

Attending an Interview with the Department

What can you do?

It is illegal for people who are not lawyers or registered migration agents to provide advice about applying for a visa, including advice about a protection visa applicant's interview with the Department of Home Affairs (the 'Department').

A support person can attend an interview with the Department's permission to provide limited physical or emotional support, however they will not be able to speak on your behalf.

A lawyer or registered migration 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 before and 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 during 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, any support person or the interpreter.

The applicant will be given 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 does not 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 rectify.

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 do not understand, they should just say so or ask for it to be said again a different way. You should not attempt to answer a question you do not understand.

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

Attending an Interview with the Department

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 do not know the exact date of an event, they should give as much detail as they can.

Do not rush. The officer can always set another second hearing on a different day if they do not 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 do not exaggerate the circumstances. **They should not be afraid to say that they do not know the answer to a question. If they cannot remember, they should say so.**

The applicant should not get angry. The officer must 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 does not agree with the question, it is okay to say so, and if possible, for them to give their reasons about this clearly and calmly.

Useful Contacts

Legal Aid ACT

Monday to Thursday: 8:30am to 7:00pm

Friday: 8:30am to 5:00pm

www.legalaidact.org.au

Phone: **1300 654 314**

Legal Aid ACT

Migration Team

Monday to Friday: 8:30am to 5:00pm

migration@legalaidact.org.au

Phone: **02 6243 3411**

If you require assistance at your interview, please contact our office.

This factsheet is a guide only and is not legal advice. While due care has been taken to ensure the accuracy of the material contained in this factsheet, Legal Aid ACT cannot take responsibility for any errors or omissions.