

Preparation for Hearing at the Court

Review of the decision of the Migration Office by the court

If you were not granted asylum or subsidiary protection, you can bring the lawsuit to the Regional Court in Bratislava or Košice. If you request for court hearing, the court shall determine the date of oral hearing of your lawsuit. If you want to be present at the court or if you want to be heard directly by the judge, the court will summon you to come to the judicial hearing. The court will determine the interpreter who will be present at the hearing in order to enable your communication with the judge.

The proceedings before the Regional Court last for approximately five months. If the Regional Court upholds the decision of the Migration Office, you can bring your case to the Supreme Court of the Slovak Republic. It is quite usual that asylum seekers are waiting for a final decision on their asylum application for several months, sometimes for more than one year.

If any court decides to overturn the decision of the Migration Office, you might have to attend one more interview with your decision maker at the Migration Office enabling you to explain again the reasons for your asylum application.

The seating arrangements in the courtroom

(Judicial Assistant (making notes from the hearing))

Judge

Lawyer

Lawyer of the Migration Office

Asylum seeker (Plaintiff)

Interpreter

Public

At the hearing

- All participants at the hearing are waiting in front of the courtroom until the judicial assistant requests them to enter.
- The judge sits in the middle; you will sit on the right side of the judge and the lawyer of the Migration Office opposite to you, on the left side of the judge. Your lawyer sits on your left side and the interpreter on your right side. If the public is present, they sit at the bench opposite to the judge. If you proposed to hear witnesses, the judge shall invite them inside the courtroom, if necessary.
- The judge shall verify the identity of lawyers and interpreter by means of their IDs and shall also require to verify your asylum seeker's ID.
- The judge will notify that nobody is entitled to speak without his/her consent, and that the one who is speaking to the judge is obliged to stand up.
- The judge shall open the hearing and ask you if you understand your interpreter. If you do not understand the interpreter during the hearing, do not hesitate to notify the judge.

- The judge shall communicate each pronounced sentence to the Judicial Assistant who keeps the records of the hearing. You have the opportunity to ask the judge at the end of the hearing to hand you over one copy of the written record from the hearing.
- At the beginning, the judge will enumerate all the documents contained in your case file.
- The judge will ask you or your lawyer to briefly state/indicate what the reasons of your lawsuit are and what result you wish to achieve.
- The judge may conduct cross-examination, if he/she considers it necessary to clear out irregularities in your case: he/she may ask you for more details concerning your country of origin, about your situation, your decision to escape, your family, your financial state and your journey, reasons why you have not moved to another part of your country or to the neighbouring state or another country outside of Europe, and what evidence you have which could prove your identity and your story.
- The judge may ask you to spell out your name, date and place of birth or other important information concerning your case. You may be asked you to put it down in writing in order to avoid the risk of error.
- After hearing you and your lawyer, the judge shall pass a word to the lawyer of the Migration Office who presents reasons for not granting asylum or subsidiary protection or refusing your asylum application.
- It is important that you listen carefully to the judge when he/she repeats to the judicial assistant what everyone said for purpose of recording the course of the hearing, if you or your lawyer wanted to amend something (especially regarding your answers to the judge's questions which are summarised by the judge in own words for purpose of recording the notes from the hearing).
- Before the judge declares that the hearing is over, he/she asks if you wanted to add something (usually you will be asked what you think would happen if you were returned home).
- Finally, the judge announces that the hearing is over and asks everyone to leave the room until the decision is taken.
- All participants at the hearing are waiting in the vestibule for about 5-20 minutes until they are called back to the courtroom to hear the verdict. While the judge is reading the text of the judgement, everyone is standing. When the judge explains the reasoning of his/her decision, everyone can sit down.
- The judge shall announce his/her decision, briefly state his/her reasons and announce that the more detailed reasoning will be contained in the written form of the decision, which will be later sent to you or to your legal representative.
- After the end of the hearing, you are not expected to ask for a word or to react in any manner.

