



**RAILS**

Refugee and Immigration  
Legal Service

# **2017–2018 ANNUAL REPORT**

Refugee and Immigration Legal Service

# INTRODUCTION

The Refugee and Immigration Legal Service (RAILS) is the only specialist not-for-profit community legal centre providing free immigration law advice and community legal education to migrants, refugees and asylum seekers in Queensland. RAILS began as the Brisbane Migrant Resource Centre in 1980 and is the second oldest community legal centre in Queensland.

RAILS is part of the National Association of Community Legal Centres and obtains core funding from State and Commonwealth governments under the National Partnership Agreement.

RAILS is a service based on the belief that access to appropriate legal assistance and equity in legal representation is a basic right of all people regardless of disadvantage. We strive for access to justice especially for migrants, refugees, asylum seekers, and people from marginalised sections of society.

We acknowledge the traditional owners of country throughout Australia, particularly the Turrbal and Jaggera peoples on whose land RAILS is situated, and their continuing connection to land, waterways and community. We pay our respects to them and their cultures and to Elders past, present, and emerging.



RAILS

Refugee and Immigration  
Legal Service

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# PRESIDENT'S REPORT

*Mr Robin Lonergan served as President until September 2018. I am writing this in my role of acting President, and I would like to extend our thanks to Robin for his time serving as President of the RAILS Committee of Management since 2015 and as a member since 2012.*

## Our work throughout 2017–2018

Over the past year RAILS has seen a high demand for its services. RAILS continued to provide advice and represent vulnerable clients who have experienced extreme hardship. RAILS undertakes work in a number of areas including refugee status resolution, refugee family reunification, and domestic and family violence.

This year, our staff provided over 2713 legal advices on a range of refugee and immigration issues. Our staff also worked on over 500 representation services, representing people at their initial Department of Immigration interviews and at their appeals to the Administrative Appeals Tribunal (AAT) Migration Division.

## Sources of our funding including donations

Over the past year, funding for our vital services has remained uncertain. This uncertainty adds challenges for RAILS in planning for the future. However, we have maintained a stable and productive work place, focusing on our core work of legal service delivery. I would like to thank the State and Commonwealth Governments, the Department of Social Security, the Department of Home Affairs (Immigration and Citizenship Services Group), Legal Aid Queensland, and the Queensland Department of Justice and Attorney-General for the funding support we have

received from them. I would also like to thank our other community and individual donors who have generously supported RAILS this year, particularly the Presentation Sisters for significant contributions to our Unrepresented Asylum Seeker project.

Despite the uncertainty regarding our funding, we have been able to continue many of our programs, such as our Evening Advice Sessions and our outreach services in Logan, Toowoomba, Townsville, and Cairns.

I would like to thank the tireless work of the barristers including Matt Black, Mark Steele, Nitra Kidson, Stephen Keim SC, and Arron Hartnett who have advocated for our clients on a pro bono basis, the volunteer EAS lawyers and migration agents, day volunteer students and our CPD guest speakers. We also appreciate the pro bono assistance received from Allens, David Prince of Kinslor Prince Lawyers, Minter Ellison, and Norton Rose Fulbright.

## Staff

RAILS has continued to produce work and provide services to a high standard. This reflects the dedication and professionalism of our staff. Over the past year we have welcomed some new staff and said goodbye to others. In particular, I would like to thank Bruce Wells for his long tenure at RAILS including the past three years as Principal Solicitor, and ten years of service to RAILS in total. I also wish to thank Karina Fonseca for her hard work over the past seven years, Taya Hunt for her work over the past five years and Jeannette Aldunate over the past three years. We are pleased that Rachael Molnar is now admitted and has returned to work with us as a caseworker.

I would like to thank Greg Mackay, the Director of our service, for his hard work this year and for utilising his wealth of experience in the not-for-profit social justice sector to implement new policies and improvements at RAILS.

I thank my fellow committee members for their enthusiasm and dedication.

## 2017-2018 SNAPSHOT



**26  
PEOPLE**



**TRAINED 8  
PRACTICAL  
LEGAL  
TRAINEES**



**WORKED ACROSS 6  
OUTREACH  
LOCATIONS**

**148  
VOLUNTEERS**



**PROVIDED 634  
INFORMATIONS**



**WORKED 521  
CASES**



**GAVE 13 CPD  
SESSIONS**



**PROVIDED  
2713  
ADVICES**

## OUR VISION

Making justice accessible  
to a diverse community.

## OUR MISSION

Provide a holistic and  
sustainable legal service for  
vulnerable asylum seekers,  
refugees and migrants through  
legal assistance, education  
and advocacy.

## OUR VALUES

- Access to justice
- Client-centred
- Ethical practice
  - Diversity
- Independence

## OUR GOALS

Provide a community based legal service that meets the  
needs of asylum seekers, refugees and migrants.

Improve the capacity of the community to promote and  
deliver greater access to justice for asylum seekers,  
refugees and migrants.

Promote a humanitarian approach in the formulation and  
administration of law, policy and procedures as they affect  
asylum seekers, refugees and migrants.

Provide an innovative, quality and cost  
effective legal service.

# MANAGEMENT COMMITTEE PROFILES

## **Robin Lonergan BA, LLB, LLM**

### *President*

Robin is Special Counsel, Corporate Advisory, with Mills Oakley, and has more than 30 years' experience advising on all aspects of contract and corporate law. He was elected as the Chair of the RAILS Committee in November 2014.

Robin has a long association with RAILS, having commenced as a volunteer at RAILS, then South Brisbane Immigration and Community Legal Service, in the 1980s. He was a member of the Management Committee for more than 10 years before resigning in 2000, and then re-joining the Committee in 2012.

Robin is also on the Management Committee of several other not for profit organisations, including the Queensland Program of Assistance to Survivors of Torture and Trauma (QPASTT). Robin was selected for inclusion in the 2016 and 2017 editions of Best Lawyers Australia for Commercial Law and Corporate Law.

## **Kathleen Dare BA, LLB, LLM**

### *Secretary*

Kathleen was admitted to practice as a solicitor in 1990 and has worked in private practice, at the Tenants Union, RAILS, and Queensland Advocacy Inc.

She is a past member of the Guardianship and Administration Tribunal and Mental Health Review Tribunal and has taught in the Justice Studies School within the Queensland University of Technology Law Faculty and at the College of Law.

Kathleen's first involvement with RAILS was as a volunteer solicitor in 1992 and later, she was employed with RAILS as a solicitor and Acting Director. Kathleen is a past President of the Committee and was elected as Secretary in 2014. Kathleen currently runs her own legal practice.

## **Belinda Taylor Bsc, AssocDip Bus Acctg**

### *Treasurer*

Belinda joined the Management Committee in 2014 and was appointed as Treasurer in November 2014. Belinda currently works as Finance Manager with Kambu Aboriginal and Torres Strait Islander Corporation for Health.

Belinda has over 25 years' experience in Business Services and Auditing and has held senior roles in several large multinational companies in Sydney and Brisbane.

Belinda has a Bachelor of Science from Sydney University, an Associate Diploma in Business Accounting, and is a member of the National Institute of Accountants.

## **Peter Billings LLB (Hons), PhD**

### *Member*

Peter is an Associate Professor at the TC Beirne School of Law, the University of Queensland, and is a Fellow of the Centre for Public, International and Comparative Law. His research interests are in the areas of public law, administrative law, immigration and refugee law, social welfare law, and the law relating to Indigenous Australians.

He has been published widely in leading law journals in Australia, UK, USA and in several edited collections. His academic work has been cited in both the High Court of Australia and the Supreme Court of Queensland.

Peter teaches at both undergraduate and postgraduate levels in Administrative Law, Immigration and Refugee Law and Advocacy.

# MANAGEMENT COMMITTEE PROFILES

## **Russell Hinchy B Com, LLB (Hons), LLM**

### *Member*

Russell is a lecturer at the TC Beirne School of Law, the University of Queensland, and currently teaches in the areas of foundations of law and torts. Prior to being admitted to practice as a barrister in 1993, Russell worked in various areas of public sector research, finance and law within the Queensland Government.

Since 1994, Russell has taught in a variety of areas including foundations of law, contract, torts, trade practices and company law.

Russell has held a Bar Association of Queensland Practising Certificate and is currently a Practitioner of the Supreme Court of Queensland.

## **Nitra Kidson BA, LLB (Hons)**

### *Member*

Nitra is a barrister in private practice and specialises in public law, particularly administrative law and native title.

Nitra first joined RAILS, then known as the South Brisbane Immigration and Community Legal Service as a solicitor/caseworker in 1995.

Nitra advocated on behalf of clients and represented the organisation on the Board of the Refugee Council and at many other forums.

## **Margaret O'Donnell**

### *Member*

Margaret holds numerous appointments including Executive Coach for McCarthy Mentoring. Marg is new to RAILS' Management Committee, having joined part way through the 2017-18 year.

Marg has held various government positions including Director-General for Arts Queensland, the Director-General of Equity and Fair Trading, the Director-General for Aboriginal and Torres Strait Islander Policy and Development, the Legal Ombudsman of Victoria and the Director of the Queensland Office for the Federal Office for the Status of Women.

She is a member of a number of other boards, including SANE Australia and Breast Cancer Trials (Formerly known as the Breast Cancer Institute of Australia and the Australia and New Zealand Breast Cancer Trials Group). She previously served as the Chair of Legal Aid Queensland and the Chair of Australia Festival of Chamber of Music.

## **Hiwa Zandi BA, LLB**

### *Member*

Hiwa is a practicing lawyer specialising in commercial litigation and migration matters. Hiwa has previously worked for the International Organisation for Migration in a consultancy position to coordinate the asylum seeker Voluntary Return Program in Manus and Nauru.

Hiwa's association with RAILS goes back more than 10 years, when he initially worked as a voluntary legal clerk between 2004 and 2006.



# ACKNOWLEDGEMENTS

## **National Partnerships Agreement Funding – combined State & Commonwealth funding forming the financial core of Community Legal Centres**

Through this funding RAILS is able to provide generalist immigration advice and legal representation at the Department of Home Affairs (Immigration and Citizenship Services Group), the Administrative Appeals Tribunal (AAT), and the Federal Courts. Our clients have often experienced family violence, are at risk of homelessness, and fear returning to their country of origin.

## **Commonwealth Department of Social Security – Settlement Grants Program – Refugee Family Reunion**

Through funding from the Department of Social Services, our Refugee Family Reunion (RFR) program assists recently arrived refugees to reunite with close family members who are currently overseas.

