

1. WHO WE ARE

The Refugee and Immigration Legal Service (RAILS) is a not-for-profit community legal centre. The caseworkers specialise in refugee and immigration law and provide free legal advice and assistance to disadvantaged people.

2. HOW YOU CAN HELP

The staff and volunteers at RAILS do not work as trained counsellors or psychologists, nor are we able to provide comprehensive support to our clients in aspects of their daily lives outside of their direct legal needs. Because of this, support workers and other support people can play an integral role in ensuring that clients are emotionally and practically supported throughout the process, have access to other services, and come prepared to their appointments at RAILS.

Practical Guidance on Supporting RAILS' Clients:

(a) What happens after an initial referral is made to RAILS?

Once an initial referral has been made to RAILS, a RAILS caseworker will call the client at the caseworker's earliest convenience, taking into account any instructions that have been provided to us, including any identified safe times to call. The client should be advised that RAILS will be calling from a **private number** and that it is important that the client answer the call in order for RAILS to provide timely advice. The RAILS staff member will always identify where they are calling from, and confirm that the client is able to take the call. In the interests of client confidentiality and safety, voicemail messages will only be left when the client is identified by their voicemail service.

(b) Assist the client to gather supporting evidence

It is always helpful for visa applicants to provide independent evidence which supports aspects of their claims. Part of our role at RAILS is to identify this evidence. It is up to the client to gather this evidence. Examples of how you can help include:

(i) Assisting the client to complete 'Right to Information' (RTI) applications.

Where the client requires evidence from a Queensland government entity (such as the Queensland Police Service, Ambulance Service, or a hospital or health service) documents can be formally requested through an RTI application. More information on RTI applications can be found on the Qld government's 'Smart Service' resource, located [here](#).

(ii) Assisting the client to complete an Australian Federal Police (AFP) check application

In the final stage of visa processing, the Department of Home Affairs (DHA) will request the client to provide an AFP National Police Certificate. You can assist the client by helping them fill out the online application form once they receive this request.

As there is a fee to apply for an AFP Certificate, if the client is financially disadvantaged, you might be able to assist the client to obtain these funds. The form and details of the fee payable are available from the AFP website at: www.afp.gov.au/what-we-do/services/criminal-records/national-police-checks.

(iii) Contacting court registries

If the client has had a different case before the court which is relevant to their visa application, for example a Domestic Violence Protection Order proceeding at the Magistrates Court, you may be able to assist the client to contact the Court Registry to request a record of the proceedings.

(iv) Obtaining reports from psychologists or social workers

Our clients may need to obtain statutory declarations from a psychologist and/or social worker who has assisted the client therapeutically. If you are a psychologist or a social worker, you can assist the client by providing a statutory declaration confirming your professional opinion. Otherwise, you can assist the client to contact these professionals and book appointments in. Before you write any report or statement, or seek a report or statement on the client's behalf, make sure that you have first spoken to the client's caseworker.

The Department often has strict evidentiary requirements that need to be met in order for evidence to be considered.

For more information on how you can best write a supporting statement, please:

- contact our reception to speak to the client's caseworker, or
- if relevant, ask for information about how you can attend a RAILS Domestic and Family Violence community legal education training workshop

(c) Assist the client to access other services

Often RAILS' clients will require the assistance of services such as Centrelink or Medicare.

For visa applicants with children, this may mean assisting the client to seek advice about applying for child support. The process of accessing, or applying for, these services may often be daunting. You may be able to help the client by organising and attending appointments with Centrelink and Medicare with him/her.

3. THINGS TO AVOID

(a) Providing immigration assistance

As the client's support person, you are *not* a lawyer or registered migration agent, and as such, you must not provide immigration assistance. If you do, you may incur criminal penalties under s 280 of the *Migration Act 1958* (Cth).

What is immigration assistance?

As per s 276 of the *Migration Act*, a person gives immigration assistance if the person uses knowledge or experience in migration procedure to assist a visa applicant.

(b) Contacting the Department

The visa process is often long and daunting. Clients may want their matter to be expedited and may ask you to contact the Department on their behalf in order to pass on information, or ask for updates on their case. **It is important that you never contact the Department directly.** This is exclusively the role of the client's caseworker. As part of our Client Agreement, we have agreed to:

- check all of the clients' documents to make sure that they are satisfactory
- lodge the clients' application to the Department, along with any submissions and attachments assist the client where necessary to follow up on any Department requests.

If the client has passed on any new information or evidence that they would like to be included as part of their visa application to you, please contact us and we will take the necessary steps.

(c) Seeking frequent case updates from RAILS

The length and uncertainty of the visa application process may lead to a client asking for your help to seek updates from RAILS about the progress of their case. While we are happy to answer any specific questions that the client may have about their case, please remember that RAILS will proactively contact the client as soon as we have an update and any time that we spend providing a general update is time we could be using to work on that client or another client's case. RAILS' staff are also bound by client confidentiality, which means that we can only communicate with you about the clients' case if you or they have provided us with a written authority to do so.

(d) Interfering / intrusive conduct at client appointments.

While support persons play an integral role providing emotional and practical assistance to clients by accompanying them to their appointments and helping them prepare for their appointments, RAILS staff can only receive instructions directly from the client. In these meetings, it is important that you allow the client to speak for themselves, and allow the lawyer/migration agent to conduct the case as they see fit, in line with the client's best interests. If you are disruptive or rude, we reserve the right to ask you to leave so that we can use the time in the appointment more productively.