



Administrative Appeals Tribunal

Migration & Refugee Division

Information for persons who are summonsed to give oral evidence or produce documents or things under the *Migration Act 1958* - MR Division

What is a summons?

A summons is a legal notice requiring a person within Australia to appear and give evidence or to produce documents or things to us. A summons may be issued following a request by an applicant or at our own initiative.

Fees and expenses

Persons, other than applicants, who are summoned to appear before us to give evidence are entitled to be paid expenses for loss of wages, salary or fees for attending hearings. They are also entitled to be paid a reasonable allowance for expenses including transport costs.

If your attendance at a hearing was requested by the applicant, such costs will be payable by the applicant. Otherwise, we will pay the costs.

If you want to claim reasonable expenses for travel and/or reimbursement for loss of wages, salary or fees arising from your appearance before us, you should send an estimate of costs and any supporting documentation to the contact person given on the letter accompanying this information sheet. We will then determine the amount of payment you are entitled to receive either from us or the applicant as provided in the Administrative Appeals Tribunal Regulations 2015.

Fees and costs are only payable for appearing before us. No fees are payable where you have only been summoned to produce documents or things.

What happens if I cannot attend at the scheduled time or produce the requested documents or things?

If you have been summoned to attend a hearing or to produce documents or things, and you are unable to comply with the summons, you should immediately get in touch with the contact person on the letter accompanying this information sheet.

Failure to comply with a summons, unless complying with the summons might tend to incriminate the person, is an offence under the *Migration Act 1958* and may result in a penalty of imprisonment for 12 months or 60 penalty units, or both.