

Antippa Lawyers

since 1961

PREPARING FOR AN AAT HEARING



YOUR EVIDENCE & ARGUMENTS

1. Refer to the Member as Sir or Madam or Mr or Ms.
2. The Member will have read the file from the Department and the reason, at law, for the refusal to grant the visa.
3. As you have no Barrister examining you in-chief to assist you, you must explain what you mean in your Affidavit yourself, without assistance.
4. The points you make must be relevant to the Reasons for Refusal. The points must relate to the aspect of the law, in question.
5. Why you need, desire or are deserving of a visa to be granted, are irrelevant.
6. What you say must emphasise your Affidavit and the legal submission which was prepared for you – you should not stray away from the submission, unless your legal advice is otherwise.



7. You should know and understand the themes in your Affidavit and in the legal submission and be able to give further examples of the points made in your Affidavit.

8. You should assume that the Member has not read or properly understood your Affidavit or the submission; you should emphasise the points made in these documents (preferably without reading from it, but by giving examples and handing to the Member other documents).

9. Bring the documents to the hearing with you and any other forms of evidence which you want to give.

10. Any evidence should be certified copies as any documents you give will not be returned to you but will remain on the Tribunal's file.

11. Any documents you give should be updates of any previously given documents or anything new and relevant.

12. Do not expect the Tribunal to ask other people to check that your story is true; the Tribunal is very busy; you must bring with you your own evidence to prove that what you are saying is true. Evidence can be documents or people.

THE ARGUMENTS AGAINST YOU

1. The Department will not be employing a Barrister to cross-examine you.

2. The forum is an inquisitorial system where the Member on the Bench will ask you questions.

3. The reason you have been invited to a hearing is because both of the Department and the Member believe that the visa should not be granted.

4. So, it is important to understand why the Member believes that your circumstances continue to fail to satisfy that aspect of the law in question.

5. You should listen to each question carefully. LISTEN. Take a moment before you rush into a reply to properly understand the question and what the Member is trying to ask.

6. The point of most questions is to see if you have any more evidence to satisfy the Member of that aspect of law which is lacking.

7. Your response should give full and complete answers with as much information about your circumstances as you can. The hearing time is relatively short, to provide your oral evidence. So, anything which is relevant should be said at that time.

8. If you forget to say something at the Tribunal hearing, there is no opportunity after the Tribunal hearing to say anything else.

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The information provided is of a general nature only. You should not rely on this information but seek specific advice relevant to your actual circumstances.

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