

Refugee Legal:

Federal Court win for client facing removal to Nauru

On 13 March 2026, the Federal Court ruled in favour of our client, Ali*, in an important case about a letter the Minister for Immigration sent that incorrectly stated the deadline for applying for review. Ali was facing removal to Nauru.

Background

Ali is an Afghan national who arrived in Australia in 2001. He was granted a protection visa in 2005. His visa was subsequently cancelled. In August 2019 the Minister sent a letter to Ali informing him of the decision not to reinstate his residency visa and the time limit to appeal to the Tribunal.

The Tribunal later decided that it could not consider Ali's application for review as he had not applied within time.

The Minister then tried to deport Ali to Nauru in October 2025. We obtained an urgent injunction preventing his deportation in November 2025 while the Court considered whether notification of the Minister's decision in 2019 was valid - and whether Ali can have his case reviewed by the Tribunal.

The problem: the Minister's letter said he had nine days to apply for review.

The August 2019 letter refusing to reinstate Ali's visa stated that he had to apply for review of the Minister's decision "within nine (9) days".

Why was this wrong?

When a deadline to seek review falls on a weekend day, the law says that you have until the next weekday to do so. In this case, the ninth day fell on a Saturday, so Ali actually had until the following Monday to apply for review (so he had 11 days, not nine). The letter did not say this.

What did the Court decide?

The Federal Court found that the decision letter did not clearly, completely and accurately state how much time A had to apply for review. Due to this error, the notification letter was not legally valid, so Ali's time to seek review had not commenced. Because of this finding, the Tribunal must now hear his case.

Why this matters

Ali was going to be removed to Nauru when Refugee Legal took on his case in late 2025. He has limited English, cannot read and struggles with his mental health. He was not able to get legal help to challenge the Tribunal's earlier decision.

The Court has now set aside the Tribunal's decision and ruled that Ali is entitled to have his case properly reviewed. If successful, his visa will be reinstated. He will remain in Australia while the Tribunal reviews his decision.

Could this affect you?

If you received a letter from the government about a visa decision that told you your time to apply for review expired on a weekend or public holiday, the letter may have been wrong. You may still be able to apply for review.

Please contact Refugee Legal if you think this may apply to you.

For further information, the full case citation is: *BHRR v Minister for Immigration and Citizenship (No 2)* [2026] FCA 250.

* Names and certain details have been changed to protect confidentiality.