

RAILS

Refugee and Immigration
Legal Service

2020-21

Annual Report

Welcome

The Refugee and Immigration Legal Service (RAILS) is a Community Legal Centre (CLC) founded in 1980. For over 40 years, RAILS has provided free legal assistance and education in immigration and refugee law. RAILS is the only CLC in Queensland that specialises in this area of law. RAILS provides services throughout the State.

RAILS works with people who have experienced domestic violence, people who have applied or need to apply for refugee visas in Australia after fleeing violence in their home countries and with refugees who are sponsoring their family members, often displaced and fleeing situations of danger, to reunite with them in Australia.

RAILS is a member of Community Legal Centres Australia and is registered as a Charity with the Australian Charities and Not-for Profit Commission.



RAILS

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RAILS acknowledges the Traditional Owners of Country throughout Australia, particularly the peoples on whose land we live and work, and their continuing connection to land, waterways and community. We pay our respect to them and their cultures and to Elders, past, present and emerging.

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Forty years of magnificence

Speech by Rob Lachowicz at RAILS 40th Anniversary function, in September 2020

I pay deep respect to the traditional custodians of this land and acknowledge that for thousands of years, First Nations peoples have been living and learning on this land we now call Australia, and that connection has never been broken, nor surrendered. I join in the hope that, in time, the deep injustices of the past will be transformed and we will all share these sacred lands together in peace with justice. I acknowledge also, very dearly, those who have originated from other lands across the seas and who together have formed today's rich multicultural Australia.

Our magnificent work and clients

RAILS is a magnificent community legal service, fighting for fair and humane treatment in the legal system for asylum seekers, refugees and migrants.

In a complex legal system and ever-changing field of migration law, amid a myriad of never-ending challenges, we work with people through endless intricacies within often tragically shattered lives, battered by brutality and destruction from the horror of war, conflict and violence.

We walk alongside these amazing people. We help them through their struggles. We succeed. And sometimes we fail, feel their pain and the force of a harsh and rigid system straining to cope with millions of people on the move across and within nation's borderlines carved out through history. **We're inspired by the magnificent resilience of so many of our clients as they battle the hardships and keep going. We always learn and gain so much from our clients and the work we do within our extraordinary community legal centre.**

RAILS is the second oldest community legal centre in Queensland and one of the pioneers in a now vast legal aid structure in Australia, which is at the foundation of the battle for justice and a fair go for people in this country.

Our magnificent home

I've come and gone from RAILS quite a few times, and RAILS is a treasured and honoured workmate and friend for me. I first met RAILS when I was a young lawyer at Legal Aid in the early 1980's when the 'South Brisbane Legal Service' was in its infancy at the Migrant Resource Centre down Boundary Street - I gave volunteer advice and helped with management.

I first started on staff in 1988, when RAILS was still but a child - the early days around the corner from where we are now. We were a generalist service - debts, disputes, discrimination, tenancy and community issues around housing as Expo 88 created Southbank, evicting tenants along the way in this thriving highly multicultural inner city suburb, West End.

We changed our name from South Brisbane Legal Service to 'South Brisbane Immigration and Community Legal Service' in 1991 to more accurately reflect our emphasis on refugee and immigration work, and then changed from 'SBICLS' to 'RAILS' - Refugee and Immigration Legal Service - in 2005, when I was Director.

West End is RAILS home. We've been at 170 Boundary Street for some 15 or more years now keeping our heads above the leaking water each time it storms heavily.

A time capsule of the world's peoples and conflicts

RAILS' clients and work emerged out of our diverse multicultural home and came to reflect a time capsule of major wars and conflicts going on around the world.

In the early days, South Brisbane Legal Service worked with many Vietnamese clients. Around 2000 Vietnamese boat people had arrived in Australia between 1976 and 1981, and then in the 1980's around 8000 Vietnamese migrants arrived each year, with an emphasis on family reunion. A second wave of boat arrivals mostly from Cambodia, Vietnam and southern China arrived from 1989 for around 10 years and RAILS worked with them.

Continued

Forty years of magnificence

We worked, and continue to work, with clients fleeing conflicts in South America.

In 1989, the Berlin Wall fell, the USSR was beginning to dissolve, and in China there was a growing mood towards democracy. In June 1989, student protests for democracy in Tiananmen Square in Beijing ended in a massacre. Then Prime Minister Bob Hawke wept in front of the nation and, without Cabinet approval, granted extensions of visas for Chinese students. Our Service worked closely with the Chinese community to help regularise status for all students. They eventually got permanent stay around 1993.

