

How to prepare for your FCC Hearing

How to prepare for your FCC Hearing

Who is this Infosheet for?

This Infosheet is designed to provide a guide for how to prepare for your hearing at the Federal Circuit Court (FCC), and what to expect on the day. It is for people seeking asylum whose visa applications have been refused by the Administrative Appeals Tribunal (AAT) or the Immigration Assessment Authority (IAA).

IMPORTANT

- The FCC will consider whether there has been a legal error in the decision-making involving your protection visa application. If there is an error, your case will go back to the AAT or the IAA for reconsideration. The FCC cannot re-decide whether or not you are a refugee and cannot grant you a protection visa.
- You do not need a lawyer to represent you at the FCC, but it is strongly recommended you obtain legal advice or representation before your hearing. If you cannot afford to pay for a lawyer, you may be able to get legal help from Victoria Legal Aid (VLA). You can access the VLA website here: <https://www.legalaid.vic.gov.au/>. 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.
- Your FCC hearing will determine whether your visa application can be reconsidered. You should be as prepared as possible for the hearing and take care to follow the rules of the Court, and any directions from the judge.

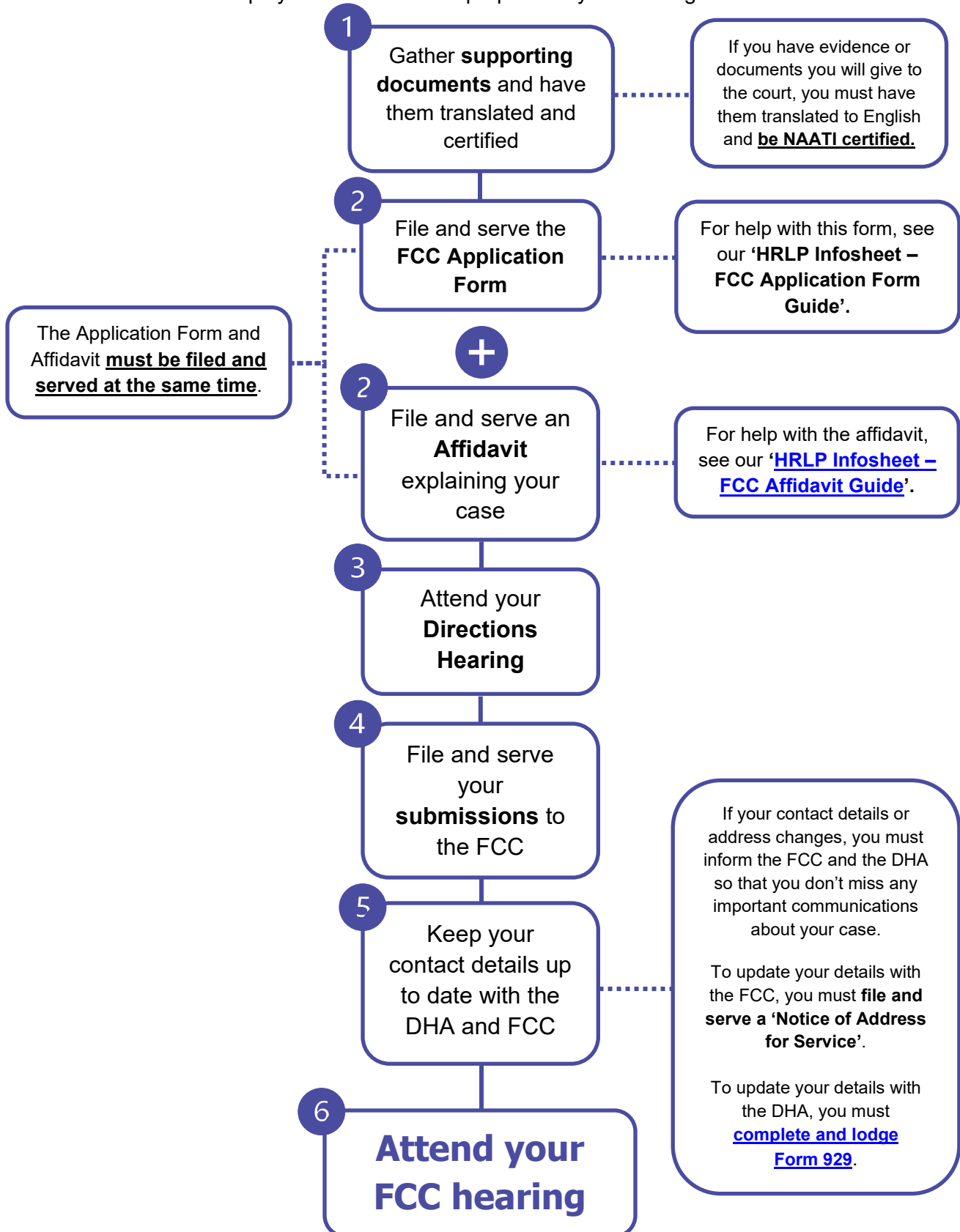
What does the FCC consider?