## **Commonwealth Department of Home Affairs (Immigration and Citizenship Services Group) – IAAAS – legal services funding to assist people who have arrived in Australia with a visa to apply for protection**

The Department of Home Affairs funded Immigration Advice and Application Assistance Scheme (IAAAS) allowed RAILS to assist people who have arrived in Australia with a visa to apply for protection visas. This funding ended this year.

## **Legal Aid Queensland**

This funding allows RAILS to provide legal assistance to applicants for permanent residency whose applications have been affected by their experience of domestic violence

## **Commonwealth Department of Home Affairs (Immigration and Citizenship Services Group) – funds under PAIS (Primary Assistance & Information Scheme) to assist highly vulnerable asylum seekers make application for protection**

RAILS received this funding to assist exceptionally vulnerable people in the 'legacy caseload' of asylum seekers who travelled to Australia by boat to prepare applications for protection visas. The Department identified this client group as having certain impairments affecting their ability to engage with the visa application process without assistance.

## **Unrepresented Asylum Seeker Program – many individuals as well as organisations undertaking fund-raising efforts so that individuals without government funded legal support can be assisted in applying for protection**

In 2017-2018, RAILS continued to provide application assistance through our unrepresented asylum seekers (UAS) program. In collaboration with our sister services throughout Australia, the UAS assists the 32,000 'legacy caseload' of asylum seekers who travelled to Australia by boat who are unable to access government-funded legal assistance. The UAS has been operating for more than four years, entirely funded by community donations and RAILS.

# TREASURER'S REPORT

RAILS has achieved another balanced financial year for the 2018 financial year despite continued funding uncertainty. It has met budgeted milestones in the majority of its service areas and continues to provide quality legal services.

RAILS has ended the year with a deficit of \$6184 for 2018, decreasing net assets by \$6184. Despite this decrease in net assets, the organisation is in a sound financial position to face any future funding challenges for the 2019 financial year. The organisation now has a very strong current ratio of 3.1 which gives an indication of how well RAILS is placed to pay debts as they fall due.

Much of the financial soundness is due to the generous donations of individuals and organisations. Such donations have been made to support our Unrepresented Asylum Seeker program which RAILS continues to support using our reserves.

Praise must be given to the RAILS Finance Officer Mei Wang who has produced both accurate and timely end of month reporting which has greatly assisted the Management Committee in decision making.

RAILS will go into the 2018 financial year with a very strong cash position which will assist the organisation to meet the budgeted expectations for 2019.

## Income Sources



■ NPA (State-C'ltth) (43%) ■ RFR (Dept Soc Sec) (28.10%) ■ IAAAS (Dept Immigration) (7.70%)  
■ UAS (Unrep. Asylum Seekers) (10.80%) ■ LAQ DV (2.80%) ■ UNI clinics (3.20%)  
■ Donations & Bequests (4.40%)

## Expenditure



■ NPA (41.86%) ■ RFR (27.27%) ■ DIBP (7.99%) ■ PAIS (3.10%) ■ UAS (9.59%)  
■ LAQ DV (2.80%) ■ UNI clinics (3.10%) ■ Donations (4.30%)

# DIRECTOR'S REPORT

I would like to acknowledge the integral role we play in the lives of many people. Most of our clients have experienced displacement from their countries, communities, and families; they are often traumatised and resource poor. Our work is urgent or at least time sensitive; it ensures people are better able to find a pathway to legal assistance and protection. Our role in this regard has never been more critical.

Over the past year, RAILS has continued to provide specialist immigration legal services to people who are experiencing disadvantage and disconnection. This is a much-needed service to many asylum seekers, refugees, and migrants at times of uncertainty and rapid changes in the legal, policy, and funding landscape. Our delivery of services has not only been to a high standard but we have delivered services in culturally and individually appropriate ways. As we aim to support our vibrant and diverse community each year, this annual report highlights the very important services and programs that RAILS provides.

## Tumultuous Year

The Immigration Advice and Assistance Scheme (IAAAS) provided funding to RAILS to deliver legal assistance to those who have arrived in Australia on a valid visa to apply for a protection visa. A change in tender arrangements in early 2016 meant we were unable to apply for this funding. Settlement Services International, who won the tender, then invited RAILS and interstate colleagues to act as sub-contractors. Over the period of February 2017 to August 2018, SSI and the group of sub-contractors worked diligently to find a way for the department's requirements to be met without compromising clients. Unfortunately, we were not able to come to a shared position. After 24 years of receiving this funding, RAILS has had to withdraw. However, we are still able to offer some assistance through our general funding.

Our Primary Application Information Service (PAIS), which is aimed at assisting particularly vulnerable asylum seekers to prepare applications for protection visas, continued to be extremely hectic. Given the particular needs for assistance that all members of this client group have, along with the pressing timelines set by the Department, this work has been (and continues to be as we are providing follow-up)

quite demanding. Fortunately, the caseworkers working in the program have worked unrelentingly to meet the schedule of applications and interviews. This program, aimed at a particular cohort of people, is now finished. Our self-funded UAS program provides follow up assistance to clients.

The Unrepresented Asylum Seeker program (UAS) has, for over four years, been assisting people make their statements of claims to accompany applications for Protection Visas. We ensured that asylum seekers in this client group were able to lodge a valid visa application by the Department's deadline of 1 October 2017. We are now seeing applicants being invited

## WHO ARE OUR CLIENTS?

55.9%  
16.7%

Are financially disadvantaged

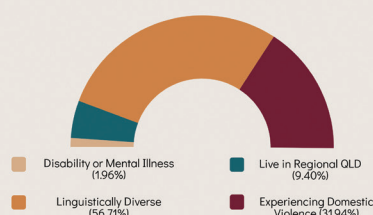
Have no income

## CLIENT AGE GROUPS



0-17 18-24 25-34 35-49 50-64 65+

## VULNERABILITY FACTORS



# DIRECTOR'S REPORT

to interview at Departmental level. We anticipate that the bulk of interviews with the department will occur in the 2018-19 year and of course that will lead to IAA reviews and a small number of people who will wish to take their matter to Judicial Review. In addition, UAS receives referrals from what was our PAIS program to provide follow up assistance to visa applicants. UAS is also anticipating assisting people in the 2018-19 year reapply for Temporary Protection Visas and Safe Haven Enterprise Visas.

### Community Relationships

RAILS recognises and appreciates the value of collegial relationships with various organisations. To this extent, we continue to have close relationships with a host of organisations including Red Cross, Access Community Services, MDA Ltd, QPASTT, Immigrant Womens' Support Service, LawRight, Caxton Legal Centre, Centacare, Townsville Multicultural Support Group, Indooroopilly Uniting Church, BRASS, Asylum Circle, Salvos Humanitarian Legal, Communify, and many others.

### Staff Changes

This year saw several changes in staffing. After ten years at RAILS including three years as Principal Solicitor, Bruce Wells left to start his own practice. Karina Fonseca had graduated from Town Planning in late 2016 and fortunately, for her, she won a Town Planner position with Brisbane City Council, leaving RAILS after seven years. Taya Hunt, Caseworker, left to work at the Administrative Appeals Tribunal having been at RAILS for five years. We invited Tim Madigan and Noel Reeves to share the Principal Solicitor role until Kylie McGrath takes up the role in early 2019. RAILS staff have worked professionally and flexibly as we adjusted to the new scenario. The situation has been further challenging given the uncertainty of funding and of constant changes in policy and practice at the Department of Home Affairs level.

### Thanks to staff and volunteers

In each year's annual report, you will see that the President, the Director, and the Principal Solicitor all thank staff and volunteers – this reflects our appreciation of the significant efforts made by many paid and unpaid people to the work of RAILS.

RAILS is truly fortunate to have a committee of management comprised of people with knowledge of the field and related areas and with strong commitment to the organisation and its purpose. The committee serves to protect and promote RAILS' purpose and direction.

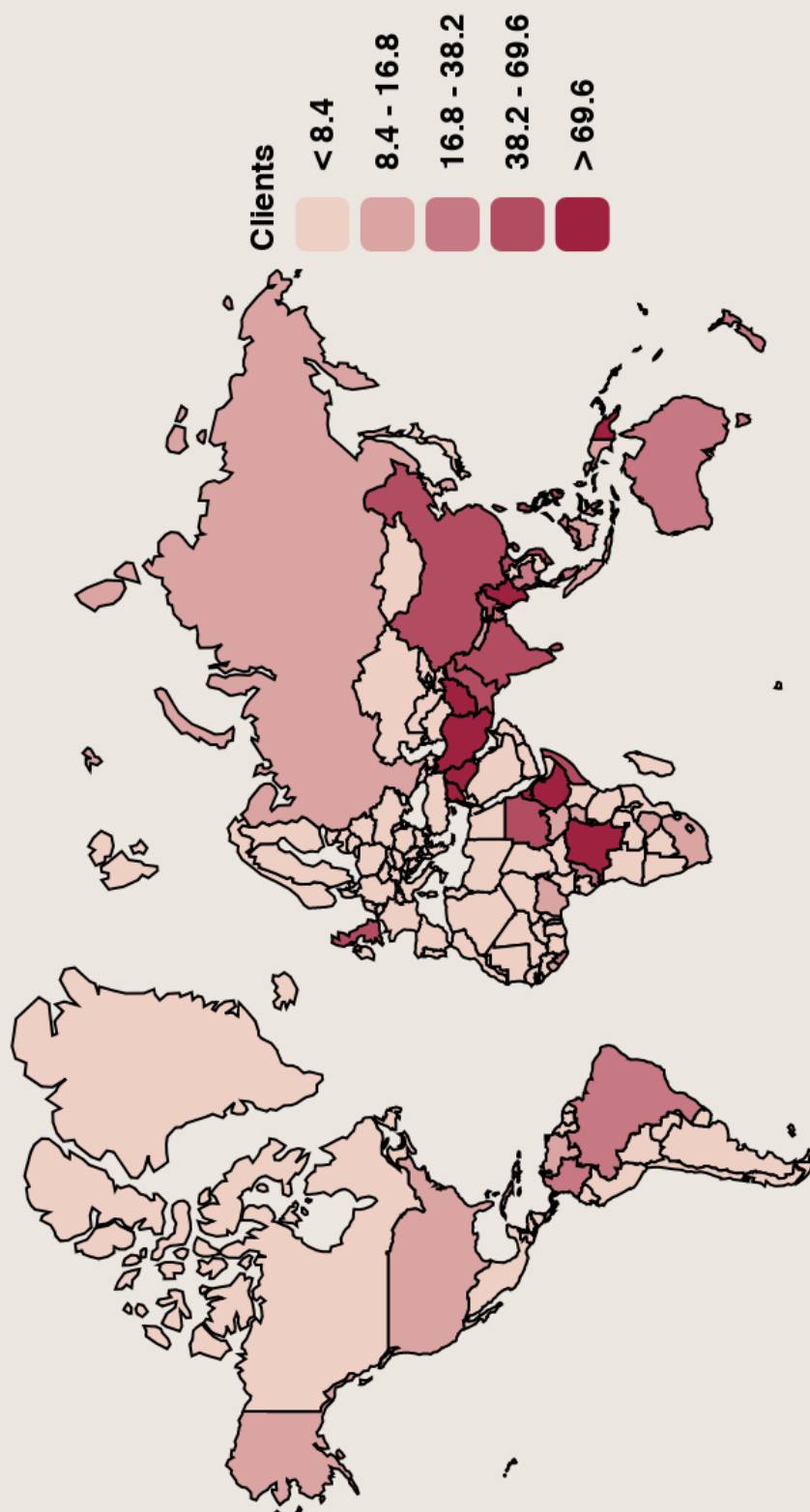
Our staffing is comprised of solicitors and migration agents, and administrative staff, all of whom work knowing that the quality of their efforts bear either directly or indirectly on the stability of clients' lives in Australia. I am appreciative that we have highly competent people in these roles and, furthermore, past staff members seem to want to return to RAILS! Overall, staff members have maintained very high standards and this in the face of challenging departmental changes and decisions, hearing the disturbing stories of clients' experiences, and facing often-demanding timelines.