Battling gigantic law changes

After I arrived on staff in 1989, and ever since, there has been swirls and storms of legislative change in the refugee and migration area. Soon after I arrived the codification of the Migration Act started. The Migration Program was divided into three distinct streams – family, skilled and humanitarian - and over time there were major changes in review structures. Visa applications now had to meet strict, specific criteria but the Minister still retained some broad discretions.

Mandatory detention for unauthorised boat arrivals was introduced by the Keating government in 1992 and then extended to all unlawful non-citizens in 1994. The rationale given was that detention would facilitate the processing of refugee claims, prevent de-facto migration and save the cost of locating people in the community.

Temporary Protection Visas were introduced in 1999 by the Howard government, and in 2001 the Tampa crisis and increasing numbers of refugees, mainly from the Middle East, arriving by boat amid a looming federal election, saw the Howard government introduce offshore processing. The Labor government ended offshore processing in 2008 but introduced it again in 2012 describing it as a short-term policy only. Temporary protection was introduced again in 2013 by the Liberal-National coalition.

The Parliament also passed laws which ‘excised’ Christmas Island and other places from our ‘migration zone’ to prevent people applying for protection under Australian law, so that rights that applied to people seeking asylum in Australia would not apply to them.

The harsh, and arguably brutal, refugee policies, treatment and injury caused to asylum seekers and refugees by these policies aimed at deterring others from coming by boat, have had public spotlight for decades and cast a huge shadow on Australia’s reputation as a fair and humane country protective of individual human rights. RAILS has undertaken law reform work and advocated in forums and government inquiries for more humane and fair policies in migration and citizenship law.

RAILS in the highest courts

RAILS’ deeply important work is done on-the-ground in gritty battles with the Department and review tribunals, and occasional federal courts. But we’ve also danced on the big stage and our important work is illustrated in four key court cases we’ve been involved in.

MAYER - HIGH COURT

In 1985, when RAILS was a mere 5-year-old child, we headed to the High Court for the first time (*MIEA v Mayer* (1985) 157 CLR). Mathew Mayer was a political prisoner in his homeland West Papua because of opposition to Indonesian takeover. In 1971 he fled to PNG and then to Australia in 1984, where RAILS’ first solicitor Bruce Henry helped him apply for refugee status.

The Minister for Immigration refused the application and attempted to stop court scrutiny of the reasons for the decision of the Ministerially-appointed Determination of Refugee Status (DORS) Committee by saying such decisions could not be reviewed. Bruce, a tenacious fighter for justice, took the case to the High Court.

A majority of the High Court held in favour of Mr Mayer saying the processes of the DORS Committee could be reviewed along with the ultimate decision by the Minister. Distinguished academic Professor Mary Crock has noted that Mayer’s case was pivotal in opening up judicial review of refugee determination and for the rule of law to check uncontrolled Ministerial discretion and challenge dubious government decisions about the lives of people subject to judicial review.

Continued

Forty years of magnificence

SHAW - HIGH COURT

Jason Shaw arrived in Australia from UK in 1970 as a one-year-old baby, and by the time he was 30, had a long criminal history, mainly property and drug offences, a wife and two children, and was serving 7 years in prison. In 2001, when Shaw was 31, he was to be deported.

RAILS, who had been fighting against government deportations of people who had lived most of their lives in Australia, took on the case, which ended in the High Court (*Shaw v Minister for Immigration and Multicultural Affairs* [2003]). We argued Shaw was absorbed into the Australian community as he had lived most his life here, so the 'immigration' power couldn't apply. We also relied on a previous High Court case of *Patterson*, which held that British citizens as 'subjects of the Queen' who arrived here before the Australia Act 1986 held a special status as non-citizens and also non-alien. Alas, we lost 4/3. Shaw was sent offshore.

FEROUZ – FULL FEDERAL COURT

In 2015, RAILS was awarded the Australian Lawyers Alliance Queensland Civil Justice Award, along with Maurice Blackburn (Murray Watt, now Senator for Queensland), and barristers Mark Steele, Matt Black, Stephen Keim SC and Walter Sofronoff QC (now President of the Queensland Court of Appeal), for a number of legal actions on behalf of a Rohingya baby (Ferouz), including seeking urgent injunctions to stop Ferouz and his family being transferred to Nauru; lodging challenges to the Migration Act to test whether a baby born in Australia to asylum seeker parents was in fact an 'unauthorised maritime arrival'; and lodging a citizenship application on behalf of Ferouz. The ultimate outcome was that the then Minister for Immigration Scott Morrison permitted Ferouz and his family, and many more asylum-seeker, Australian-born babies living in detention with their families, to be released from detention and to make their visa applications onshore – saving hundreds of asylum-seekers from being sent to Nauru and Manus Island.

