ART Tribunal: No More Oral Hearings for Student Visa Refusals

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The Change

On 16 March 2026, the Administrative Review Tribunal (ART) announced that Parliament has passed the **Administrative Review Tribunal and Other Legislation Act 2026**, which makes two important changes:

1. The Tribunal must now decide reviews of **certain temporary visa refusals** — starting with student visa refusals — **without holding an oral hearing**.
2. The Tribunal has broader powers to decide other matters without oral hearings in some situations.

The stated aim is to speed up the review process by allowing the Tribunal to more flexibly manage its increasing caseload.

What This Means in Practice

Previously, if your student visa was refused and you applied for review at the ART, you would typically be invited to attend a hearing where you could present your case in

person, answer questions from the Tribunal member, and provide additional evidence.

Under the new rules, the Tribunal will make its decision **on the papers** — meaning it will review your written submissions, supporting documents, and the Department's decision record without giving you the opportunity to appear in person.

This is a significant change. In my experience, oral hearings often make the difference in marginal cases. Being able to explain your circumstances directly to a Tribunal member, answer their specific concerns, and demonstrate your credibility can be decisive.

How to Prepare

If you are facing a student visa refusal and plan to seek review at the ART, the written submission is now everything. Here is what I recommend:

1. **Front-load your strongest evidence.** You will not get a second chance to explain gaps or inconsistencies in person.
2. **Address every ground of refusal** in your written submission. Be specific and reference the relevant legislation.
3. **Include a detailed statutory declaration** that covers everything you would have said at a hearing.
4. **Engage a lawyer early.** The margin for error is now much smaller without the safety net of an oral hearing.

Commencement Date

The changes will commence on a date to be fixed by proclamation by the Governor General. The ART has said it will share more information when available. If you have already submitted an application for review, the ART will contact you if there are any changes to how your review is carried out.

My View

I am concerned about this change. While I understand the Tribunal is under pressure from increasing caseloads, removing the right to an oral hearing fundamentally changes the nature of the review process. Many of my clients — particularly those from non-English speaking backgrounds — benefit enormously from the opportunity to present their case in person. Written submissions alone may not adequately capture the nuances of their circumstances.

I will be monitoring the implementation closely and advocating for fair outcomes for affected applicants.

About the Author

Nilesh Nandan is the Head of Practice at MyVisa Lawyers Pty Ltd, a specialist immigration law firm with offices across Australia. With 33 years of legal experience and 27 years specialising in immigration law, Nilesh is admitted as a solicitor in New South Wales and holds a practising certificate issued by the Law Society of New South Wales under the Legal Profession Uniform Law (NSW).

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