The demand for high quality legal services continues, in many areas, to exceed what we are able to provide. However, the generous level of volunteer support coming from solicitors, migration agents, and law students, greatly helps us in responding to these demands. Please read the 'Thank You' column where our Pro Bono Coordinator, Stacey Parker, summarises the fantastic pro bono support provided to RAILS throughout the year.

In addition to pro bono legal assistance, we are also privileged to have received significant financial support from individual community members, and from Presentation Sisters and BRASS. Without such assistance, many people would have been unable to make their applications for protection visas or to resolve their visa status. We are most appreciative to you for your ongoing support of RAILS and the people we assist.

Having seen RAILS' staff members' levels of competence and professionalism first-hand over the past two years, I am confident the organisation will ride the changing political, legislative and funding environments to continue to serve people well. Furthermore, the notion of social justice truly underpins the work we do. RAILS' organisational quality derives from ensuring service offerings are targeted, relevant, and potent.

# CLIENTS' COUNTRY OF ORIGIN





# PRINCIPAL SOLICITOR'S REPORT

The 2017-2018 financial year saw another busy period for the casework team at RAILS. RAILS continued to provide professional and culturally sensitive advice to our clients throughout Queensland. Collectively, the RAILS team provided ongoing casework assistance to 521 clients and provided discrete advice on almost 2 700 occasions. As well as being a busy year, it was also a somewhat disrupted year. We saw the sad departure of two long serving RAILS employees, Bruce Wells and Taya Hunt. With the departure of Bruce as Principal Solicitor, Noel and I stoically agreed to act jointly in the role of Principal Solicitor, until the return of Bruce's permanent replacement Kylie McGrath, early in 2019. We commend the RAILS team for the flexible and professional manner in which members have continued to approach their roles in the face of this internal disruption along with an uncertain legislative and funding environment.

## **Advice, Assistance and Partnerships**

The integral role that volunteers play in supporting the services that RAILS provides cannot be understated. The dedicated team of volunteers that twice-weekly volunteer at RAILS' Evening Advice Sessions provided a high number of advices this year. RAILS has also continued its long-standing partnership with Legal Aid Queensland to provide a fortnightly Family Law Clinic. We are ever grateful for the support of Legal Aid in advising this client group. The importance of early and informed family law advice in the context of migration law cannot be underestimated. When custody is an issue between parents where one parent does not hold a visa allowing them to remain in Australia, it is imperative that they receive informed advice as early as possible. RAILS is also extremely grateful for the pro-bono services provided to our clients by our partner firms, Minter Ellison, Allens, Norton Rose Fulbright and barristers Matt Black, Mark Steele, Nitra Kidson, Stephen Keim SC, Arron Hartnett, and Stephen Hegedus.

## **Protection Visas**

Until late in the financial year the Department of Home Affairs' provided funding to RAILS through the Immigration Advice and Assistance Scheme (IAAAS). Its purpose is to provide help to those who have arrived in Australia on a valid visa to apply for

a protection visa. In 2017-18, RAILS assisted 50 people or family groups to apply for their Australian protection visa. While RAILS no longer receives this funding, we will continue to provide advice and assistance to vulnerable clients in this category who need assistance in applying for protection in Australia under our National Partnership Agreement (NPA) funding.

## **Generalist Immigration Assistance**

Funding from the NPA allows RAILS to provide generalist immigration advice, and legal representation for clients to the Department of Home Affairs, the Administrative Appeals Tribunal (AAT), and the Federal Courts. The clients that we represent through this assistance have often suffered domestic violence or persecution in their home countries. RAILS would not be able to manage the work that we do in this space without the dedicated assistance of our community partners, like the Immigrant Women's Support Service (IWSS) and many other domestic violence services from whom we receive client referrals.

## **PAIS**

The 2018 year saw the conclusion of the funding RAILS received through the Primary Application Information Service (PAIS) to assist extremely vulnerable asylum seekers to prepare applications for protection visas. The Department set 1 October 2017, as the deadline for all asylum seekers who arrived in Australia by boat to lodge their applications for temporary protection visas. The PAIS team, Susan Hogarth and Valentina Jung, and the UAS Program team of Neha Vaidyanathan, Imke McCall, and Nardine Abdou then Angelene Counter ensured all of the clients who sought assistance from RAILS met the deadline. Furthermore, they continued to provide quality representation to this client group who experience challenging circumstances throughout the application process. RAILS is extremely grateful to Susan, Valentina, Neha, Imke, Nardine, and Angelene for their dedicated work with these clients.

## **UAS**

In 2017 and 2018, RAILS saw a surge in demand for assistance through our unrepresented asylum

Continued

# PRINCIPAL SOLICITORS' REPORT

seekers (UAS) program. We designed the UAS program to cater for the vast majority of clients who arrived in Australia without a valid visa but who are not eligible for government funded services through the PAIS program. The 2017-18 year saw a change of focus for the UAS program. The Department of Home Affairs started to make greater inroads into the processing of the visa applications of this cohort. We moved our focus from helping clients articulate their particular fear of harm in their home country through written statements of claims to two key areas. Firstly, assisting clients prepare for interviews at the Department. Secondly, in circumstances of refused applications, assisting clients to make submissions and provide updated evidence to the Immigration Assessment Authority (the statutory body charged with reviewing Department decisions).

## RFR

RAILS continued to receive funding from the Department of Social Services for the Refugee Family Reunion (RFR) program so that we could provide assistance to newly arrived humanitarian migrants to reunite with close family members remaining outside of Australia. This cohort of humanitarian entrants are often some of the most traumatised clients for whom RAILS provides representation. They are often people who have fled their home country in the face of substantial discrimination, and having spent many years in transit countries prior to re-settlement in Australia. Academic research has demonstrated that reuniting with family members can greatly assist such clients in the process of integrating into the Australian community.

## LAW REFORM

RAILS is dedicated to the improvement of outcomes in migration law, both through the individual advocacy that we provide to clients, and through systemic advocacy in relation to law reform projects. In the 2017-18 financial year, RAILS provided a submission to government about the 'Strengthening Australian Citizenship' Bill and appeared before the Senate Committee in its Brisbane sittings. One part of our submission was endorsed by Reconciliation Queensland Inc., which called for strengthening First Australian participation in the citizenship

process. We were also a member on the Citizenship Delays Working Group hosted by the Refugee Council of Australia.

It has been another year of extraordinary effort from the RAILS staff and the gratitude we have for the team cannot be underestimated. The work that they do in continuing to meet deadline after deadline is herculean. In managing this workload, they continue to approach their tasks with the friendly optimism of true professionals. We look forward to another strong year ahead and to welcoming back Kylie McGrath as our new Principal Solicitor.

# NATIONAL PARTNERSHIP AGREEMENT (NPA)

RAILS receives funding through the National Partnership Agreement (NPA) on Legal Assistance Services 2017-20, where Australian Government funding to states and territories is distributed to legal aid commissions and community legal centres. This funding agreement will continue until 30 June 2020.

NPA funding allows RAILS to assist clients with immigration advice, ongoing assistance, and representation. NPA funding also funds our weekly Evening Advice Sessions. For more information on the EAS Sessions, please see the dedicated EAS article. It also provides some resources to respond to government requests for input on matters of law reform. This financial year, we were able to assist a total of 2 776 clients under NPA funding.

Demand for representation services to the Department of Home Affairs, the Administrative Appeals Tribunal (AAT) or the Federal Courts continues to exceed RAILS' capacity to assist. This year RAILS provided full representation for 249 clients. Representation services funded through the NPA include visa applications where clients have experienced family violence (see the dedicated Family Violence article

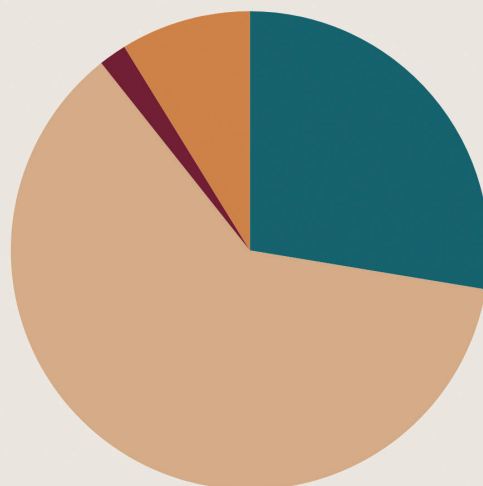
for more detail), merits review applications to the AAT, judicial review in the courts, and requests for the Minister or Assistant Minister to personally intervene in matters of public interest with no other legal option (including allowing clients with Australian citizen children to remain on shore).