LOVE - HIGH COURT

Enter the modern era, solicitor Tim Madigan marches into battle with our pro-bono lawyer army taking on the might of the Commonwealth in the most divinely named law case ever, 'Love and the Commonwealth' (*Love v Commonwealth* 2020 HCA 3).

This is a fascinating case that confirmed the unique position of Aboriginal people in Australia and is a powerful confirmation of the recognition by the common law of the spiritual connection between Aboriginal Australians and this country, their traditional lands. It means that Aboriginal Australians can't be described as 'aliens' under the Constitution, and cannot be deported, even though they're not citizens defined by the imposed legal system. They, unlike in Shaw's case, can fit into a category of non-citizen and non-alien.

It was a close 4/3 decision of the High Court. The majority said, in essence, that despite being born in another country, an Aboriginal Australian, as determined via the Native Title Act 1993, cannot be said to belong to another place. Love's case is magnificent, but fragile. It may be overturned.

I think it is key to our development as a nation and to the relationships between all the peoples of Australia, that we strive for '*Makaratta*' as expressed in the *Uluru Statement from the Heart* - the coming together after a struggle, and an agreement for a fair and truthful relationship that will bring a better future. And at the heart of RAILS work, and in a sense at the foundation of all lawyer's work, is *Makaratta*.

Magnificent staff and volunteers

From the start, RAILS has been in the trenches fighting the good fight on the ground and to the highest court in hugely significant issues for people lives, and the life of the nation. All this is made possible by the extraordinary hard work, dedication, toil and tears of the amazing staff, management and volunteers of RAILS. You are all part of a proud tradition of community legal services striving for justice for those most in need. Thank you. May your good works and magnificent hearts beat strongly forever.¹

¹ This speech has been edited to fit within RAILS Annual Report Guidelines.

Message from the President

Matt Black, RAILS President

In late August 2001, a container ship, the *MV Tampa*, rescued over 400 asylum-seekers from a sinking boat in international waters near Christmas Island.² Most of those asylum-seekers were fleeing from Afghanistan and some described the Taliban's "wave of terror".³ That was, of course, only weeks before the September 11 terror attacks and the US's subsequent invasion of Afghanistan.

Almost 20 years later, in May 2021, a livestock ship, the *MV Polaris*, docked lawfully at Townsville.⁴ With less controversy, but not without drama, a number of its crew fled the ship and were taken into hotel quarantine. According to news reports, they told Australian Border Force officers they feared returning to Pakistan, mostly because of a fear of the Taliban. Hardly an irrational fear – the BBC reports a surge in violence from the Taliban's "ideological twin" in Pakistan throughout 2021.⁵

Around the same time, as the US began withdrawing its presence from Afghanistan, the Taliban quickly began taking control of that country. By 14 August 2021, the Taliban had taken the city of Mazar-i-Sharif and then, the next day, it seized the capital of Kabul, thereby securing all but complete control of Afghanistan.

Of course, for the clients of RAILS, events like these are not 'the news'. These events are their lived experience; their ongoing life circumstances. RAILS has been proud to deliver support to so many clients from a range of backgrounds, including those affected by the crisis in Afghanistan. Indeed, in the two weeks following the fall of Kabul, RAILS received 650 requests for assistance from the Afghan community in Queensland. Notwithstanding this historical demand on RAILS resources, our team also continued to deliver the other important programs to RAILS clients.

The Management Committee recognises and is grateful for the tireless and dedicated work of the entire RAILS

team throughout the course of 2021, including staff, volunteers and partners. The work and commitment of those who have contributed to RAILS' endeavours is beyond a 'job'; it is an exemplar of the community and public service ideals that should be inherent in 'legal services'.

The Management Committee offers its thanks to:

- The RAILS leadership team: Kylie McGrath (Executive Director / Principal Solicitor), Noel Reeves (Senior Supervising Solicitor), Susan Hogarth (Senior Supervising Solicitor).
- RAILS staff and volunteers, including our solicitors, migration agents, and organisational and support team.
- Our pro bono partners and networks.
- Our funding supporters, including the Queensland Department of Justice and Attorney-General (particularly its support in relation to the Afghanistan crisis), the Commonwealth Attorney General's Department, the Commonwealth Department of Home Affairs, Multicultural Affairs Queensland, Legal Aid Queensland and Queensland Presentation Sisters.
- All those who have given so generously through individual donations.

