

Attending an Interview with Asylum Seekers

What can you do?

It is illegal for people who are not registered migration agents to help a person or give a person advice about applying for a visa. This includes the asylum seeker's interview with the Department of Home Affairs (the 'Department').

However, people who are not registered migration agents can provide limited assistance to help asylum seekers at a Departmental interview. They can do this as a support person.

An agent can:

- Give the client migration advice, before and after the interview;
- Make oral submissions to the Department at the end of the interview;
- Make written submission to the Department after the interview on the client's behalf.

As a support person you can:

- Observe and take notes;
- Suggest a break if you see the applicant looks like they need one;
- Help the person collect any general country information that may help their case to provide to the Department after the interview.

What happens at the interview?

At the beginning of your interview the applicant will be asked to make an oath or affirmation. This is an important promise to tell the truth.

The applicant will have to repeat the words of the promise in their own language, and it is important

that they look the officer in the eye, not at their representative, at you as the support person or the interpreter. It is a special promise that the person will tell the officer the truth.

The applicant will be shown the definition of a refugee. The applicant will be asked if they have any questions about the definition. It is important that the applicant understands this definition as they may be expected to explain how they meet the definition.

To prepare for your interview, the applicant may want to write down how a lawyer or registered migration agent believes they meet this definition. The applicant should remind themselves of this information before the interview starts.

If the applicant doesn't understand the interpreter, they should say so right after the introductory comments by the officer. If the applicant says they did not understand at the end of the interview it will generally be too late to do much about it.

The applicant should ask for a break if they need one. They can ask for a 5 minute break at any time to go to the toilet, get some fresh air outside, or just collect their thoughts.

Listen carefully to the questions asked. The applicant should not start to answer the question until they are sure that they have understood the question.

If they don't understand, they should just say so or ask for it to be said again a different way.

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The applicant should try to answer each question asked directly without diverting to any side issues or unrelated topics.

The applicant should only answer what they have been asked to. They will have time at the end to raise anything else they think may have been forgotten. If the applicant feels they need to explain their answer, then they should ask the officer if they can do so.

The applicant should answer each question to the best of their ability. If they don't know the exact date of an event, they should give as much detail as they can.

Don't rush. The officer can always set another second hearing on a different day if they don't get to everything. It's more important to make sure the answers the applicant is giving are correct.

If the applicant needs time to think about their answer, then they should say that they need more time.

The applicant should try to answer questions completely without leaving anything out.

The applicant should not exaggerate. Be honest and don't exaggerate the circumstances. **They should not be afraid to say that they don't know the answer to a question. If they can't remember, they should say so.**

The applicant or yourself should not get angry. The officer has to put questions to the applicant that they may not themselves agree with – to test out what the applicant has said to decide if they believe it. The

officer has a job to do, so try not to react if you disagree with what is being put to the applicant. If the applicant doesn't agree with the question, it's okay to say so, and if possible, for them to give their reasons about this clearly and calmly.

Useful Contacts

Legal Aid ACT

9.00am-4.00pm Monday-Friday

www.legalaidact.org.au

Phone: **1300 654 314**

Migration Agents Registration Authority (MARA)

www.mara.gov.au

Migration Clinic – Legal Aid ACT

www.legalaidact.org.au

Phone: **1300 654 314**

Email: migration@legalaidact.org.au

This factsheet was originally developed by the Refugee Advice & Casework Service Sydney (RACS) (www.racs.org.au).

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