

Filing and Serving documents at the FCC (COVID -19)

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Who is this Infosheet for?

The coronavirus (COVID-19) pandemic has impacted on court processes all around Australia and courts have put in place some temporary changes to deal with this.

This Infosheet provides details on the new procedure for filing and serving documents with the Federal Circuit Court (FCC) to reduce the need to physically come to court. We note that this process is **temporary** and is subject to change. We have collected the latest updates and information in this Infosheet as of June 2021. We recommend that you contact the FCC's registry for the most up-to-date information.

IMPORTANT

- **The FCC has changed their procedure for receiving documents from parties in response to the ongoing COVID-19 pandemic.**
- **To use a document to support your case at the FCC, that document must be both filed with the Court, and served on (given to) the Minister through the Minister's lawyers. If you do not file and serve a document, you may not be able to rely on the document in your case.**
- **For more information on COVID-19, a 24-hour hotline is available to call for free at: 1800 675 398. In an emergency, call 000.**

What does it mean to 'file' and 'serve' a document?

When you are required to submit documents to the Court (such as your Application Form or affidavit), you must both 'file' and 'serve' any documents or evidence you are using for your case.

- **To 'File' a document** means to **give or deliver the document to the court for their records** so that it can be placed in their files. You should obtain independent legal advice to help determine what you need to file with the court and when.
- **To 'Serve' a document** means to **give or deliver the document to the other party/side in the case**. If you are appealing a visa cancellation or refusal, you will have to serve your documents on the other parties named in your application form (generally the Minister's lawyers).

Who are the lawyers representing the Minister?

The Minister's lawyers will contact you and the FCC to advise that they are representing the Minister. In a court matter the Minister's lawyers are called the "Respondents". As you are applying for judicial review, you are the "Applicant" in a court matter.

The Minister's lawyers represent the Australian Government. They are not your lawyers and are unable to provide you with legal advice or assistance in your matter. If you are unsure or concerned about the identity or conduct of the Minister's lawyers, it is recommended you obtain independent legal advice.

HOW TO FILE DOCUMENTS WITH THE COURT

- To **file** document with the FCC, you can do this by:
 - **Post:** post the completed form to the postal address of the FCC at: 305 William St, Melbourne, Vic, 3000. We recommend you use express or registered mail so you can track it and confirm that it arrived.
 - **Email:** email the completed form to: VIC.Filing@fedcourt.gov.au.
 - **Fax:** fax the completed form to: (03) 8600 3351.
 - **Online:** lodge the completed form online using the **eLodgement** service using the following link:
<https://www.elodgment.fedcourt.gov.au/eLodgment/login.aspx?ReturnUrl=%2felodgment%2fdefault.aspx>. You will need to **make a ComCourts account to use the eLodgement service**. See **HRLP Info Sheet: Accessing your court files and ComCourts account** on how to make a ComCourts account.
 - For more information or help with the eLodgement service, visit this link: <https://www.fedcourt.gov.au/online-services/elodgment/faq-started>.
- You must file your application before your court deadline. (35 days after the date of your AAT or IAA decision)
- Once you have filed the document, the court will send back a "file-stamped" copy of the document. This means that your document will now have a cover sheet that will bear the stamp of the FCC indicating that it has been successfully filed with the court. See example:

NOTICE OF FILING

This document was lodged electronically in the FEDERAL CIRCUIT COURT OF AUSTRALIA (FCC) on 13/10/2020 7:58:39 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged:	Outline of submissions
File Number:	[REDACTED]
File Title:	[REDACTED] v MINISTER FOR IMMIGRATION, CITIZENSHIP, MIGRANT SERVICES AND MULTICULTURAL AFFAIRS & ANOR
Registry:	MELBOURNE REGISTRY - FEDERAL CIRCUIT COURT - FEDERAL LAW



Dated: 13/10/2020 7:58:43 PM AEDT

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

HOW TO SERVE DOCUMENTS ON THE MINISTER'S LAWYERS

- To serve the “file-stamped” document on the Minister, you can email the document to: litigation.applications@homeaffairs.gov.au. If the Minister’s lawyers have provided you with their contact details, you can send the document to them.
- You may get an email back confirming receipt of the served document. You do not need to do anything further.

How do I contact the FCC?

Phone: (03) 8600 3333

Email: vic.filing@fedcourt.gov.au

It is your responsibility to keep your contact details up to date with the FCC. You can change your contact details by emailing your name, court reference information and your new contact details to vic.filing@fedcourt.gov.au.

How do I get an interpreter to help me contact the FCC or Department?

Call the Translating and Interpreting Service (TIS) on 131 450 and ask them to call the Department or FCC for you.

Where can I get more information?

If you have an upcoming case with the FCC, support is available.

- **The ASRC may be able to provide you with free legal assistance.** To contact us, please call our Triage Line on **0478 700 605** on Mondays and Thursdays between 10:30am – 12:30pm.
- **For information on how COVID-19 may have affected your case** at the FCC, you can call **Victoria Legal Aid (VLA)** for free and confidential legal advice on **(03) 9269 0416**. For more information from the VLA, visit their website at: <https://www.legalaid.vic.gov.au/find-legal-answers/migration/get-help>.
- **For questions you have about the FCC**, you can make enquiries with the FCC by emailing them your questions at: VIC.Migration@fedcourt.gov.au, or calling the Victorian registry at **1300 720 980**.
- **For information about COVID-19** and how you can stay safe and comply with current restrictions and laws, visit the DHHS website at: <https://www.dhhs.vic.gov.au/coronavirus>. For information on Victoria’s current restrictions, visit the DHHS website at: <https://www.dhhs.vic.gov.au/victorias-restriction-levels-covid-19>.

Disclaimer: This fact sheet provides general information to people seeking asylum in Australia through the onshore protection visa application process according to the law in June 2021. This fact sheet is not legal advice. You should not rely on this fact sheet to make decisions about your immigration matter. We strongly recommend that you get independent advice from a qualified legal practitioner or a registered migration agent. For information please visit: <https://www.mara.gov.au>.

Date: 28 June 2021