From an organisational perspective, I thank our former Executive Director Ms Malathi Kanagasabapathy and I formally welcome Ms Kylie McGrath to her role as Executive Director and Principal Solicitor. Kylie took the role on an acting basis from March 2021 and later accepted the Management Committee's offer of a permanent appointment. Kylie's history with RAILS dates back to 2008 and we now look forward to supporting Kylie's stewardship of the organisation as she leads it into the future.

² See *Victorian Council for Civil Liberties Incorporated v Minister for Immigration & Multicultural Affairs* [2001] FCA 1297.

³ See <<https://www.theguardian.com/australia-news/2021/aug/22/the-tampa-affair-20-years-on-the-ship-that-capsized-australias-refugee-policy>>.

⁴ See <<https://7news.com.au/lifestyle/health-wellbeing/pakistani-crewman-in-police-custody-after-jumping-ship-at-townsville-port-c-2742381>>.

⁵ See <<https://www.bbc.com/news/world-asia-58891613>>.

At a glance

In 2020-21, RAILS



Represented **613** clients



Provided **2,178** advices



Completed **486** pieces of legal work for clients we were not representing



Referred **1156** people to legal and support services appropriate to them and their circumstances

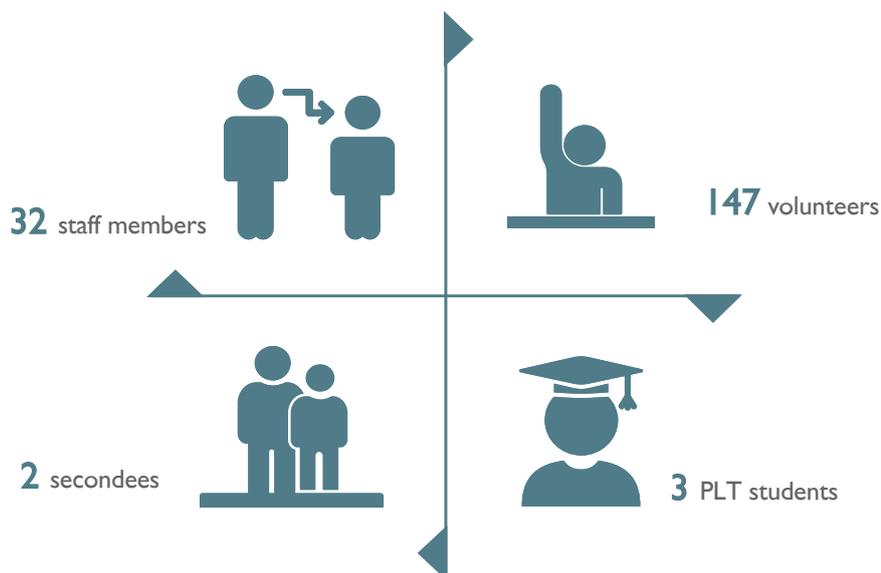


Worked across **8** outreach locations throughout Queensland



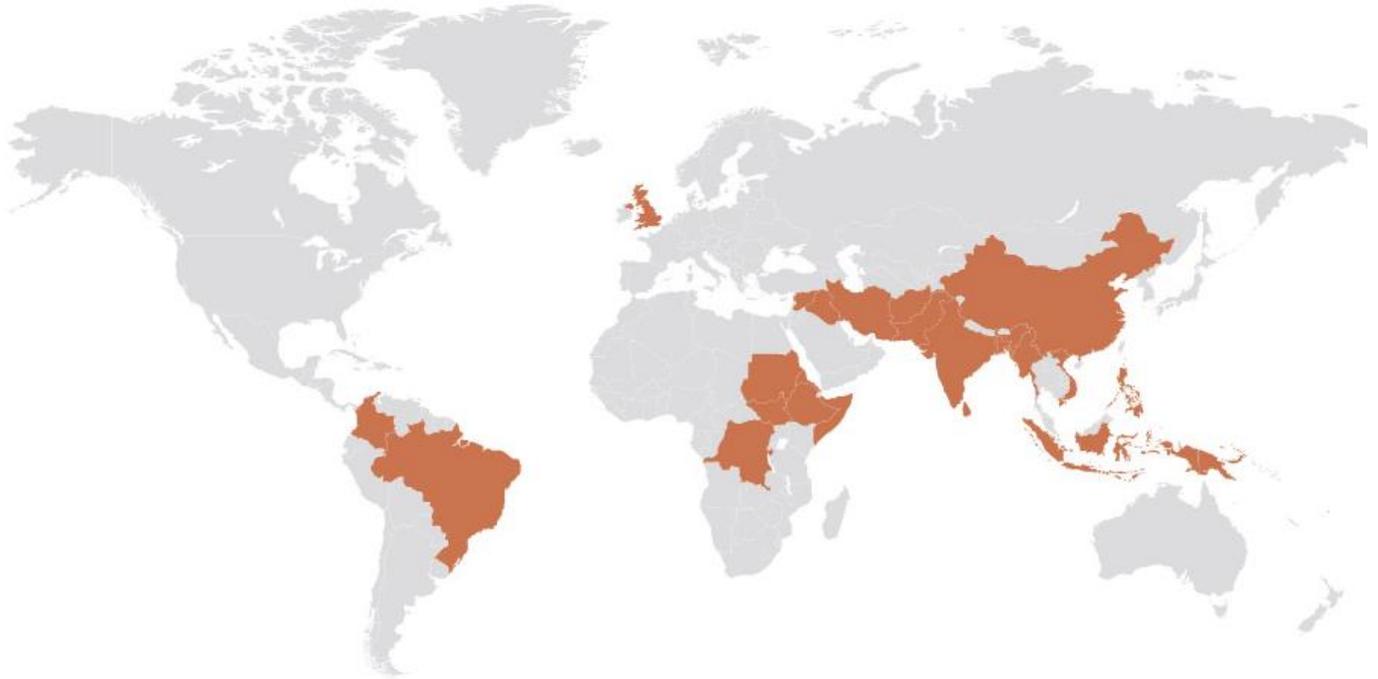
Presented **12** Continuing Professional Development sessions

This was only possible thanks to support from...



Who were our clients?

In 2020-21, RAILS helped 1727 people from 111 countries.



2020-21 RAILS Clients Top 25 Countries of Origin⁶

- | | | | |
|----------------------------------|--------------------------------------|----------------|-----------------|
| 1. Iraq | 8. Sri Lanka | 15. Vietnam | 22. England |
| 2. Papua New Guinea | 9. Ethiopia | 16. Somalia | 23. Indonesia |
| 3. Iran | 10. Syria | 17. Bangladesh | 24. Burundi |
| 4. Congo, Democratic Republic of | 11. India | 18. Colombia | 25. South Sudan |
| 5. Afghanistan | 12. Philippines | 19. Sudan | |