The issue that the FCC has to determine is whether or not the decision maker (e.g. DHA, AAT, IAA) made a legal error in the way they handled your case. To prepare for your case, you should carefully read all the documents and correspondence you have received from the DHA, and AAT or IAA, and see if you can find any example of where the decision maker may have made a mistake. For example, not considering important facts of your case.

For more information on taking a case to court, see our [‘HRLP Infosheet – Judicial Review at the FCC’](#) for more information.

What should I do to prepare for my hearing at the FCC?

There are a number of steps you need to take to prepare for your hearing at the FCC.



What can I expect on the day of my hearing?

You should receive an email or letter from the court telling you when and where your hearing will be. Below are some tips for appearing in court:

- **If you need an interpreter**, inform the court's Registry at least a week before your hearing so that one can be arranged. If you have any other special needs or disabilities that you need the court to accommodate, you should also inform the court;
- Arrive to court early and be prepared to wait a long time. Your hearing may be delayed by up to a few hours if the Judge or Registrar has urgent matters to deal with.;
- Dress neatly – avoid wearing clothing like singlets, thongs, or untidy or ripped clothes;
- Bring a copy of all of the relevant documents in the case, and mark them so that you are able to find it easily if the Judge or Registrar asks for a document;
- Turn off your phone before entering the courtroom, and do not bring any food or drinks inside;
- When you enter or exit the courtroom, perform a quick bow to the Judge or Registrar. Listen for when the court officer or associate tells you to stand or sit down;
- Wait inside the courtroom for your case to be called. When your case is called, you can go and sit at the table in front of the Judge or Registrar (usually on the left-hand side);
- Always call the Judge 'Your Honour', and the Registrar 'Registrar', and stand up when you are speaking to them. You should sit down when the other party is speaking;
- Bring a notepad and pen with you to court, and take notes during the hearing of what is said;
- **If you are using an interpreter**, make sure to inform the court if you cannot understand what the interpreter is saying, or if you think they are not interpreting your words accurately
- Be prepared to explain to the judge the main errors you think occurred in your case. You may want to prepare beforehand some brief points you want to say.
- Do not be surprised if you are asked some questions by the judge. If you do not understand the question or you do not know the answer, that is ok, just politely say so to the judge. For example "Your Honour I'm sorry but I do not understand your question. Could you please explain it again?" or "Your Honour, I'm sorry but I do not know the answer to that question."

Where can I learn more about the law?

You may want to learn more about the laws that are involved in your case. This can help you present your case in court, and help you understand more about what's happening in the hearing on the day. To learn more about Australia's migration law, you can visit:

- To see our other Infosheets, visit: <https://asrc.org.au/>.
- **Victoria Legal Aid (VLA)** may be able to help you find legal answers. To contact VLA, you can call them on **1300 792 387** (Monday to Friday, 8am-5pm) or visit their website: <https://www.legalaid.vic.gov.au/contact-us>.
- The **Refugee Advice & Casework Service (RACS)** publishes factsheets on migration law. You can access them here: <https://www.racs.org.au/fact-sheets>.
- The **Refugee Council of Australia** also publishes factsheets on migration law. You can access them here: <https://www.refugeecouncil.org.au/factsheets/>.
- The Fitzroy Legal Service publishes **The Law Handbook**, which provides a broad overview of a wide range of Australia's laws, including migration law. To access the handbook, visit: <https://fls.org.au/law-handbook/government-and-the-individual/immigration-and-refugees/the-sources-of-migration-law/>.

Who can help me with my hearing at the FCC?

We strongly recommend you obtain legal advice and/or representation for your FCC hearing. If you are unable to afford legal assistance, you may be able to receive assistance from a variety of organisations, including **Victoria Legal Aid** on **1300 792 387** (Monday to Friday, 8am-5pm) or visit their website: <https://www.legalaid.vic.gov.au/contact-us>.

The ASRC may be able to provide you with free legal advice. To contact us, please call our Triage Line on **0478 700 605** on Mondays and Thursdays between 10:30am – 12:30pm.

For help with finding legal assistance, see our **HRLP Infosheet – CLC Referral Sheet (Vic)**.

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 July 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: 12 July 2021