Ministerial Intervention: When and How to Apply

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Ministerial intervention is often described as the "last resort" in Australian immigration law. It is a request to the Minister for Immigration to personally exercise their discretion to grant a visa or overturn a decision — even when all other avenues have been exhausted.

What Is Ministerial Intervention?

Under the Migration Act, the Minister has personal, non-compellable powers to intervene in immigration cases. This means:

- The Minister **can** intervene, but is **not required** to
- The Minister's decision is **not reviewable** by any court or tribunal
- Intervention is only available in cases that are **unique or exceptional**

Which Section Applies to You?

Section	When It Applies
s.351	After an ART decision on a visa refusal or cancellation (non-character)
s.417	After an ART decision on a protection visa refusal
s.501J	After a s.501 visa cancellation or refusal on character grounds

When Should You Consider Ministerial Intervention?

Ministerial intervention is appropriate when:

- All other avenues (ART, judicial review) have been exhausted or are unavailable
- Your case involves **unique or exceptional circumstances** not adequately addressed by the law
- There are **compelling humanitarian or compassionate reasons** for the Minister to intervene
- Removal from Australia would result in **irreversible harm** to you or your family

What to Include in Your Request

A strong ministerial intervention request should include:

1. A Detailed Personal Statement Explain your circumstances, your ties to Australia, and why your case is unique or exceptional.

2. Supporting Evidence

- Medical reports (if health issues are relevant)
- Psychological assessments
- Evidence of family ties in Australia
- Evidence of community involvement
- Country information (if return would be dangerous)

- Character references

3. Legal Submissions A clear explanation of why the Minister should exercise their discretion in your case, referencing the Ministerial Guidelines.

The New 2026 Guidelines

The Minister released updated guidelines in early 2026. Key changes include:

- Greater emphasis on the **best interests of children** in Australia
- Consideration of **length of time in Australia** and degree of integration
- Updated guidance on **health and disability** cases
- Clearer criteria for **s.501J** requests following character cancellations

Success Rates

Ministerial intervention has a low success rate — typically less than 10% of requests result in intervention. However, well-prepared requests with genuinely unique circumstances have a much higher chance of success.

How I Can Help

I have prepared numerous ministerial intervention requests over my career. I know what the Minister's office looks for and how to present your case in the most compelling way. If you have exhausted your other options, I can assess whether ministerial intervention is appropriate for your case.

Book a consultation today from $97.

About the Author

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