| 6. Myanmar | 13. China (excludes SARs and Taiwan) | 20. Fiji | |
| 7. Eritrea | 14. Pakistan | 21. Brazil | |

Our clients came from: Iraq, Papua New Guinea, Iran, Democratic Republic of Congo, Afghanistan, Myanmar, Eritrea, Sri Lanka, Ethiopia, Syria, India, Philippines, China (excludes SARs and Taiwan), Pakistan, Vietnam, Somalia, Bangladesh, Colombia, Sudan, Fiji, Brazil, England, Indonesia, Burundi, South Sudan, Bhutan, Central African Republic, Malaysia, Thailand, Japan, United States of America, Republic of Congo, New Zealand, Chile, Nepal, Nigeria, Taiwan, Solomon Islands, Russian Federation, Rwanda, Zimbabwe, Australia, Germany, Hong Kong (SAR of China), Liberia, South Africa, Canada, Lebanon, Tanzania, Venezuela, Cambodia, Czech Republic, Egypt,

Ghana, Kenya, Argentina, Cuba, Italy, Morocco, Palestine, Poland, Cameroon, Cook Islands, Ecuador, Hungary, Ireland, Democratic People's Republic of North Korea, Republic of South Korea, Libya, Mexico, Qatar, Samoa, Saudi Arabia, Serbia, Sierra Leone, Singapore, Spain, Tonga, Turkey, Uganda, Ukraine, United Arab Emirates, Albania, Bahamas, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Dominican Republic, El Salvador, Finland, France, Gaza Strip and West Bank, Greece, Guinea, Honduras, Israel, Jordan, Kuwait, Kyrgyzstan, Mauritius, Mongolia, Mozambique, Netherlands, New Caledonia, Peru, Scotland, Slovenia, Sweden, Switzerland

81% of our clients were financially disadvantaged⁶

17% of our legal services were provided to clients who had no income⁷

⁶ Financial disadvantage data for all representation services closed in 2020-21

⁷ Data for all legal services provided in 2020-21

Executive Director's Report

Kylie McGrath, Executive Director and Principal Solicitor

Let's be honest, it's been an incredibly tough year. It feels impossible to stand still, to draw breathe. The ground beneath us is always moving and our clients continue to be targeted by policies, practices, laws and systems which are stacked against them while they are simultaneously being disproportionately impacted by the pandemic.

