Form 70

Rule 31.22(1)

Originating application for review of a migration decision

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

**[Name of First Applicant]** [if 2 or more add "and [another/others] named in the schedule"]

Applicant[s]

**[Name of First Respondent]** [if 2 or more add "and [another/others] named in the schedule"]

Respondent[s]

To the Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

**Time and date for hearing**: [Registry will insert time and date]

**Place**: [address of Court]

The Court ordered that the time for serving this application be abridged to [Registry will insert date, if applicable]

Date:

|  |
| --- |
| Signed by an officer acting with the authority of the District Registrar |

This application is made under section 476A of the *Migration Act 1958*.

The Applicant was notified on [date] of the decision that is the subject of this application.

**Details of relief sought**

1. [specify in numbered paragraphs all the relief you seek].
2.

**Grounds of application**

1.
2. [include particulars of fraud or bad faith, if alleged - rule 31.22(2)]

**Applicant’s address**

The Applicant’s address for service is:

Place: [see rule 11.01]

Email:

The Applicant’s address is [if the Applicant is an individual - place of residence or business; if the Applicant is a corporation - principal place of business]

**Disclosure under section 486D Migration Act 1958 - Proceedings in relation to a tribunal decision**

[\*either]For the purposes of the disclosure required by section 486D of the *Migration Act 1958* in relation to a proceeding in relation to a tribunal decision (within the meaning of that section), the Applicant states that the Applicant has not brought any other judicial review proceedings (within the meaning of that section) in relation to the decision.

[\*or]For the purposes of the disclosure required by section 486D of the *Migration Act 1958* in relation to a proceeding in relation to a tribunal decision (within the meaning of that section), the Applicant states that the Applicant has brought the following judicial review proceedings (within the meaning of that section) in relation to the decision:

[Particulars of the title, file number and date of each proceeding and the court in which it was brought]

Date: [eg 19 June 20..]

|  |
| --- |
| Signed by [Name][Insert capacity: Applicant / Lawyer for the Applicant] |

**Certificate under section 486I of the Migration Act 1958**

For the purposes of section 486I of the *Migration Act 1958,* I [name of lawyer] certify that there are reasonable grounds for believing that this migration litigation (within the meaning of section 486K of that Act) has a reasonable prospect of success.

Date:

|  |
| --- |
| Signed by [Name of lawyer] |

*Note*

Section 479 of the *Migration Act 1958* provides that the parties to a review of a migration decision resulting from an application referred to in section 477 or 477A of that Act are the Minister, or where appropriate the Secretary, and:

(a) if the migration decision concerned is made on review under Part 5 or 7 or section 500 of that Act and a decision on such a review has been made - the applicant in the review by the relevant Tribunal; or

(b) in any other case - the person who is the subject of the migration decision; or

(c) in any case - a person prescribed by the regulations.

[\* If more than one applicant or respondent, insert names of the second, third, fourth etc as required in this schedule. Delete schedule if not required.]

**Schedule**

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

[\*]**Applicants**

Second Applicant: [Name]

[\* etc]

[\*]**Respondents**

Second Respondent: [Name]

[\* etc]

Date:

[\*delete if inapplicable]