Despite the loss of IAAAS funding, we are still able to assist clients with Protection Visa matters under NPA funding. With this funding, we provide advice and ongoing representation to clients wishing to apply for protection. These matters include visa applications, merits review applications to the AAT, judicial review and requests for the Minister or Assistant Minister to personally intervene.

NPA representation is conditional on both the financial means of clients and the merits of their matter. Our casework guidelines are consistent with NPA priority client groups including migrants who have experienced family violence, those from culturally and linguistically diverse backgrounds, people seeking asylum in Australia, people with disabilities, children and young people, and those at risk of homelessness.

## NPA CLIENTS

Information and referrals provided to	781
Legal advice provided to	1746
Legal tasks performed	53
Cases worked on	249





# REFUGEE FAMILY REUNION (RFR)

Refugee Family Reunion (RFR) is a Commonwealth government funded program where RAILS assists refugees who were granted protection offshore and are now living in Australia who wish to sponsor displaced family members to join them. As the name suggests, the program is for family reunification and only applies to clients sponsoring family members from whom they have been separated during their refugee journey. New relationships or marriages since arrival and settlement fall outside the funding of this project.

Caseworkers Noel Reeves, Tim Madigan, and Grace Prince provide advice and representation to our RFR clients.

As the demand for services are high, and delivering them through our West End office is limiting for regional clients, RAILS provides assistance at various locations throughout Queensland including:

- Brisbane
- Logan
- Ipswich
- Toowoomba
- Townsville
- Cairns.

### Who are our clients?

In the past year, there have been some changes, not related to policy or the process of sponsoring family members, but in relation to people's countries of origin.

Those in the RFR program come from a wide variety of nations including the Congo, Sudan, Afghanistan, and Myanmar, all of which have experienced unrest. However, a large portion of the clients particularly Syrian and Iraqi applicants, come from countries which have experienced much more significant conflict. Thus there is a continuing trend from 2016-2017, whereby we have received a large number of Syrian and Iraqi applicants. Of this cohort, the groups are overwhelmingly Christians or Yazidis. As persecuted minorities from these countries, they are more at risk during these conflicts than are members of the general population.

Also prominent in the RFR cohort are women who hold subclass 204 visas. A 204 (woman at risk) visa is given to women who do not have a husband or male relative to protect them. As such, they are deemed to be at higher risk of abuse or exploitation. Many of the female clients at the Toowoomba RFR clinic are Hazara women from Afghanistan.

### What do we do?

The work varies depending on individual needs and circumstances. We are restricted in only providing ongoing casework to clients who have a reasonable degree of success. However, any RFR client can still get useful advice about the process for sponsoring their family at our outreach clinics.

There are two ways clients can bring relatives to Australia:

1. The humanitarian program is free and anyone can apply through it.
2. The family visa program, while expensive and limited to certain types of relatives, has a higher degree of success and more appeal avenues.

Most clients go with the humanitarian program as they are not able to afford the more expensive visa options. However, in the past year this has become less common as applicants, particularly from Iraq and Syria, are willing to pay for visas available through the family visa program.

Regardless of whether the clients pursue humanitarian applications or family stream, RAILS caseworkers provide written statements, relevant evidence, and detailed legal submissions with every application.

### The story of a sister from Eritrea

One of our clients this year wanted to sponsor her sister as an orphan relative. One criterion of this type of visa is that the parents of the applicant must be deceased or missing. During the application process, the Department requested a DNA test, which subsequently proved that the applicant and the sponsor were only half-sisters. They had the same mother but not the same father. This was a shock to both of them, and because the mother had passed

Continued

## REFUGEE FAMILY REUNION (RFR)

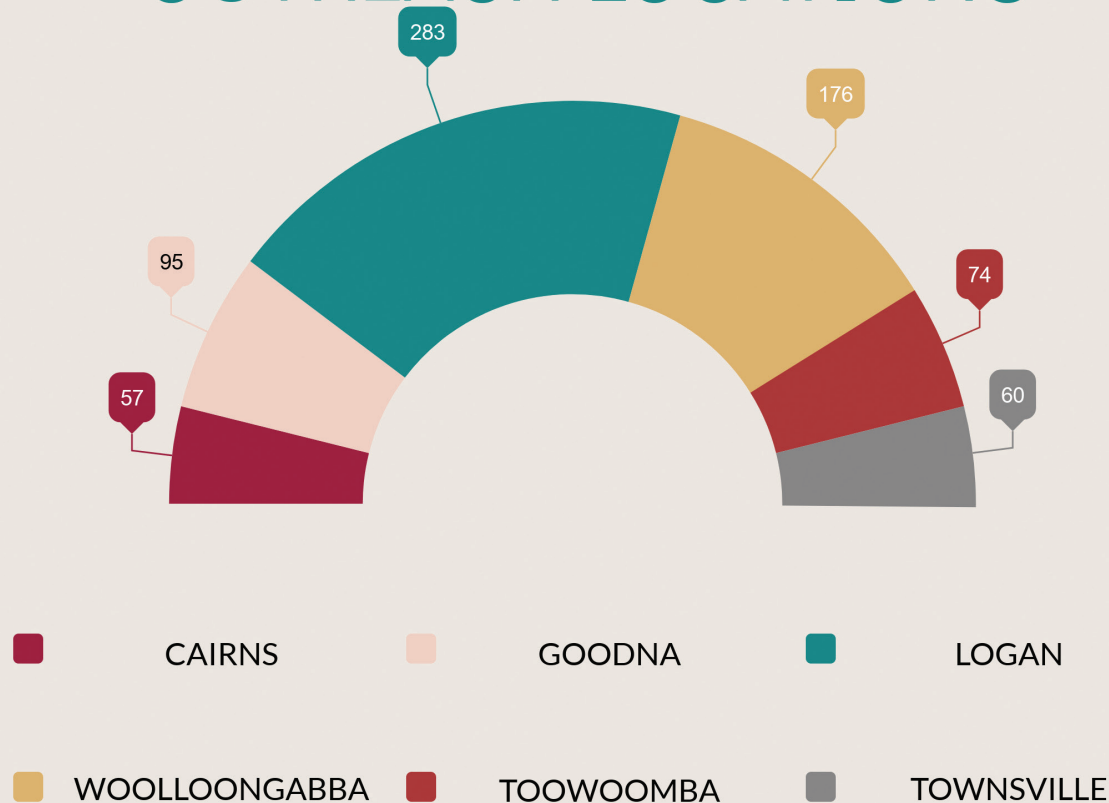
away, there was no way of knowing or identifying the biological father of the applicant.

The department refused the application on the basis that the applicant was not proven to be an orphan. RAILS appealed this decision to the Administrative Appeals Tribunal and were successful in arguing that the applicant remained an orphan as there was no support being provided by anyone other than the sponsor (the RAILS client living in Brisbane).

The father could have been alive somewhere but this was irrelevant as that person could not carry out their parental obligations, and so the only person supporting the applicant was her sister.

This argument was successful and the Administrative Appeals Tribunal remitted the matter to the Department for finalisation.

### RFR SERVICES AT OUTREACH LOCATIONS



# UNREPRESENTED ASYLUM SEEKERS (UAS) PROJECT

## **What is the Unrepresented Asylum Seekers (UAS) Project?**

The UAS Project commenced in March 2014. RAILS formed this service in response to a decision by the Commonwealth Government to stop funding legal support for people arriving in Australia by boat and without a valid visa. It is funded by community donations and RAILS' own savings.

The project aims to meet the demand for legal support and representation to over 2 700 asylum seekers in the Queensland community.

## **UAS in the 2017–18 Financial Year**

The UAS Project has continued to provide advice and assistance to unrepresented asylum seekers at various stages of their visa processing. Our caseworkers have provided advices on (and helped with responding to) requests from the Department of Home Affairs for further information. Further information has been sought about the Immigration Assessment Authority review process, the judicial review processes, and options following negative IAA decisions.

We have also provided advices to those who have been granted Temporary Protection Visas and Safe Haven Enterprise Visas. People have wanted to understand more about the conditions of their visas, especially the travel permission condition as well as the SHEV residency pathway requirements - the pathway requirements are confusing for many SHEV holders.

We have provided representation at the IAA review stage for vulnerable clients experiencing severe mental health and physical health issues. A key obstacle we have experienced when representing at the IAA stage are the restrictions against providing new information to the IAA. This includes documentary evidence, information about changes in circumstances, and country information that was not provided to the Departmental decision maker. Another obstacle at the IAA stage is the absence of any review hearing where the client can clarify their claims, respond to concerns, and provide new

information. The AAT review process that is available to onshore protection visa applicants is not restricted in these ways.

Our partnership with the Indooroopilly Uniting Church form-filling clinic continues, with Imke McCall attending there on Thursdays to provide outreach migration advices to unrepresented asylum seekers, especially on judicial review processes.

We also coordinate the Asylum Legal Working Group. This is a forum for the sector in Queensland to share information and collaborate on solutions to legal issues affecting unrepresented asylum seekers. Such issues include the need for pro bono legal assistance for unrepresented asylum seekers at the judicial review stage.

## **Who is the UAS Project?**

Several corporate law firms assist us in our work. In order to increase the capacity of the UAS Project, we have delivered training to partner law firms, Allens and Norton Rose Fulbright, on working with UAS Project clients. Volunteer lawyers at Allens have assisted unrepresented asylum seekers by attending their department interviews with them and preparing post-interview submissions addressing issues arising in the interviews.

We also rely on daytime casework volunteers to assist with legal and country research, draft legal submissions, prepare statements with clients, and follow up with clients.

Our UAS Paralegal, Angelene Counter, with the help of volunteers, has telephoned approximately 200 clients whom the UAS Project previously assisted to prepare statements of claims, to offer further assistance.

Neha Vaidyanathan coordinates the program and along with Imke McCall, provide advice to clients and represent our clients at various stages of the visa application and review process.

## **What are we working on now?**

The TPVs of unrepresented asylum seekers have started expiring this financial year. The number of clients affected by this will only increase in 2019.

Continued

# UNREPRESENTED ASYLUM SEEKERS (UAS) PROJECT

We are providing advices and assisting clients to request copies of their previous applications through Freedom of Information processes. We are also preparing new statements of claims with clients where their situation has changed since their last TPV application and they do not have the ability to prepare a statement on their own. This can be due to various factors such as language, financial and other barriers, and having experienced relationship breakdown and family violence.

## A Somali mother

The UAS Project assisted a Somali mother at interview and addressed identity concerns from the Department in post interview submissions. The UAS Project also assisted her to respond to further requests for information post interview.

