you check regularly.

You can also submit documents or images in relation to your case through the online lodgement system. You can lodge these documents or images at any time and view them.

After you have lodged your appeal

You will usually receive a letter of acknowledgment. Sometime later you will receive a notice of your hearing date.

The AAT will generally:

- Seek further information from you;
- Invite you to comment on any information that the AAT considers would be the reason, or a part of the reason, for affirming (not changing) the decision under review;
- Invite you to:
 - Appear in person, or by telephone or video, to give oral evidence and present arguments
 - Nominate other people who could give evidence
 - Provide other evidence/ documents
- Provide the applicant with a statement of their decision and reasons for that decision.

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If you change your address it is important that you tell *both* the Department and the AAT by filling in their respective forms – [Form 929](#) and [Form MR6](#).

If you do not tell the Department and the AAT, you could miss out on an important notification such as your hearing date.

If you don't currently have a complete copy of your file, you should submit a request under *Freedom of Information* (FOI) for your file with the Department now so that you can have this before your hearing with the Tribunal.

This factsheet is a guide only and is not legal advice. While due care has been taken to ensure the accuracy of the material contained in this factsheet, Legal Aid ACT and the Refugee Advice & Casework Service Sydney cannot take responsibility for any errors or omissions.

Useful Contacts

Legal Aid ACT

9.00am-4.00pm Monday-Friday

www.legalaidact.org.au

Phone: **1300 654 314**

Migration Agents Registration Authority (MARA)

www.mara.gov.au

Migration Clinic – Legal Aid ACT

www.legalaidact.org.au

Phone: **1300 654 314**

Email: migration@legalaidact.org.au

This factsheet was originally developed by the Refugee Advice & Casework Service Sydney (RACS) (www.racs.org.au).