



What is a hearing?

The hearing is an opportunity for you to give evidence and present arguments to the Tribunal relating to the issues arising in relation to the decision under review. The Tribunal may also take evidence from other persons.

Hearings are conducted by the Tribunal Member allocated to your case. The Tribunal's procedures are relatively informal, the Minister for Immigration and Citizenship is not represented and the Member will guide the proceedings to suit the circumstances of the case. The Member will ask questions and will provide you with an opportunity to make a statement or present arguments.

Can I have someone assist me at the hearing?

You may have another person present at the hearing to assist you. This may be your representative, if you have appointed a representative, or your sponsor or a family member.

A person assisting you cannot in normal circumstances present oral arguments or formally address the Tribunal on your behalf. However, a person assisting you can give you advice and may be invited by the Tribunal Member to comment on specific matters.

If you consider that the Tribunal should allow a person to present oral arguments or formally address the Tribunal on your behalf, you should contact the Tribunal prior to the hearing or raise the matter with the Tribunal at the start of the hearing. The Tribunal can only allow a person to speak on your behalf if there are exceptional circumstances.

Can I ask the Tribunal to obtain evidence?

You may request that the Tribunal obtain oral or written evidence from other named persons or to obtain other written material. If you wish to make such a request, you should do so in writing. You may use the Response to Hearing Invitation form to nominate persons you wish the Tribunal to take oral evidence from. If any person is in immigration or criminal detention, you should notify the Tribunal immediately. You will need to arrange for any persons you nominate, who are not in immigration or criminal detention, to be available to give evidence.

While the Tribunal will consider any request you make, the Tribunal may decide not to obtain the evidence or documents. For example, the Tribunal may be satisfied on a particular point, or may not consider the evidence to be relevant to the case.

Can the Tribunal issue a summons?

The Tribunal has the power to formally summons a person to appear to give evidence or to produce documents. This power is generally only used in circumstances where a person may otherwise be unwilling or unable to attend the hearing or provide a document.

You can request the Tribunal to issue a summons. If you wish to make such a request, you must do so in writing. If the Tribunal decides to issue a summons at your request, you are liable to pay the costs.

Am I required to take an oath or make an affirmation?

The Tribunal generally requires that all persons giving oral evidence will take an oath or make an affirmation to tell the truth. If an interpreter is assisting at the hearing, the interpreter is required to take an oath or make an affirmation that he or she will interpret to the best of his or her skills and abilities.

How long does a hearing take?

The average length of a hearing is between one and two hours. Some hearings are shorter and some are much longer. The Tribunal Member may adjourn a hearing to allow for a break. You may ask for a short break if you need one at any time during the hearing.

Is the hearing open to the public?

Migration Review Tribunal hearings are generally open to the public. This means that family members or friends may observe the hearing, and there may be other persons present. Seating is limited and any person present must not interrupt or disturb the hearing.

If the Tribunal Member considers it is the public interest to do so, the Tribunal Member may decide to conduct part or all of the hearing in private. You may ask the Tribunal Member to consider holding the hearing in private either before or during the hearing.

Is the hearing recorded?

All hearings are audio recorded. You may ask the Tribunal for a copy of the recording at the end of the hearing.

Will an interpreter be provided at the hearing?

If requested, the Tribunal will arrange for an interpreter to be at the hearing. The interpreter will be a qualified interpreter from an interpreter service - it is Tribunal policy not to use family members, friends or representatives as an interpreter.

If you are not satisfied with the interpreting before or during the hearing, it is important that you tell the Tribunal Member or the hearing attendant as soon as possible.

What do I do when I arrive at the Tribunal?

After you arrive at the Tribunal office, you should report to the reception counter.

Prior to the hearing, a hearing attendant will approach you and introduce himself or herself. The hearing attendant will check with you as to who will be attending the hearing and whether you have any documents which you wish to give to the Tribunal. When everything is ready, the hearing attendant will take you, with the interpreter or any other persons involved in the hearing, into the hearing room, and provide an explanation of the procedures.

When the hearing is ready to commence, the audio recording will be started and the Tribunal Member will enter the room. The Tribunal Member will commence the hearing and administer an oath or affirmation to any person giving evidence, and to the interpreter.

If the hearing is by video link, you will be able to see and hear the Member on the video screen, and the interpreter will usually be in the same location as the Member. If you are having difficulty with hearing or seeing the Tribunal Member, or hearing the interpreter, you should inform the Member or the hearing attendant as soon as possible.

If the hearing is by telephone link, you will be contacted by the hearing attendant on the number you provided. The hearing attendant will explain the procedures. If at any time you have difficulty hearing the Tribunal Member, the interpreter or the hearing attendant, you should inform the Member or hearing attendant as soon as possible.

What do I call the Member?

The Member may be addressed by name (e.g.: 'Ms Smith') or referred to as 'Principal Member', 'Deputy Principal Member', 'Senior Member', 'Member' (as appropriate) or as 'the Tribunal'.

When will I get a decision?

As each case is different, it is difficult to say how long it will take for the Tribunal to make a decision in your case. In some cases, the Tribunal Member may announce the decision at the end of the hearing. However, in most cases a decision will not be made at the end of the hearing but will be given to you at a later date..

What if I want to make a comment or a complaint?

Our Service Charter sets out our standards of service and is available on the Tribunal website at www.mrt-rrt.gov.au. You can help us by telling us what you like about your dealings with us or where you think we can improve. If you wish to make a comment or compliment, you can tell the officer who is dealing with your case, call our national enquiry number 1300 361 969, or write to the Executive Officer at GPO Box 1333, Sydney NSW 2001.

Our Service Charter also sets out how to make complaints. If you are not satisfied with how we have dealt with a matter or with the standard of service you have received, and have not been able to resolve this by contacting the office or officer dealing with your case, you may forward a written complaint marked 'confidential' to the Complaints Officer at GPO Box 1333, Sydney NSW 2001.

Where can I find more information?

A wide range of information about the Tribunal's operations is available on the Tribunal website at www.mrt-rrt.gov.au.