The client is very vulnerable due to past trauma from her home country.

The mother and her child were granted a SHEV.

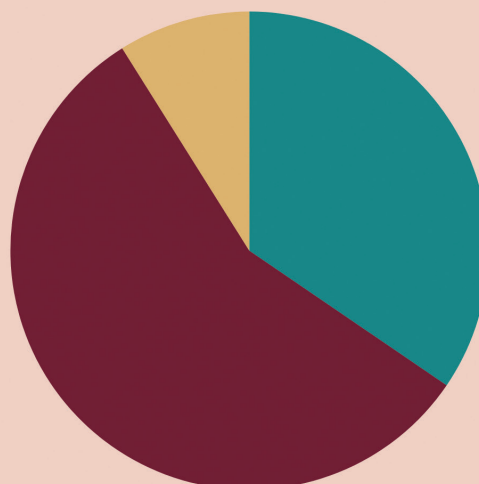
## An Iraqi family

The UAS Project assisted a family from Iraq to raise protection claims, and attended the interview at the Department. The family was very vulnerable due to various health issues and previous trauma from the home country.

The family was granted a SHEV.

## UAS CLIENTS

■	Information provided to	116
■	Legal advice provided to	190
■	Cases worked on	30



# COMMUNITY SUPPORT PROGRAM (CSP)

## What is CSP?

The Community Support Program (CSP) is a new Department of Home Affairs (DHA) initiative under the Global Special Humanitarian Program (SHP). It used to be a pilot program but is now an ongoing program with 1 000 places earmarked for CSP from the 18 750 total places in the SHP.

CSP encourages community groups, businesses, and Australian supporters to collaborate and settle newly arrived refugees. We formed a partnership with Illawarra Multicultural Services (IMS) in NSW who is a registered Approved Proposing Organisation (APO).

## What has CSP done?

Generally, there is no visa application charge for SHP applications. Refusals are usually high for non-immediate family members. CSP charges \$20 000 for the first applicant and \$2 680 for subsequent applicants. This gives Australian supporters (relatives or friends in Australia) another pathway for their relatives to be reunited with them. Family members have responded to the program positively. In many cases, they have previously applied for their relative under SHP but have been refused (in some cases, more than once). Community groups from Afghanistan, Ethiopia, Eritrea, Myanmar, and Christians from Syria and Iraq are the priority targets for the program.

Australian supporters are mainly long-term Australian citizens who, not only have the means to pay for the application fee, but have the ability to settle their relatives or friends and provide a job to the applicant. CSP applicants must be job ready. The program's aim is to reduce applicants' reliance on the Australia's welfare system.

RAILS has mainly assisted refugees from Afghanistan, Eritrea, and Iraq. As of the end of 2017-18, we received 38 referrals from IMS and are in the process of assessing and lodging them.

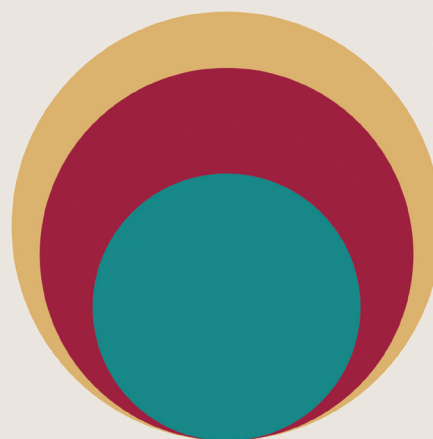
## What is CSP doing in the next financial year?

In the coming year, we hope to continue to receive referrals from IMS and to be able to provide this assistance as an alternative way of gaining residency in Australia under the SHP. We have also formed a partnership with MDA for the 2018-19 financial year and are hoping to be able to assist more Queensland clients through this APO.

## Our Team

We would like to thank the Caseworkers who have assisted with CSP this financial year, Tim Madigan, Noel Reeves, Grace Prince, Rachael Molnar, Stacey Parker and Valentina Jung.

## CSP SERVICES



RECEIVED 49  
REFERRALS

COMPLETED 37  
ASSESSMENTS

LODGED 19  
APPLICATIONS

# FAMILY VIOLENCE PROGRAM

## Program overview?

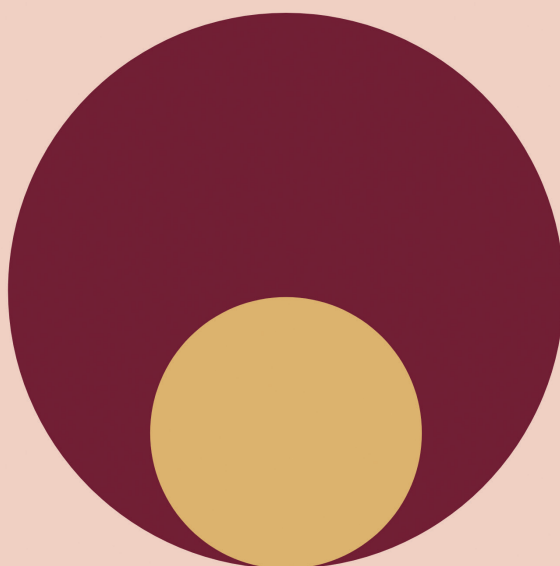
RAILS' family violence program provides legal advice and assistance to applicants for permanent residency where their applications have been affected by their experience of domestic violence. The National Partnership Agreement (NPA) on Legal Assistance Services 2017-20, funds much of this work as part of its broader mandate. In addition, Legal Aid Queensland provides funding specifically for the family violence program. This year, RAILS gave advice to 360 people experiencing, or at risk of experiencing, family violence, and represented 86 clients in their applications for permanent residency.

## What do we do?

When a client contacts or is referred to RAILS by a women's refuge or support agency, we provide initial advice about their visa options. Unfortunately, there are limited options for clients experiencing family violence who have not applied for, or been granted, a temporary Partner Visa. This is despite some clients having Australian Citizen children – an issue that has been gaining momentum in the media this financial year.

If the client has applied for a Partner Visa, is no longer in a relationship with the sponsor of that visa, and has experienced family violence or has a child of the

## CLIENTS EXPERIENCING DOMESTIC VIOLENCE



ADVISED 360 CLIENTS  
REPRESENTED 86 CLIENTS



relationship, then RAILS can usually assist the client to continue their application for permanent residence.

We will work with the client to produce a statutory declaration about the genuineness of their relationship and make relevant legal submissions to the Department. Unless the client has obtained a final Domestic Violence Protection Order, we will also work with the client to produce a statutory declaration about the client's experience of family violence in the relationship. We then assist the client to obtain two items of independent corroborating evidence from professionals in the sector, and make relevant legal submissions. Generally, the Department only allows 28 days to provide evidence in each of these two categories, so timeframes are very tight. We are grateful to the support agencies and professionals whose expertise we rely on, and who work with us to support the client, through this application process.

Where we have capacity, the matter has reasonable prospects of success, and the client cannot afford to pay for representation, RAILS assists clients at the Administrative Appeals Tribunal who have applied for a review of the Department's decision to refuse their application for permanent residence. We attend the clients' Tribunal hearing with the client and provide relevant submissions if required.

### **The story of a single mother**

Through this program, we assisted a single mother with limited entitlements who had been living in a refuge with her two-year-old daughter since she had left her violent husband. RAILS assisted her to obtain a permanent resident visa which helped her to take steps towards securing a safe and stable home to bring up her daughter. The Department had initially refused her visa application on the basis that she and the sponsor had not responded to their requests for information regarding the genuineness of the relationship. The couple applied to the Tribunal for a review of the decision, but before the hearing was scheduled, the relationship broke down due to ongoing family violence and the client escaped to a refuge with her young daughter.

An experienced volunteer worked with the client over

several appointments to address the different aspects of the relationship, and to encourage the client to collect further evidence to prove the genuineness of the relationship. The Tribunal invited the client to a hearing. However, we provided comprehensive legal submissions addressing two aspects. Firstly, the genuineness of the relationship. Secondly, the applicability of the child of the relationship exception to the general rule that the relationship with the sponsor must continue in order for the application for permanent residency to be granted. A day before the hearing, the Tribunal vacated the hearing, and made a positive decision in favour of the client. The client could then move out of a refuge and find a long-term home in which to bring up her two-year-old daughter.

### **The story of a client's evidence**

Through this program, we also assisted a female client with experience of family violence to obtain permanent residency. This was after the Department initially refused her application only one day after RAILS provided submissions and evidence in support of her application.

The client did not have a great deal of evidence demonstrating certain aspects of the relationship. After working with the client intensively, she told us that she had several text messages between her and the sponsor – there were a few thousand pages of text messages in total! We submitted this evidence with an updated statutory declaration and legal submissions to the Tribunal and the Tribunal sent us an invitation to attend a hearing the next day. After a long hearing, we received a positive oral decision from the Tribunal Member, who commented that not all relationships are the same. When the Department granted the client a permanent visa, the client told the caseworker, 'Over the past couple of years, life has been painful to me. Without you, I wouldn't be able to restart my life ever again'.

***'Over the past couple of years, life has been painful to me. Without you, I wouldn't be able to restart my life ever again'***

# IMMIGRATION ADVICE & APPLICATION ASSISTANCE SCHEME (IAAAS)

Until June 2018, RAILS continued to receive funding from the Department of Home Affairs under the Immigration Advice and Application Assistance Scheme (IAAAS). This funding is for the provision of legal advice and assistance to people who arrived in Australia on a valid visa, were immigration cleared, and are seeking protection.

During 2017-2018, we represented 50 clients with their protection applications at the department and review level.

## IAAAS in the 2017–18 Financial Year

When a client contacts or is referred to RAILS, we provide initial advice to the client regarding what the Department of Home Affairs or the Administrative Appeals Tribunal (AAT) needs to be convinced of before a person can be successful in their protection visa application.

Before starting work on a protection visa application, RAILS performs merits and means assessments of the case. In the merits assessment, the applicant needs to satisfy RAILS that they have reasonable prospects of success. The means assessment must show that they satisfy the financial hardship requirements.

RAILS representation in protection visa cases includes lodging a client's application and providing supporting documents. This includes a client's statutory

declaration and legal submissions. The statutory declaration is the applicant's story regarding what happened to them in their home country and sets out the reasons why they cannot return to their home country. The legal submissions explain why the applicant should be granted the Protection Visa according to the legislation and case law. RAILS communicates with the Department of Home Affairs on the client's behalf regarding their protection visa application and other client's associated immigration matters such as:

- applications for Bridging Visas for permission to work
- applications under Freedom of Information (FOI) in order to obtain information and documents in relation to the client's previous visa applications
- matters relating to the processing of the Protection Visa application and logistics related to interviews at the Department of Home Affairs
- attending appointments at the Department of Home Affairs.