Your rights

- You can bring any documents as well as important evidence that you can submit and hand over to the judge at the hearing. It would be suitable if the documents you brought have already been translated to Slovak language and, if possible, have been submitted to the court before the date of the hearing.

- You are allowed to make notes during the hearing.
- You have a right to an interpreter in your native language or, if there is no such interpreter available, in the language which you can understand. The court will send you a letter telling you the name of the interpreter and the language in which interpretation will be ensured. If you disagreed with the content of the letter, you can do so in writing within three days from its delivery.
- The costs of interpretation are usually covered by the court. If you raised objection against the interpreter appointed by the court and the court did not consider your objection legitimate, you have the right to choose your own interpreter. In such case, however, you have to cover the costs of interpretation by yourself.
- You have the right for simultaneous interpretation, as long as it does not disturb the judge. In most cases, the interpreter will provide you only with a brief and summarized translation. Remember, if you will listen closely the Migration office lawyer's objections, you will better understand his/her reasons.
- When the judge asks you if you want to add anything, you can clarify and explain the most important points and discrepancies that has not been covered by the lawyer of the Migration Office presented in your case.
- In the Slovak Republic, it is considered inappropriate to stare at older people or to those with a higher position. However, you should not forget that when you are talking, you should look at the judge and not at the interpreter. If necessary, you can ask the interpreter to sit on your left side.
- You have the right to explain any inconsistencies caused by whatever reason. If you submit important information, you should try to explain it in detail, especially if it inconsistent with information collected previously.
- If you win at the court, you have the right to ask for reimbursement of legal costs (court costs shall be paid by yourself).

What are your obligations and what is expected of you

- Your statements should be comprehensive, detailed, substantiated and non-contradictory, but at the same time, they should be concise and comprehensible. Individual events should be arranged in a logical and correct time sequence. Please, speak up and formulate your statements clearly so you are heard well. Do not speak fast, do not exaggerate. If you use slang or dialect, explain them.
- By means of your non-verbal expressions, attitudes, gestures, eyesight and tone of the voice, you express your attitude to the hearing at the court.
- If you are uncertain about the result of the court's hearing, you should not give up. Focus on your statements because the judge will make the final decision only after you have presented your words.
- Do not try to meet the expectations of other people, because everyone has different goals.
- Listen carefully to all asked questions.

- Questions may be closed or open. Unlike open questions (Can you tell us what did they do?), closed questions can only be answered “yes” or “no” (Did they persecute you?) or do not require detailed answers (Why/when have you been persecuted?). If the judge asks you closed questions, you can reply to them along with explaining the context of your answer. Generalizations are not very useful.
- In order to avoid misunderstandings, please, observe the differences of the environment and culture in Slovakia and explain your own cultural background.
- Remember that nothing is obvious.
- Do not assume that everything you said is obvious: there are always several explanations of the same “facts”. You can be helpful in explaining the cultural misunderstandings or the inappropriate simplifications you have noticed (eg. essential differences in the description of family relationships, in naming of the body parts and types of diseases, in the scripture and calendar, in recording of the geographical addresses, in social rules, in politics sometimes there are terms in your language/culture to which there are no corresponding terms in Slovak language).
- In order to be properly understood, explain your reasons through examples including specific cultural context.

Tips before the court hearing

- Prepare yourself mentally for the court hearing.
- You can get rid of the most of your stress if you express your fears and expectations clearly. Write them down for yourself. Breathing and physical exercises can also positively influence your performance, they can relax your body and mind and help you to get rid of your fear and tension.
- Be aware of your rights and obligations. Summarise your statements.
- Imagine that your speech is fluent and articulate.
- Try to imagine what you would be interested in if you were the judge.
- Do not be afraid that the judge's mood may influence his/her decision - the best you can do is to present your case convincingly.
- Show recognition and respect to judicial professionalism.
- By respecting yourself, you will inspire respect of yourself in others. It will also appear in your erect posture.
- Always do the best you can. Independently from results at any stage of the proceedings, you will not waste your time if you are already actively preparing for the next steps, however unexpected they may seem.

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