

## Judicial Review: Affidavit Guide

### Who is this Infosheet for?

This Infosheet is for people seeking judicial review of their decision at the Federal Circuit Court (FCC). It is an annotated guide to completing an affidavit for the FCC. It should be used alongside the Asylum Seeker Resource Centre's (ASRC) Infosheet titled '*Judicial Review at the Federal Circuit Court*'.

To apply for judicial review, **you must complete and lodge:**

- **An application** for review of a decision made by the Immigration Assessment Authority (IAA), Administrative Appeals Tribunal (AAT), the Minister for Home Affairs, the Independent Protection Assessment Reviewer (IPAR). Please refer to the ASRC's Infosheet titled 'HRLP Infosheet – Completing a Federal Circuit Court Application Form' for guidance on completing the application form.
- **An affidavit and annexure cover** sheet confirming you are the applicant in your FCC application and including a copy of the written decision that you are reviewing (e.g. your AAT decision or IAA decision). This Infosheet will explain how to complete the affidavit and annexure cover sheet.

### How to use this Infosheet

To access the Affidavit form referred to throughout this Infosheet, visit this link:

<http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/forms-and-fees/court-forms/form-topics/all+jurisdictions/form-fcc-affidavit>.

In this Infosheet, you will see this tick symbol: ✓ If you see this symbol, **that section of the affidavit must be completed**. Failing to correctly fill out the affidavit may result in the FCC refusing to accept the application. **You do not need to complete any section not marked with this tick symbol.**

FEDERAL CIRCUIT COURT OF AUSTRALIA

REGISTRY: .....

File number: .....	COURT USE ONLY
Court Location	
Court date	
Court time	

**Write the names of the Respondents as they appear on your FCC Application Form.**  
e.g. If you are applying to review a decision from the Administrative Appeals Tribunal (AAT), the Minister for Home Affairs would be your First Respondent, and the AAT your Second Respondent

.....	Applicant
.....	Respondent
.....	Other party (if applicable)
* Repeat as necessary for additional parties	

You are the Applicant/Deponent as you are applying for review.  
Write:

- Your **name** (e.g. **JAMES APPLE**); OR
- A **pseudonym** assigned to you by the FCC (e.g. **EHA30**).

## AFFIDAVIT

Name of deponent: .....

Date sworn / affirmed: ...../...../.....

I, (full name) ..... of (address, including State or Territory) ..... and (occupation) ..... make oath and say / affirm:

1. ....
2. ....

Insert your details in the spaces provided.  
e.g. 'I, James Apple of 481 Fake Street, Footscray, Victoria 3011 and electrician affirm...'

Filed on behalf of	<input checked="" type="checkbox"/>	The Applicant
Prepared by	<input checked="" type="checkbox"/>	The Applicant
Name of law firm	<input checked="" type="checkbox"/>	N/A
Address for service in Australia	<input checked="" type="checkbox"/>	
Email	<input checked="" type="checkbox"/>	
Tel	<input checked="" type="checkbox"/>	
	State	<input checked="" type="checkbox"/>
	Postcode	<input checked="" type="checkbox"/>
	DX	<input checked="" type="checkbox"/>
	Attention	<input checked="" type="checkbox"/>

I, (full name) ..... of (address, including State or Territory) ..... and (occupation) ..... make oath and say / affirm:

1. e.g: I am the Applicant in this proceeding.
2. e.g: I make this affidavit from my own knowledge and belief unless stated otherwise.

e.g: A copy of the written decision is annexed to this affidavit and marked “JA-1”.

**The numbered paragraphs are where you will write the text of the affidavit.** These are the paragraphs you are affirming to be true and correct. **You should include the following information in these spaces:**

- Confirming that you are the Applicant in this proceeding.
- Stating that you are seeking judicial review of a decision (e.g visa refusal or cancellation by the AAT or IAA), and state the date the decision was made.
- Stating that you have attached the decision mentioned above and that you have named that document as “[YOUR INITIALS]-1” (e.g “EH-1”).
- If you are seeking an extension of time because you did not apply for review within 35 days of the decision being made, state the reasons why you could not apply for review in time.

**Do not fill out the sections below the dotted line.** This section must be completed in the presence of the person that witnesses the affidavit (such as an Australian lawyer, a police officer or some staff of Australian Courts). You can see a full list of who can be your witness here:

<https://www.justice.vic.gov.au/affidavits>

-----  
Sworn / Affirmed by the deponent  
at (place) .....  
on (date) ...../...../.....

-----  
Signature of deponent

Before me:

-----  
Signature of witness  
Full name of witness: .....  
Qualification of witness: .....

**[Alternative jurat for non-English speaking affidavit]**

Sworn / Affirmed by the deponent through the interpretation of (name of interpreter) ..... of (address of interpreter) .....  
(description of interpreter) ....., the interpreter having first sworn that he / she had truly interpreted the contents of this affidavit to the deponent and that he or she would truly interpret to (name of deponent) ..... the oath about to be administered to him / her.

at (place) .....  
on (date) ...../...../.....

Signature of deponent

Before me:

Signature of witness

Full name of witness: .....

Qualification of witness: .....

I (name of interpreter) ..... certify that I understand the English language and the (name of language used) ..... language, and that I have truly interpreted to the deponent the contents of this affidavit and the oath or affirmation which was administered.

Signature of the interpreter (print name) .....

Date: ...../...../.....

**If you completed the affidavit with the assistance of an interpreter, you must complete this section with your witness (i.e. a lawyer) and your interpreter.**

**Do not sign the affidavit until you are with the witness and interpreter who will be signing it with you.**

### **Annexure Cover Sheet**

Once you've filled out the affidavit, you will also need to **complete an annexure cover sheet** to go on the front of your affidavit. **You must complete the annexure cover sheet to validly submit your affidavit to the AAT.** Failing to include an annexure cover sheet may cause delays or problems in your case before the AAT.

The following page describes how to complete the annexure cover sheet.

**FEDERAL CIRCUIT COURT OF AUSTRALIA****REGISTRY: MELBOURNE**

You are the Applicant as you are applying for review. Write:

- Your name (e.g. **JAMES APPLE**) the same way you wrote it on the Affidavit

File number: .....	COURT USE ONLY
Court Location	
Court date	
Court time	

.....  
Applicant

Pseudonym for Applicant  
[Registry use only]

**MINISTER FOR IMMIGRATION, CITIZENSHIP, MIGRANT SERVICES AND MULTICULTURAL AFFAIRS**  
First Respondent

Insert the title you gave the Affidavit (usually “[YOUR INITIALS]-1” (e.g. if your name was James Apple, it would be “JA-1”))

**ADMINISTRATIVE APPEALS TRIBUNAL**  
Second Respondent

Insert your full name as you wrote it above (e.g **James Apple**)

**ANNEXURE .....**

This is the document referred to as ..... in the affidavit of ..... affirmed at ..... on ..... before me:

Insert the location and date that you affirmed the Affidavit (where/when you signed the document with a witness) (e.g “affirmed at Footscray on 23 August”)

**Do not sign this document without a witness.** This section must be completed in the presence of the person that is authorised to witness the affidavit (such as an Australian lawyer, a police officer, a pharmacist). You can see a full list of who can be your witness here:

<https://www.justice.vic.gov.au/affidavits>