RAILS caseworkers accompany applicants to interviews at the Department of Home Affairs and provide oral submissions on the applicant's behalf. RAILS then provides further supporting documents to the Department of Home Affairs if required, such as supplementary statutory declarations and post interview written submissions.

## Who works on IAAAS?

Bruce Wells, Bunu Gautam, Grace Prince, Noel Reeves, Stacey Parker, Susan Hogarth, Taya Hunt, Tim Madigan, and Valentina Jung worked on IAAAS matters this financial year. We were able to assist more clients with the help of a number of Paralegals including Alice Chester, Jean Morton, and Zoe Brereton.

## Who are our clients?

Our clients come from many countries including Cameroon, China, Egypt, Iran, Iraq, Libya, Malaysia, Nepal, Pakistan, Papua New Guinea, Rwanda, Sierra Leone, and Somalia. The map on page thirteen

## WHAT DID WE DO FOR OUR IAAAS CLIENTS THIS YEAR?

49 CLIENTS

882 HOURS DRAFTING STATEMENTS

3283 PAGES WRITTEN FOR APPLICATIONS



is a good indicator of the geographical spread of clients we see through IAAAS and our other funding programs. Many of our clients are victims of persecution and consequently experience mental health issues.

### **Female Protection Visa Applicant**

The journey of seeking asylum and the need to revisit past traumas reach far beyond the parameters of a client's legal case and the government's processing timeframes. Our clients' narratives do not always naturally emerge over the course of long appointments, or as a result of carefully constructed questions. Instead, they often depend upon the relationships of trust and confidence that we jointly build and maintain, as well as with their dedicated support networks in the wider community.

One of our greatest success stories this year has been assisting an extremely vulnerable woman to obtain a successful outcome on her protection visa review application. Using great patience, compassion and professionalism, our dedicated Caseworker and Paralegal team assisted the client to become comfortable enough to disclose particularly traumatic and personal experiences of past persecution.

The battle was certainly hard-fought, and hard-won. The Department initially refused her protection visa application, so her Caseworkers at RAILS fought first for internal review of what we believed to be an unfair decision, and then again to support her in her appeal to the Tribunal over a year later.

Overall, it took four years, five caseworkers, a handful of volunteers, three government decision-makers, a bundle of support letters from community organisations, and independent experts, as well as the time and support of counsellors and support workers to persuade the Tribunal of the credibility of our client's claims and vulnerability. While the grant of the protection visa was a significant win, it was surpassed by what arose from the support she received. She became able to disclose her experience of repeated sexual assault, and her HIV status, which had been kept hidden over many years out of fear and out of shame.

The many volumes of her physical files on her caseworker's desk, compiling telephone, email and written correspondence, draft submissions, transcripts of interviews, and detailed chronologies are testament to the many years RAILS has spent doing everything possible to support this client. Our dedication to this case has made a real and tangible impact on her life

### **Client from PNG**

We assisted a person who was claiming protection due to membership of a particular social group relating to their sexual orientation. We provided the client's statutory declaration and our submissions before the protection visa interview.

Unfortunately, the interview was cut short for another scheduled protection visa interview. We provided post hearing submissions in which we argued that the officer denied the client procedural fairness according to the Department of Home Affairs' policy and case law.

After a few weeks, we received a letter from the assessing officer containing several questions which we had already answered in our post-interview submissions. We provided another statutory declaration answering all the questions in the same sequence the officer required and lodged a third set of submissions. Finally the assessing officer accepted the client's claims for protection.

# PRIMARY APPLICATION INFORMATION SERVICE (PAIS)

The Primary Application Information Scheme (PAIS) is a government funded service designed to assist a limited number of vulnerable asylum seekers who arrived by boat to apply for a temporary protection visa. Refugee Advice and Casework Services (RACS) in Sydney subcontracted RAILS to assist clients living in Queensland. The main countries of origin in this client group are Sri Lanka, Afghanistan, Iran, Myanmar, Somalia, Sudan, Vietnam and Iraq. No new referrals were received for this program during 2017-2018. However, the PAIS team remained busy supporting and advocating for clients at interview, writing legal submissions, and assisting with other requests from the Department in relation to these clients. By June 2018, there were only a handful of clients waiting for protection visa decisions.

## PAIS SERVICES

Approximately  
**70%**  
of PAIS visas were  
**GRANTED**



## PAIS in the 2017–2018 Financial Year

All clients referred to RAILS for PAIS assistance received advice about the temporary protection visa options and processes. There are two types of temporary protection visas available to asylum seekers who arrived by boat prior to the introduction of offshore regional processing on Manus Island and Nauru. They are the temporary protection visa (TPV) and the Safe Haven Enterprise Visa (SHEV). Our assistance included explaining the difference between the two temporary protection visas and advising clients on which one was more suitable in their particular circumstances.

This year we attended 76 interviews and the Department made at least 80 decisions. All of our clients have been interviewed and there are only a handful still waiting for decisions. We are working on finalising some police clearance certificates from countries around the world. All clients from Afghanistan, Myanmar, Sudan and Iraq were granted protection.

### Who is the PAIS team?

The team working for these clients includes Susan Hogarth as PAIS Coordinating Caseworker and Valentina Jung, Caseworker. We could not have assisted so many clients effectively without the amazing support of clinic law students, volunteers, and interpreters. Access to interpreters, particularly onsite interpreters, was essential in assisting our clients effectively.

### What happens now that PAIS is finished?

All clients who have been granted Temporary Protection Visas will need to have their protection claims reassessed in three or five years' time depending on which visa they were granted.

All clients who were refused temporary protection visas were immediately referred to the UAS Project for further advice and often assistance at the IAA review stage. We would like to thank Neha Vaidyanathan, Imke McCall and Angelene Counter for the sensitive handling of these vulnerable clients in a stressful situation.

## Client from Afghanistan

Although all of our Afghani clients were granted protection, the grant in this case was particularly satisfying due to a number of complicated identity issues. One of the clients had moved to Iran at a young age but was never issued residence identity cards. The client never had a Taskera (family book) in Afghanistan, so the client was living in Iran without any identity documents. A decision was made to forge the client's identity documents.

When the decision was made to leave Iran, the client also forged their details on their passport. The details and reasons behind the forged documents were provided to the Department, but we advised the clients not to provide the Afghan passport because we were concerned that it could be considered a bogus identity document which would lead to the Department refusing the application on that basis.

We provided a number of documents to detail the client's identity. Our submission was largely based on the fact that the client had taken reasonable steps to provide evidence of their identity.

Unsurprisingly, at the interview, the main focus was identity. The case officer asked the client to provide their passport. The client was aware of the possible implications and asked for our advice. We advised our client to provide the passport and the matter was escalated to the Department's integrity unit.

No further issues were raised and a week later the visa was granted. A great outcome for the clients and a win for honesty, as the client had disclosed full details of the above in their statutory declaration. This was a case where the client particularly appreciated having legal representation to navigate a complex matter.

# COMMUNITY LEGAL EDUCATION (CLE)

RAILS' Community Legal Education work aims to be engaging, effective and responsive to need. We develop our work collaboratively with communities and practitioners. We design our programs around education principles endorsed by the National Association of Community Legal Centres.

In 2017-18, RAILS presented 51 education sessions to 1 446 people. This included 24 general legal education sessions to 509 participants, 18 sessions to 593 legal and community workers and 13 Continuing Professional Development seminars to 344 lawyers and migration agents. In addition we delivered 32 sessions to 4 classes of Milpera State School students over each school term plus 11 sessions to a class of 17 Year 9s at Yeronga State School.

We also produced a training video on the family violence provisions in the Migration Act and four new fact sheets for community and legal workers. We distributed these directly to clients and agencies as well as online through the RAILS website.

### Continuing Professional Development Program

Our CPD program aims to ensure staff and volunteers are updated on the latest developments, maintain professional standards, and gain professional development points for lawyer and migration agent professional registration.

We delivered 13 seminars to 344 participants in 2017-18. Topics covered include: Protection Visas, Citizenship, Visa Cancellations; Family Violence and Migration; Skilled Visas, Temporary Protection; Business Management; Ethics and Working with Vulnerable Clients.

We ensure that experienced staff and private practitioners present our workshops. We are very grateful for this support. This year MARA introduced a new CPD regimen and re-confirmed RAILS as an approved CPD provider.

### Community Education

We delivered 24 general legal education sessions to 509 community participants. These included family reunion visas, family violence, citizenship, work rights and a series of sessions on temporary protection and asylum seeker issues.

### 'Law Rap' Milpera and Yeronga Schools

Our partnership with Milpera School is now in its 10<sup>th</sup> year. This year we re-designed the Learning Law and Language program into the 'Law Rap' student workbook. It is now being trialed at Yeronga State School for broader use and integration into the national Civics and Citizenship school curriculum.

Law Rap uses music, role-plays, and language activities, to deliver engaging learning around the legal system, human rights, consumer law, family, sex and relationships, police, and the courts.

We delivered 32 sessions to 4 classes of Milpera students over each school term plus 11 sessions to a class of 17 Year 9s at Yeronga State School.

### Worker Training

In addition to our CPD program, we delivered training about migration and refugee law to pro-bono legal volunteers, refugee settlement workers, asylum seeker support workers, family violence workers and Justices of the Peace. We also held a seminar for Brisbane and regional Magistrates about family violence and visas, and presented a Community Legal Education Masterclass at the Queensland CLC State conference.

Each university semester we also deliver orientation workshops to our Legal Clinic law students from Griffith and UQ about professional responsibilities, practice skills and migration law.

### Resources

RAILS produced a video on family violence provisions in migration law and four new Fact Sheets (Review to Federal Court from Immigration Assessment Authority; Working with Lawyers; Family Law; Workers Legal Responsibilities). We also continued to update our current fact sheets.

The resources are distributed through staff and agencies, and more broadly through our website.

### Networks

We continued to consult closely with community agencies, organisations and leaders and attend the LAQ QLAF (Legal Aid Forum) meetings where CLC education workers share CLE project information and strategies.

