

**PLEASE NOTE THIS IS A SAMPLE LETTER ONLY**

**SAMPLE LETTER: REQUEST FOR ADJOURNMENT OF MY RRT HEARING**

Date: *(insert date)*

Refugee Review Tribunal  
PO Box 14158  
Melbourne VIC 8001

By email: [vic.registry@mrt-rrt.gov.au](mailto:vic.registry@mrt-rrt.gov.au)

Dear Tribunal member,

**Name:** *(insert name)*

**RRT case number:** *(insert RRT case number)*

**D.O.B:** *(insert date of birth)*

I am an applicant who has been refused a protection visa because of the recent introduction of clause 866.222 into the *Migration Regulations*.

I request that the Refugee Review Tribunal exercise its power under section 427(1)(b) of the *Migration Act 1958* and adjourn review of my case. The Tribunal has a discretionary power to adjourn proceedings and I request this power be exercised pending consideration by the High Court of two cases, *Plaintiff M150/2013 by his litigation guardian Sister Brigid Marie Arthur v. Minister for Immigration and Border Protection & Anor*; and *Plaintiff S297/2013 v. Minister for Immigration and Border Protection & Anor*. Both of these matters are to be heard by the High Court on 7 March 2014.

I understand that my application has been refused solely because of this new clause. The pending cases before the High Court are therefore of central and significant relevance to my application, as they include consideration of the validity of clause 866.222. In circumstances where there is a prospect in the

**Important disclaimer:** This sample letter is provided as a guide and for information purposes only. Anyone using this resource should obtain advice from a registered migration agent or a practising lawyer. For information about registered migration agents please visit: [www.mara.gov.au](http://www.mara.gov.au). The ASRC has attempted to ensure that the resource is current and accurate, but it is not responsible for the consequences of any error or omission. The resource is provided on the basis that people accessing it undertake responsibility for assessing the relevance and accuracy of its content.

near future that the clause will be deemed invalid, my adjournment application should be granted. Otherwise, I will be denied a reasonable opportunity to present my case and denied a fair review process.

The grant of the adjournment in these circumstances is consistent with the Tribunal's legislated objective to provide review that is "...fair, just, economical, informal and quick."<sup>1</sup>

The Refugee Review Tribunal has published Practice Directions which give some insight into how requests for adjournment will be handled. The Directions make clear that an adjournment will only occur where the member is satisfied that there are cogent reasons for granting the adjournment. They direct that applicants make a request for an adjournment as soon as possible, outlining the reasons for such a request. All requests for adjournments must be carefully considered and the decision to grant or not grant an adjournment must be made in a manner which is reasonable with genuine consideration of the facts and circumstances of the case. The High Court has also recently affirmed the need for the Tribunal to provide an 'evident and intelligible justification' for the refusal to grant an adjournment<sup>2</sup>.

In this case, the application for an adjournment is reasonable, necessary and integral to ensuring a "just" and "fair" review process.

Thank you for considering my request for an adjournment.

Kind Regards

Signature: *(sign)*

Name: *(insert name)*

---

<sup>1</sup> *Migration Act 1958* (Cth), section 420.

<sup>2</sup> *Minister for Immigration and Citizenship v Li* [2013] HCA 18.

**Important disclaimer:** This sample letter is provided as a guide and for information purposes only. Anyone using this resource should obtain advice from a registered migration agent or a practising lawyer. For information about registered migration agents please visit: [www.mara.gov.au](http://www.mara.gov.au). The ASRC has attempted to ensure that the resource is current and accurate, but it is not responsible for the consequences of any error or omission. The resource is provided on the basis that people accessing it undertake responsibility for assessing the relevance and accuracy of its content.