



## What you need to know about the Immigration Assessment Authority

### What does the IAA do?

The Immigration Assessment Authority (the IAA) has been established under the *Migration Act 1958* (the Act). We are an independent body with the power to conduct fast track reviews of certain decisions made by the Minister for Immigration and Border Protection (the Minister). These are decisions where the Minister has refused to grant protection visas to people known as fast track applicants. You are a fast track applicant if you arrived in Australia by boat without a valid visa on or after 13 August 2012, but before 1 January 2014, and you have been permitted by the Minister to make an application for a protection visa in Australia. You may also be a fast track applicant if you are in a class of persons specified by the Minister.

Some fast track applicants are not entitled to a review by the IAA. If you are refused a protection visa, the Department of Home Affairs (the Department) will tell you whether or not you are entitled to a review by the IAA.

The IAA does not accept review applications from fast track applicants. If you are a fast track applicant who has been refused a protection visa and are entitled to a review, the Department will automatically refer your case to us.

### What kind of decisions can the IAA make?

The IAA can make two types of decisions. We can agree with the decision of the Department not to grant a protection visa, or we can return the case to the Department for further consideration because, for example, we find you are a refugee. The IAA does not have the power to grant protection visas.

We will only consider the information that was before the Department at the time when the Department's refusal decision was made, except in limited circumstances when new information might be considered.

If your case has been referred to the IAA by the Department, we will correspond with you directly to advise you of our decision and the reasons for our decision.

Criteria for a protection visa are contained in the Act. In most cases, the primary issues are whether you are a refugee or, alternatively, whether there is a real risk that you would suffer significant harm if removed from Australia to another country.

If other family members were included in your visa application, we will attempt to deal with your cases together.

### How long will the review take?

As each case is different, it is difficult to say how long it will take. The IAA aims to complete most reviews within six weeks; however, the length of review can depend on a variety of factors.

### **What information does the IAA have about my case?**

The Department will provide the IAA with all documents the Department considers relevant to your case. This includes any documents you provided to the Department in connection with the protection visa application. Generally, we will conduct a review of the Department's decision solely on the basis of the information provided by the Department.

### **Can I provide new information to the IAA?**

We can only consider new information if there are exceptional circumstances to justify considering the new information. New information is information that is relevant and was not before the Department when it made its decision.

If there is new information you want us to consider, you must also provide an explanation why the information:

- could not have been provided to the Department before it made the decision to refuse you a protection visa, or
- is credible personal information that, had it been known to the Department, may have affected the Department's decision.

This explanation should be no longer than 5 pages and accompany any new information you give us.

Please note:

- You must also explain why the new information is relevant to your case.
- If you refer to media reports or reports about your country, you must identify the source of the report.
- You must also provide us with a copy of the report or a relevant extract. We will not accept lists of publicly available reports or hyperlinks to publicly available reports.
- Any documents you send us that are not in English should be accompanied by an English translation by a NAATI accredited translator. If a translation is not provided we may not be able to consider the document.

Any new information we have not requested must be given to us within 21 days of your case being referred to us by the Department.

In very limited circumstances, we may invite you to give us new information or comments about your case in writing or at an interview.

### **Can I make a submission to the IAA?**

You can provide a written submission on:

- why you disagree with the Department's decision, and
- any claim or matter you presented to the Department that was not considered.

Your submission must be concise. It should be no longer than 5 pages and should be given to us within 21 days of your case being referred to us by the Department.

### **Can I get access to information the IAA holds?**

You can request access under the *Freedom of Information Act 1982* to any documents that the IAA holds in relation to your case, subject to some restrictions. If we cannot disclose some information, we will let you know why. We will advise you how you can seek a review of our decision not to grant you access to any documents. Further details regarding access to information is available on our website at [www.iaa.gov.au](http://www.iaa.gov.au).

### **How will the IAA communicate with me?**

The IAA will generally communicate with you by email. We may also contact you by telephone.

You can choose to have correspondence sent to yourself, or you may appoint a person to receive correspondence on your behalf (this person is known as your authorised recipient). If you appoint an authorised recipient, we will send all correspondence to them.

If you appointed another person to receive correspondence from the Department, that appointment does not apply to the IAA review. If you want another person to receive correspondence from us on your behalf, you will need to advise us of their name and contact details.

You will need to let us know promptly of any change in your contact details and, if you have an authorised recipient, of any change in their contact details. You should also inform your authorised recipient (if you have one) and the Department of any change.

You can contact us by email at [iaa@iaa.gov.au](mailto:iaa@iaa.gov.au) or by telephone on 1800 205 919.

### **Advice, assistance and representation**

The IAA's procedures are designed to be simple so that outcomes do not depend on whether you have received professional advice or assistance. However, you may seek advice and assistance from a wide range of organisations and individuals. We do not endorse or recommend any service provider. You should take care when selecting someone, and ask them to confirm whether they are a registered migration agent, an Australian legal practitioner, or are otherwise legally able to assist you.

The website of the Office of the Migration Agents Registration Authority ([www.mara.gov.au](http://www.mara.gov.au)) has information about finding and using a migration agent, including information in various languages. The website also allows you to check whether a particular migration agent is registered.

Information about finding and using an Australian Legal Practitioner is available from the relevant State and Territory legal professional regulatory authorities listed on our website ([www.iaa.gov.au](http://www.iaa.gov.au)).

You can be represented by another person in your dealings with the IAA. A representative can contact us on your behalf and request access to documents we hold in relation to your case. Generally, a person is appointed as both representative and authorised recipient. You should tell us immediately if you have a representative.

**What if I have a complaint?**

If you have a comment or complaint about the standard of service provided by the IAA, please see our website ([www.iaa.gov.au](http://www.iaa.gov.au)) for instructions on how to lodge a complaint.