# LEGAL EDUCATION

## WHAT WE DID

GENERAL  
LEGAL  
EDUCATION



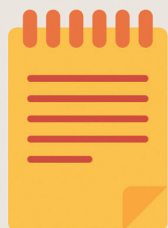
CONTINUING  
PROFESSIONAL  
DEVELOPMENT



INFORMATION  
SESSIONS



TARGETED  
FACT SHEETS



## THE NUMBERS

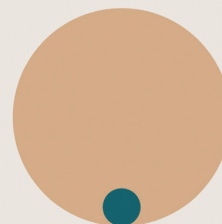
GENERAL LEGAL  
EDUCATION

24 sessions  
509 participants



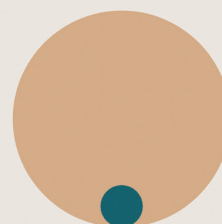
COMMUNITY  
WORKERS  
TRAINING

18 sessions  
593 participants



CONTINUING  
PROFESSIONAL  
DEVELOPMENT

13 sessions  
344 participants

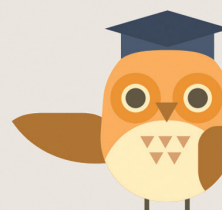


## OUR WORK WITH QUEENSLAND SCHOOLS



11 SESSIONS  
AT YERONGA  
STATE SCHOOL

32 SESSIONS  
AT MILPERA  
STATE SCHOOL





# EVENING ADVICE SESSIONS (EAS)

RAILS offers Evening Advice Sessions (EAS) twice weekly at our office in West End and weekly at ACCESS Logan.

Volunteer Advisors assist clients with a range of generalist immigration issues, offering around 30 minutes of one-on-one immigration advice free of charge to people who are otherwise unable to afford this advice. In certain cases, day staff are able to assist these clients on an ongoing basis and manage their cases through to conclusion.

This year we have continued to offer our Evening Advice Sessions every Monday and Wednesday from 6-8 pm in West End, and 6-8 pm on Wednesday in Logan. Our clients can now call at any time during the week to schedule appointments. For each session, we are generally able to offer six appointments, however this varies according to the number of Volunteer Advisors we have assisting us each session.

Through these Evening Advice Sessions, we are able to offer advice to clients on a wide array of issues including:

- how they can sponsor their family members to relocate to Australia
- form checking and information on how to submit forms
- how to identify the conditions and/or requirements of their student or business visa
- whether they are eligible to apply for citizenship
- what other visa they may be able to apply for
- how they might respond to notice of intention to cancel a visa
- how they might respond to a visa refusals for certain visas
- how a criminal history may affect a visa application.

To provide advice in relation to these issues we utilise a great team of Volunteer Advisors. Our Volunteer Advisors come from various law firms, migration agencies, universities, or are independent.

Volunteers progress from observing established advisors, providing supervised advice, and ultimately, to providing advice independently. RAILS staff are available for support and advice during each session and check each advice for accuracy and completeness.

Also assisting on the night are EAS Coordinators. These are often student volunteers who help with the administrative aspects of the night.

Our Evening Advice Sessions are often our first point of contact before deciding whether we might represent clients, and are a way of ensuring that people who are otherwise unable to afford immigration advice in the community can be informed about their rights in this complex area of law.

**Brittany Engeman**

## UNIVERSITY STUDENT CLINICS

RAILS runs clinics each semester with students from the University of Queensland, Griffith University and Bond University. The Universities select the students, who participate as part of a subject for their law degree.

This year, RAILS supervised 18 students from the University of Queensland, 12 students from Griffith University and 2 students from Bond University. The students worked in pairs or individually to provide general case support for their supervising caseworker. The tasks the students undertook included completing application forms with clients, drafting legal correspondence and submissions, and country of origin or legal research.

### **Reflection from Brittany Engeman, UQ clinic student**

My experience at RAILS throughout the student clinic was truly enjoyable, educational and enlightening. The clinic allowed me to gain a better understanding of immigration law and further develop fundamental practical legal skills, but it was also very personally rewarding.

I found the clinic increasingly rewarding as I learnt more about the work at RAILS and as my own skills developed. Initially I was given more administrative tasks, which gave me a broad understanding of the diverse nature of the work and an insight into the way that files are run at RAILS. Over time, I progressed to more challenging tasks and had the opportunity to interview clients and prepare statements and legal submissions for clients. This work was in relation to both family violence matters and protection visa applications. By the end of my student clinic, my confidence had grown, and I felt that I had a broad understanding of the types of cases that RAILS handles.

Through country research and hearing individual stories I was able to learn more about a wide range of places, governments, and cultures. I felt that this helped me to gain broader political awareness and to better appreciate the diversity of the backgrounds, challenges, and circumstances of refugees.

Working so closely with my caseworkers gave me the opportunity to learn firsthand and to learn a lot in a relatively short period of time. I appreciated that they gave me real and diverse work and were happy to take time to explain things to me, which in turn enabled me to make a more positive contribution to RAILS' work. It was a great opportunity to gain practical legal experience and to apply some of the skills and legal knowledge I had developed at university.

The clinic also helped me to better appreciate the variety of challenges faced by community legal centres, and just how much hard work is put in by everyone working at RAILS. Overall, my time at RAILS has been one of the highlights of my law degree and I am very grateful for the opportunity. It helped confirm to me that I want to pursue a legal career where I can contribute positively.

# RAILS VOLUNTEER STORIES

RAILS has had a great number of dedicated volunteers over the past couple of years. Many of them have gone on to do varied and interesting types of legal and non-legal work. Included below are stories from some volunteers and what they are up to now:

## PETA HARRINGTON

I started volunteering at RAILS through the UQ Student Clinic in July 2016, and finished up in November 2017. I thoroughly enjoyed my time volunteering at RAILS. It was a great feeling to be part of an organisation that offers hope to people who have been through so much. Often, such people have never been heard.

Working with RAILS' solicitors taught me the value of empathetic lawyering and clear, culturally sensitive communication. I also saw first-hand how laws and policies can have great impact on the lives of vulnerable Queenslanders.

RAILS inspired me to pursue a legal career that promotes and protects the rights of both victims and accused persons. I am now working as a Graduate Legal Officer in criminal law policy within the Department of Justice and Attorney General.

## KAITLIN DE SOUZA

I started volunteering at RAILS in 2015 through the QUT Legal Clinic – I continued until 2018 because I enjoyed the work and the community based environment. I worked specifically on cases that involved women who had separated from their partners due to domestic violence and who had been reliant on their partners for a visa to stay in Australia.

After my experience at RAILS, I went on to complete my PLT at Caxton Legal Centre and I briefly worked at a private migration firm. I completed a year in a graduate role at Doyle Family Law and after returning to RAILS as a volunteer for a period, I am currently working at Women's Legal Service as a Solicitor in the Caboolture-based Domestic Violence Unit.

RAILS has helped me immensely in gaining skills and understanding in the area of domestic violence. Furthermore, RAILS taught me how to work with the community and how to be an empathetic and effective lawyer. I am grateful to the lawyers at RAILS who supported and trained me as it has helped me enormously in my career.

## ELIZABETH ENGLEZOS

I was a volunteer at RAILS from November 2017 until March 2018 doing Practical Legal Training (PLT). Once I finished law school, I began looking for internship positions with Law firms around the GC and Brisbane. I wanted to do important work. I wanted to work on big cases. I wanted to make a big impact.

Very quickly, I realised that a typical law firm was unlikely to offer me that. I applied to work at RAILS because I knew my work would help someone who truly needed it. What I did not expect was the camaraderie, the responsibility, and the support I would get from other RAILS staff. I was not just photocopying. I was drafting submissions and meeting with and helping clients. Most importantly, I was surrounded by people who loved their jobs and cared for their clients.

RAILS is such a special place. I worked hard every day – not because I felt I had to – but because the staff and clients inspired me to do my best at every step. This was the most rewarding professional experience I have ever had. The team at RAILS – every one of them – should be commended for their contribution not only to the greater good, but to an atmosphere and workplace that inspires the best in everyone around them. I am so grateful for the experience.

I am currently researching for my PhD on the control and regulation of online information flow and their impact on the rights of the data subject to be a free and autonomous individual. Thank you to everyone who supports RAILS and helps them continue to do the amazing and important work they do every day.



# STAFF MEMBERS 2017–2018

**Greg Mackay** – Director

**Bruce Wells** – Principal Solicitor until March 2018

**Noel Reeves** – Acting Principal Solicitor from April 2018

**Tim Madigan** – Acting Principal Solicitor from April 2018

**Robert Lachowicz** – Education Officer

**Karina Fonseca** – Administration and Finance Officer until October 2017

**Smitha Mallya** – Administration and Finance Officer from January 2018

**Mei Wang** – Finance Officer

**Jeannette Aldunate** – Administration Support until December 2017

**George Carrington** – Administration Support

**Georgia Sullivan** – Administration Support

**Stacey Parker** – Lawyer and Pro Bono Coordinator from November 2017

**Bunu Gautam** – Caseworker

**Susan Hogarth** – Caseworker

**Taya Hunt** – Caseworker until March 2018

**Jee-Yeun (Valentina) Jung** – Caseworker

**Imke McCall** – Caseworker

**Kylie McGrath** – Caseworker

**Rachael Molnar** – Caseworker from May 2018

**Grace Prince** – Caseworker

**Neha Vaidyanathan** – Caseworker

**Nardine Abdou** – UAS Paralegal until March 2018

**Angelene Counter** – UAS Paralegal from March 2018

**Zoe Brereton** – IAAAS Paralegal from March 2018

**Alice Chester** – IAAAS Paralegal from May 2018

**Jean Morton** – IAAAS Paralegal from May 2018

*Thank you*

# THANK YOU

RAILS is grateful for the hard work and dedication of its pro bono firm partners and volunteer barristers, lawyers, migration agents, and students including:

- **Allens** for providing pro bono interview assistance to unrepresented asylum seekers
- **Corrs Chambers Westgarth** for conducting a pro bono privacy audit of RAILS' privacy and confidentiality documentation
- **David Prince of Kinslor Prince Lawyers** for providing pro bono advice services for a client with complex judicial review proceedings
- **Ellem Warren Lawyers** and **Herbert Smith Freehills** for providing pro bono employment practice advice and human resource management policy advice
- **Matt Black, Mark Steele, Nitra Kidson, Stephen Keim SC, Aaron Hartnett and Stephen Hegedus** of counsel for providing pro bono advocacy and advice services for clients with complex judicial review proceedings
- **Minter Ellison** for providing pro bono casework assistance to clients who have experienced family violence
- **Norton Rose Fulbright** for their commitment to providing pro bono interview assistance to unrepresented asylum seekers whose claims are being fast-tracked.

