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## Unfair hike to FCC migration fees

The Law Council of Australia is calling on the Federal Government to reconsider the enormous increase to the Federal Circuit Court fees for migration cases.

Law Council President, Pauline Wright, said the jump from \$690 to \$3,330 will pose a severe threat to access to justice for migrants.

“The Law Council considers it unconscionable for the government to be imposing such an exorbitant rise in the cost of migration applications to the Court,” Ms Wright said.

“This fee rise is objectionable particularly when many refugee applicants and temporary visa holders receive no government support and, in some cases, have no access to work rights during the appeal process.”

“Increasing fees is not the way to deal with the backlog of cases before the Court.

“Instead these increases will likely result in a significant upsurge in unrepresented applicants as people will be even less able to afford access to legal assistance after paying the application fee,” Ms Wright said.

The Law Council also considers the \$1,826 Administrative Appeals Tribunal (AAT) application fee charged by the Migration & Refugee Division for a hearing, to be unjustifiably high, compared with other divisions of the AAT, which are mostly set at \$952 or as some cases, have no fee at all.

“The increase in fees will rub salt in the wounds of migration litigants, whose cases probably won’t be heard until 3-4 years after they file their applications, due to a lack of judges to hear cases in the Federal Circuit Court,” Ms Wright said.

“Delays will be caused as migrants will have to find the money to go to Court, meaning deadlines may be missed. This will increase the number of extension of time applications before the already overburdened Courts, and will have negative consequences for applicants’ bridging visas, including loss of work rights. The ultimate result is likely to be the court being deluged with applications for fee waivers based on financial hardship grounds.”

“What we need to see is more judges appointed to the Federal Circuit Court, and more judges appointed who have knowledge of migration law.

“The rule of law and human rights of all people are core tenets of our modern democracy and having access to justice is an important part of protecting those rights,” Ms Wright said, adding that “Justice is not a commodity and our justice system should not be reduced to a user pays model”.

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