



RECEIVED A VISA REFUSAL? WHAT TO DO NEXT



KINDRA
MIGRATION LAWYERS

A PRACTICAL
GUIDE TO
UNDERSTANDING
YOUR OPTIONS
AFTER A VISA
REFUSAL OR
CANCELLATION
DECISION.

A refusal is not always
the end of the road.



Receiving a visa refusal or cancellation can be an incredibly stressful and overwhelming experience, especially if you have never navigated the immigration appeals system. It is entirely natural to feel anxious about your future or confused about your lawful status in Australia.

However, it is important to understand that this decision does not automatically mean your Australian journey is over.

Every year, thousands of visa decisions are successfully reconsidered. Depending on your individual circumstances, you may have the right to challenge the decision, submit a new application with stronger evidence, or transition safely to a different visa pathway. The key to moving forward is to pause, understand the paperwork you have received, and take structured, timely action.



● Step 1

READ AND UNDERSTAND THE DECISION CAREFULLY

Your official Notification of Decision (the refusal letter from the Department of Home Affairs) is one of the most important documents you have.

While it can be dense and difficult to read, it contains the legal baseline for your strategy.

A standard refusal or cancellation letter will explicitly outline:

- Why the application was refused, or the visa was cancelled
- Whether you have review rights
- Any deadlines that apply
- Important information about the next steps available to you

Keep a copy of the decision letter. It contains important information about your review rights and deadlines. Seek advice before taking action.



● Step 2

DON'T MISS THE DEADLINE

This is often the most important issue after a refusal.

Many review rights are subject to strict time limits. Depending on the type of decision, **the deadline to apply for review may be as little as 9–28 days**. Missing a deadline may result in review rights being lost and can significantly affect the options available to challenge the decision.

Act quickly: Appeal deadlines are strict and generally the Administrative Review Tribunal (ART) cannot accept a late application. Missing the applicable deadline may result in review rights being lost and could affect your ability to challenge the refusal decision. If you intend to seek a review, you should act immediately and obtain advice as soon as possible.



● Step 3

UNDERSTAND YOUR OPTIONS

When a visa is refused, your response will generally align with one of three primary legal pathways:

Administrative Review Tribunal (ART)

Some visa refusals and cancellations can be reviewed by the Administrative Review Tribunal (ART).

The ART is independent from the Department of Home Affairs and conducts a fresh review of eligible visa decisions. Unlike the original decision-maker, the Tribunal may consider additional information and evidence, and in some cases, hold a hearing before making its decision.

The Tribunal does not grant visas itself.

Depending on the outcome, it may affirm the decision or send the matter back to the Department for reconsideration.

Not every refusal or cancellation carries review rights, and strict deadlines usually apply.



9 - 28 days

Typical appeal window



Independent review

ART is separate from the Department



New evidence

May be considered at the Tribunal



A fresh look at the decision

The ART reviews the matter on its merits

Alternative visa pathways

Even where a review is not available, there may be other visa options worth considering depending on your circumstances. **A refusal does not always prevent you from exploring other visa pathways that may be available.**

Judicial review

In highly specific circumstances, you can escalate your matter to court. This pathway is purely focused on whether a fundamental **legal error occurred during the decision-making process**, rather than reconsidering the basic facts of your application.



COMMON REASONS VISA APPLICATIONS ARE REFUSED

Every case is different, but common reasons for visa refusals can include:

- Insufficient supporting evidence
- Concerns about meeting visa requirements
- Incorrect, inconsistent, or incomplete information
- Character or health issues
- Failure to respond to requests for additional information
- Failure to satisfy genuine temporary entrant or genuine student requirements (where applicable)
- Issues relating to sponsorship, nomination, or eligibility criteria



COMMON MISTAKES AFTER A REFUSAL

Avoid these common pitfalls:

- ✗ Ignoring the decision letter
- ✗ Missing the review deadline
- ✗ Assuming there are no options available
- ✗ Relying on advice from unofficial sources
- ✗ Waiting too long before seeking professional advice
- ✗ Reapplying without addressing the reasons for refusal



HOW KINDRA MIGRATION LAWYERS CAN HELP

After a refusal or cancellation, understanding your options is often the most important first step. Our team reviews the decision, identifies any applicable deadlines, assesses available pathways, and provides clear advice on the best way forward.

Our team assists clients with:

- Assessing review rights and deadlines
- Administrative Review Tribunal applications
- Preparing evidence and legal submissions
- Representation at Tribunal hearings
- Identifying alternative visa pathways
- Advising on next steps after a refusal or cancellation

Unsure what your options are?

Received a visa refusal or cancellation?
Our team can help you understand your options and the next steps available to you.

[Book a consultation](#)

FREQUENTLY ASKED QUESTIONS

● Can I appeal a visa refusal?

In many cases, yes, but not every refusal carries review rights. Depending on your circumstances, you may be able to apply to the Administrative Review Tribunal (ART), pursue another visa pathway, or explore other legal options. Your refusal letter should explain whether review rights are available and any deadlines that apply.

● How long do I have to appeal?

Many visa refusals must be appealed within strict time limits, often as little as **9 days from notification of the decision**. Most commonly, you have 28 days to appeal. Missing a deadline can mean losing your right to review, so it is important to act quickly and seek advice as soon as possible.

● What happens if I miss the appeal deadline?

Missing an appeal deadline can have serious consequences and may result in review rights being lost. However, depending on your circumstances, other options may still be available. If you think you have missed a deadline, seek advice immediately. Kindra Migration Lawyers have successfully helped clients who have missed their appeal deadline.

● Can I stay in Australia while my appeal is underway?

In many cases, applicants who lodge an ART appeal within the required timeframe can remain in Australia while the review is being determined. The visa conditions that apply will depend on your individual circumstances.

● Do I need a lawyer for an ART appeal?

No, you can represent yourself before the ART. However, migration law can be complex, and professional advice may help you understand your options, assist you develop your strategy and evidence, and avoid common mistakes during the review process.

To explore your options in more detail, visit:

● [Visa Refusals & ART Appeals](#)

● [ART Appeals FAQs](#)

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IMMIGRATION LAW
SPECIALISTS

🌐 kindramigration.com.au

✉ info@kindramigration.com.au

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