

Antippa Lawyers

since 1961

WHAT TO EXPECT AT THE MIGRATION TRIBUNAL?

Foreword:

This brochure is a basic guide as to what you should expect to occur at a migration hearing at the Administrative Appeals Tribunal.



BEFORE THE HEARING

What are the issues to be argued at the Tribunal? Write a speech. Memorise it. Memorise every statutory declaration and letter of support

WHAT TO WEAR

The Tribunal is a formal place and you should dress to show respect. If you have any questions about what to wear, ask one of our friendly staff.

CHILDREN AT COURT

You should not bring a child to the Tribunal. Please make alternate arrangements.

GETTING TO COURT

Car parking is limited near the Tribunal; take the train instead. Get off at Southern Cross Station or Spencer Street. Arrive at least half an hour before the scheduled hearing start time. Proceed to Level 10, 120 Spencer Street, Melbourne.

You will be at the Tribunal for half a day.



WHAT TO BRING WITH YOU

- A note pad;
- Pen;
- Your written statement and other notes;
- Bottle of water – with lid;
- Cross-word, magazine or book;
- Support person over 18 but who cannot speak at the Tribunal.

Recording devices are not permitted at the Tribunal without permission.

You cannot take photographs or record conversations.

ENTER THE TRIBUNAL

Before entering the Tribunal-room, you should:

- Turn off electronic equipment, including mobile telephones,
- Remove hats or sunglasses, unless for medical or religious reasons.
- Do not bring any food or drink into the Tribunal-room. (A water bottle with the lid on in your bag is allowed.) No chewing gum.

WHAT DOES THE TRIBUNAL ROOM LOOK LIKE?

The Tribunal is a tiny-sized court room. Watch the video clips on <http://www.aat.gov.au>

INSIDE THE TRIBUNAL ROOM

You must bow when entering or leaving a Tribunal-room, if the Member is sitting in the Tribunal-room.

OATH OR AFFIRMATION

You will be asked to hold a Holy book in your right hand and / or to swear to tell the truth.

HOW THE MATTER BEGINS

The Member will clearly explain the purpose of the hearing, very slowly. You should be listening very carefully to understand what aspects the Member wants more detail about. You should speak about what the Member wants to know about, not about what you want to talk about.

Then, the Member will turn against you and repeatedly accuse you of doing the wrong-thing. The Member will continue to accuse you until you cry or you say that you are making-it-all-up. You must be ever-mindful of the issues involved in your case and how you plan to convince the Tribunal and what you are saying is true.

SHOW AND TELL

You should expect that the Tribunal will not believe what you are saying is the truth. You must bring letters, statements of witnesses and photographs with you. You must explain these to the Tribunal.

SPEAKING TO THE TRIBUNAL

At the Tribunal, you should call the person who is presiding over the case: “Member”, “Sir” or “Madam”.

CONDUCT OF A WITNESS

Speak clearly and politely to the Tribunal Member. If you agree, say 'yes' because the audio recording cannot hear a nod. The audio recording is used by the Tribunal to refresh the memory of the Member.

Do not:

- Point your finger or use abusive language, or
- Raise your voice or shout.

The Member may ask questions or interrupt you. Listen carefully and explain your answer in detail. If the Member says that something is not relevant, move on to your next point.

You must not interrupt the Member. Remember, it is the Member who will make the decision.

WHEN ORDERS ARE MADE

The decision may be announced on that day. Usually, the decision is sent by e-mail.

You should request a copy of the audio recording from the front desk at the conclusion of the hearing.



PRESENT YOUR SITUATION TO THE TRIBUNAL

We will be with you. We may talk about the law.

However, it is up to you to present your story. We will not be allowed to tell the Tribunal what has happened to you. You have to do this yourself.

You should assume that the Tribunal has not read any of the documents at all. You have to explain everything, in detail, to the Tribunal.

Listen to the questions very carefully and answer the question.



FURTHER READING

<http://www.antippa.com.au>

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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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