



## Information about withdrawing an application for review

### Withdrawing an application for review

An application for review can be withdrawn at any time prior to a decision being made on the application. Once an application is validly withdrawn, the Tribunal is taken to have dismissed the application.

Once an application has been validly withdrawn we cannot take any further action on the application for review. The decision under review remains unchanged, and the Department of Home Affairs is notified of the withdrawal.

### Who can withdraw an application

A review application can be withdrawn by a review applicant or by a person authorised by them and should be made in writing on the 'Withdrawal of application form' available on our website, [www.art.gov.au](http://www.art.gov.au).

Where a person other than the applicant gives notice of the withdrawal, we have an obligation to ensure that the person is acting with the authority of the applicant. Where there is any doubt that a person is properly authorised to withdraw the application, further enquiries will be made.

### Combined applications

In combined applications, where there is more than one review applicant, the application in respect of the remaining review applicants remains valid if one of the review applicants withdraws.

In cases involving members of the same family, an applicant cannot withdraw a family member's application without their authorisation.

### Refund of application fee

#### For migration reviews

Where an application for review of a migration decision is lodged and is subsequently withdrawn, the application fee can be refunded only in the following circumstances:

- where the withdrawal has followed the death of a review applicant, or the death of a visa applicant, or the death of a member of the visa applicant's family unit; or
- where the withdrawal has followed the grant of a visa of the same class (other than on a reconsideration of the points score); or

- in relation to an application for a parent visa, where the visa applicant applied for another parent visa after the review application was lodged and the visa applicant wishes to have a decision made on the application for the other parent visa.

We will notify the applicant that their application for review has been successfully withdrawn by letter and advise whether they are eligible for a refund.

If all or part of the application fee will be refunded, the refund will usually be made within 4 weeks of the date of our letter. The most secure way for you to receive your refund is through electronic funds transfer (EFT) into a bank account. Note that a refund cannot be made to a credit card.

If you are eligible for a refund and you wish to be paid by EFT, please send the following information to [refunds@art.gov.au](mailto:refunds@art.gov.au).

- Your Tribunal case number
- Name of financial institution/bank (the name of your Australian financial institution)
- Account name (name of account holder)
- BSB number
- Account number

If you do not provide bank details, we will post a cheque for the value of your refund to your authorised recipient (or to you, if you haven't appointed an authorised recipient). Please notify the Finance section if your mailing address has changed.

If you wish for the refund to be made to an alternative payee, please provide a signed letter of authority with the name of the alternative payee, the information required above for an EFT payment or their postal address. Email a scanned copy of the signed letter to [refunds@art.gov.au](mailto:refunds@art.gov.au) from your personal email or mail the signed letter to our 'Finance Section'.

If you have any queries, or if a refund has not been received after 4 weeks of the date of our letter, please contact the Finance section on [refunds@art.gov.au](mailto:refunds@art.gov.au), or by phone (02) 9276 5457 / (02) 9276 5464.

### **For protection reviews**

Where an application for review of a protection decision is lodged and is subsequently withdrawn no post decision fee will be payable.

### **What happens after an application for review is withdrawn?**

Once an application for review has been withdrawn, if you are not an Australian citizen or permanent resident your immigration status in Australia may change.

If you hold a bridging visa associated with the application that was the subject of our review or if you have any questions about your immigration status you should contact the Department of Home Affairs immediately on 131 881.

*When this Fact Sheet refers to "You" it means the applicant, and includes his or her nominee, representative or support person. When it refers to "We" or "Us" it means the ART.*