

Refugee Legal:

INFORMATION SHEET 'Ashmore Reef' (DBB16) cases

This information sheet explains:

- what will happen if the DBB16 case applies to your protection visa, **and**
- how to get legal help.

On 6 August 2018, the Full Federal Court of Australia decided that certain asylum seekers who entered Australia via 'Ashmore Reef' (and Cartier Islands) between 23 January 2002 and 1 June 2013 are not subject to the Fast Track Assessment system for their protection visa application. The case is called *DBB16 v Minister for Immigration and Border Protection* (or just **DBB16**).

Does the DBB16 decision apply to your case?

The DBB16 decision applies to your case if you:

- came to Australia by a boat via Ashmore Reef; **and**
- were first detained in Darwin; **and**
- applied for a Temporary Protection Visa (TPV) or a Safe Haven Enterprise Visa (SHEV).

What will happen if DBB16 applies to your protection visa application?

- If you are currently applying for a TPV or SHEV, you may be told by the Department that your application is invalid. You will then need to make a new visa application.
- If your new visa application is then refused, you will be able to apply for review of the refusal to the Administrative Appeal Tribunal (AAT) instead of the Immigration Assessment Authority (IAA).

What should you do?

The Department is contacting people affected by this issue. If your TPV or SHEV application is still with the Department, you may soon receive a letter from the Department telling you that *DBB16* applies to your case and that you have **7 working days to lodge a new protection visa application**. This letter may refer to 'subsection 91L(1) of the Migration Act 1958' or 'Section 91K bar lift'. **The strict 7 working day deadline cannot be extended so you must act urgently.**

You must also make sure the Department always has up-to-date contact details for you, including your telephone number, email and postal address.

Legal assistance is essential

It is essential that you seek urgent legal assistance if you receive a letter from the Department informing that *DBB16* applies to your case. Refugee Legal can provide free legal assistance.

For free legal assistance, contact Refugee Legal on (03) 9413 0101 Monday to Friday 9am-5pm; or by email: clinic@refugeelegal.org.au

** Not everyone affected by DBB16 will be required to lodge a new application; for example, if your application is at the AAT.*

*** If you have been granted a TPV or SHEV and your visa is expiring within less than 6 months, you should contact seek Refugee Legal urgently for legal assistance.*