## EVENING ADVICE VOLUNTEER ADVISORS

RAILS thanks its many volunteer solicitors and migration agents who give up their time and expertise to volunteer at our evening advice sessions held each Monday and Wednesday. Although the supervision and coordination of these sessions is significant, this pro bono support enables RAILS to assist far more clients than through staff alone.

- Andrea Diaz
- Anna Gunning Stevens
- Anthony Stolar
- Bianca Chisari
- Boon Lim
- Boris Yip
- Bruce Wells
- Cynthia Marchant
- Darryl Sean McNeill
- Elizabeth Collins-Fischer
- Elvira Conner
- Emily Darling
- Emma Drynan
- Emma Robinson
- Felicity Rounsefell
- Jane Taljaard
- Jennifer Samuta
- Katherine Keane
- Kieran O'Brien
- Maria Donaghy
- Narendra Sharma
- Prathap Lakshmanam
- Rajesh Gopal
- Richard Timpson
- Roya Majd
- Sastha Sanjaya
- Tamba Thomas
- Terry Fisher



- Toniey Munro
- Virendra Shekhawat
- William Markwell
- Yuen Yee-Lai

## **EVENING ADVICE COORDINATORS**

- Clare Carter
- Edward Craw
- Harry Monogenis
- Micaela Dell'olmo
- Phoebe Nind
- Rin Shimada
- Sarah Maneckshana

## **DAY STUDENT VOLUNTEERS**

- Ahmed Hamid
- Blair Mills
- Caitlin Archbold
- Chi Nguyen
- Claudia Levings
- Claudia Smith
- Courtney Pallot
- Crispin Scott
- Eleni Marios
- Ellen Limerick
- Eunice Tay
- Frank Plunkett
- Hereadae Fenton-Smith
- Jasmine Miller
- Jasmine Tiong
- Kate Dowse
- Lomasi Fogarty
- Magda Dzienis
- Nicola Murray
- Renee Curtis
- Sarah Smalle
- Sean Minehan
- Shelly Cheng
- Theodore Carney

## **PLT STUDENTS**

- Alice Chester
- George Carrington
- Elizabeth Englezos
- Jean Morton
- Anabel Newton
- Kirra Uren
- Rose Mosavi
- Zoe Brereton

## **STUDENT CLINICS**

### ***University of Queensland Semester 2, 2017***

- Ansam Hummadi
- Ashley Sayle
- Chris Clur
- Emily Holzberger
- Genevieve Lester
- Lachlan McLean

### ***Bond University Semester 1, 2018***

- Ainsleigh Bilato
- Shinae Haidley

### ***University of Queensland Semester 1, 2018***

- Brittany Engeman
- Elizaveta Belonogoff
- Emma Fell
- Isobel Whittle
- Kristyn Rice-McDonald
- Leshaye Bosomworth
- Nicholas Casey
- Nicola Murray
- Nikita Aganoff
- Rachel Tomassen
- Theodore Carney
- Yi Wu

### ***Griffith University Semester 2, 2017***

- Aleksandar Djordjevic
- Eleni Marios

- Georgina Sebar
- Jennifer Capper
- Siew Lau
- Thomas Scott

### ***Griffith University Semester 1, 2018***

- Basheer Mohamed
- Emina Muhic
- Jose Barreto
- Monique Kennedy
- Shannon O'Connor
- Sharon Jokai

## **We also thank:**

- **University of Queensland, Bond University, and Griffith University** for partnering with us to deliver our student clinics
- **UQ Pro Bono Centre** for assisting with the delivery of legal education to refugee and culturally and linguistically diverse communities.

### ***Our CPD program volunteer guest speakers:***

- Caitlin White from FDL Migration (formerly Prisoners Legal Service)
- Jane Taljaard
- Jennifer Samuta from Samuta McComber Lawyers
- Phi Vo from Colin Biggers & Paisley
- Rebekah Leong from Queensland Advocacy Incorporated
- Stafford Shepherd from the QLS Ethics Centre
- Tere Vaka from Penny Gordon & Associates.

Continued

# THANK YOU

## Finally, RAILS also thanks our long-standing community partners:

- Access Community Services Limited
- Immigrant Women's Support Service
- Multicultural Development Australia (MDA Ltd)
- The Queensland Program of Assistance to Survivors of Torture and Trauma (QPASTT)
- Womens' Legal Service
- Salvos Legal Humanitarian
- LawRight
- Indooroopilly Uniting Church
- Asylum Circle
- BRASS Network
- Mercy Community Services
- Ethnic Communities Council of Queensland
- Centacare
- Townsville Multicultural Support Group
- Romero Centre
- Illawarra Multicultural Services

## We would also like to thank:

- Minter Ellison
- Corrs Chambers Westgarth
- Norton Rose Fulbright
- Ellem Warren
- Department of Home Affairs
- Department of Social Services
- The University of Queensland
- Queensland Department of Justice and Attorney General
- UQ Pro Bono Centre
- Refugee Advice and Casework Service
- Presentation Sisters
- Australian Red Cross



An Australian Government Initiative



HERBERT  
SMITH  
FREEHILLS

Allens > < Linklaters

INDROO.CHURCH  
UNITING INDOOROOPIILLY

Griffith  
UNIVERSITY  
Queensland, Australia



Community  
Legal Centres  
Queensland

Women's  
Legal Service Qld



Legal Aid  
QUEENSLAND



mda  
MULTICULTURAL DEVELOPMENT AUSTRALIA

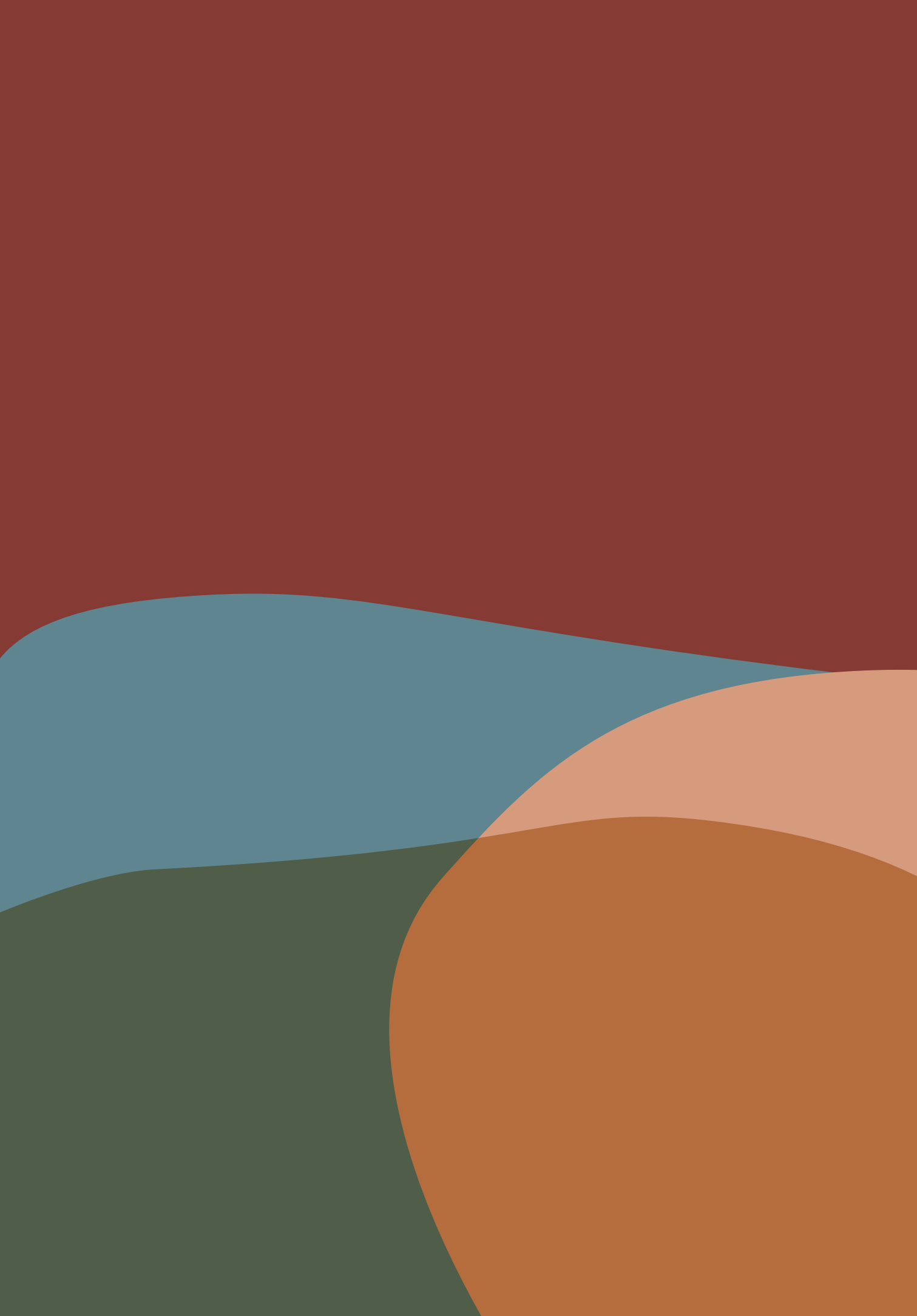
romero  
MULTICULTURAL HUB  
part of the mercy community

Salvos Legal  
Justice, together

TMSG  
Inspired by Cultural Diversity



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Access | Justice  
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# RAILS

Refugee and Immigration  
Legal Service

**Providing a holistic and sustainable legal service for vulnerable asylum seekers, refugees, and migrants through legal assistance, and education and advocacy.**

## HOURS OF OPERATION

*Our offices are at:*

Level 1, 170 Boundary St, West End, 4101

General phone number: 07 3846 9300

## WE ARE OPEN

**Monday to Friday 9 am–5 pm**

**Monday and Wednesday 6–8 pm**  
for Evening Advice Sessions

**Tuesday and Thursday 2–4 pm**  
Telephone Advice to Regional Queensland

**Every second Friday 9 am–5 pm**  
Legal Aid Queensland Family Law  
Advice clinics

*RAILS also sees people at several locations within the greater Brisbane area (Woolloongabba, Indooroopilly, Logan, Goodna) and in Toowoomba, Townsville, and Cairns.*