

Fact Sheet: Attending DIBP interviews with asylum seekers

This factsheet is designed to provide information to people wanting to attend interviews held between the Department of Immigration and asylum seekers.

What if I'm not a migration agent?

It is illegal for people who are not registered migration agents to assist a person or give a person advice about applying for a visa – including in the course of attending an asylum seeker's interview with the Department of Immigration.

However, people who are not registered migration agents can provide limited assistance to help asylum seekers at a Departmental interview.

As an agent you can:

- Give the client migration advice about their case before and after the interview;
- Make oral submissions to the Department at the end of the interview;
- Make written submissions 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 which may help their case to provide to the Department after the interview.

What happens at an asylum seeker's interview with the Department?

At the beginning of your interview the applicant will be asked to make an oath or take an affirmation. This is an important promise to tell the truth. The person will have to repeat the words of the promise in your own language, and it is important that you look the officer in the eye, not at their representative, support person or the interpreter, as it is a special promise that what you are about to tell that officer will be the truth.

The applicant will be shown the definition of a refugee and ask if you have any questions about it. You need to understand this definition, as you may be expected to explain how you meet this definition. To prepare for your interview, you may want to write down how a lawyer believes you meet this definition and remind yourself about this before the interview starts.

If you don't understand the interpreter, the time to say so, is right after you have listened to the introductory comments of the officer. At the end of your interview – it will generally be too late to do much about it.

Ask for a break if you need one. You can ask for a 5 minute break at any time that you need one to go to the toilet, get some fresh air outside, or just collect your thoughts.

Try to answer each question you're asked directly, without diverting to any side issues or unrelated topics.

Only answer what you've been asked. You can have time at the end to raise anything else you think may have been forgotten. If you feel you need to explain your answer, then ask if you can do so.

Answer each question to the best of your ability. If you don't know the exact date of an event, give as much detail as you can – for example between which years an event would have been based on where you were living at the time.

Listen carefully to the question you are asked, and don't start answering until you're sure you understand that question. If you don't understand, just say so, or ask for it to be said again a different way.

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 you are giving are correct. If you need time to think about your answer, then say that you need more time.

Try to answer questions completely, without leaving anything out.

Don't exaggerate. Be honest and don't exaggerate your circumstances. Don't be afraid to say that you don't know the answer to a question. If you can't remember, say that you don't remember.

Don't get angry. The officer has to put questions to you that they may not themselves agree with – to play 'devil's advocate' and test out what you say to decide if they believe you. The officers have a job to do, so try not to react if you disagree with what is being put to you. If you don't agree, it's okay to say so, and if possible give your reasons about this clearly and calmly.

What sorts of things would a person be expected to respond to at their interview?

Common adverse issues which an asylum seeker would be expected to respond to would include:

- inconsistencies;
- omissions;
- adverse country information;
- doubts about a person's fears;
- doubts about the genuineness of a person's documents;
- delay in making an application for a protection visa and whether the person has provided a plausible explanation for this delay.

Does the asylum seeker have to answer every question?

The Departmental officer will need to assess whether:

- the person has made a genuine effort to substantiate their claims or establish they are a person to whom Australia has protection obligations;
- all documentary evidence available to the asylum seeker has been submitted, or a satisfactory explanation for the absence of any relevant supporting material has been provided and
- the information and supporting material submitted by the asylum seeker have been considered in light of relevant country information and independent expert advice and
- the asylum seeker's statements are found to be generally coherent and plausible and are not contrary to available country information or other known facts relevant to the asylum seeker's case and
- the asylum seeker has provided a satisfactory explanation for any other concerns raised by the decision maker (such as delay in seeking asylum) and
- there is no objective evidence to discount the claims and no reasonable prospect of obtaining further information that might discount the claims.

So generally it is in a person's interest to answer each question they are asked openly and fully.

How long does a person have to provide written submissions after their interview?

For more information

If you are a lawyer, registered migration agent or interpreter, and you are interested in volunteering with us, please email admin@racs.org.au.

If you would like to know more about RACS and the work we do for people seeking asylum, you could consider becoming a [friend of RACS](#). If you would like RACS to provide training to your advocacy group, please email admin@racs.org.au. Due to our limited funding and resources, we generally charge a small fee for running training sessions.

For more information, please contact RACS during our telephone advice times – Tuesdays from 10.00am to 11.30 on (02) 8355 7227.

Please note: This factsheet contains general information only. It does not constitute legal or immigration advice. RACS is independent of the Department of Immigration. This factsheet was prepared in March 2016.