The pandemic continues to impact our work, our staff and our clients. We have faced multiple snap lockdowns and periods of heightened COVID19 risk and have regularly transitioned our work with clients from face to face, to semi or fully remote and back again. Our staff and volunteers have been in lock down, home and hotel quarantine, been close contacts of COVID19 cases, been separated from close family overseas and have had less opportunity to build spaces for self-care outside of work.

Our clients have experienced family violence more often and more severely than before the pandemic. Those seeking refugee family reunion have been devastated by the closure of Australia's borders and the suspension of humanitarian arrivals at the very time that their fears for family overseas are at their height. Those applying for protection in Australia have been required to choose between having their applications placed on hold indefinitely or participating in their crucial protection visa interview by telephone or video conferencing.

More broadly, many have lost work, or have needed to maintain work in sectors in which the risk of being exposed to COVID19 is disproportionately high. They have faced additional barriers to accessing services as a result of their limited access to technology, with systems knowledge and the ability to communicate effectively by telephone becoming increasingly important to such access.

Despite this, there has been almost no reprieve from immigration policies, practices, laws and systems targeted against them. Those who have experienced family violence continue to be required to show extensive evidence of their relationship and experience of violence in their applications for partner visas. They continue to be re-traumatised by interviews with Independent Experts and are the subject of Independent Expert reports that deviate dangerously far from best practice and accepted legal definitions of family violence, consent and rape. Some asylum seekers who have arrived by boat continue to live in the community unlawfully without access to Medicare or work rights despite their best efforts to renew their bridging visas. Others, who have been returned from Manus Island or Nauru, continue to have no option to settle in Australia despite being found to be refugees. Those who hold temporary forms of protection continue to be permanently denied their right under international law to be reunited with their closest family members.

For some, it has been too much and we have had more clients suicide this year than any other recent year. This is the heaviest of the tolls of these deliberate policies borne by clients, their families and communities and, in turn, by our volunteers, staff and service.

Faced with these challenges, RAILS staff have worked tirelessly alongside our clients to achieve what can be achieved within the constraints of the system. Many permanent partner visas were granted based on the family violence provisions. Cancelled refugee visas were reinstated. Refugee family reunion was achieved in the most compelling of circumstances. Plane arriving asylum seekers received permanent protection. Boat arriving asylum seekers received temporary protection for the first time after years of having their cases refused by the Department, review bodies and courts.

We were extremely fortunate this year to be led within the staff team by Malathi Kanagasabapathy from April 2020 to March 2021. Mal had a strong vision for the organisation and supported and listened to the team. She led us through a strategic planning process and transitioned our IT, fundraising and staffing structure to better serve the organisation. She continues to be missed.

Continued

Executive Director's Report

Kylie McGrath, Executive Director and Principal Solicitor

This year also saw Noel Reeves, Susan Hogarth (Senior Supervising Solicitors), Bernie Carrick (UAS Coordinator) and Cristina Prieto (Operations Manager) step into leadership roles in the organisation. I would like to extend my deepest thanks to all those who have carried leadership roles within the staff team this year and to acknowledge the time, energy, commitment, and expertise that this requires.

I would also like to thank the volunteers who make up our Management Committee for providing strategic direction and oversight to RAILS throughout the year.

In many ways, the year has been long and hard. I would like to sincerely thank every staff member at RAILS for finding it within themselves, during a pandemic, to show up every day for our clients. We work towards a day when our national asylum and refugee law, practice and policies and our treatment of migrants experiencing family

violence are something that we can be proud of. Where refugee and immigration legal centres can be a light touch, guiding clients through a fair system that safeguards their rights and dignity and does no harm. Until then, each individual battle must be hard-fought and those battles are not without cost to the staff involved in waging them.

I would like to thank all our volunteers, pro bono partners, community partners, individual donors, funders and the State government for the strength, time, resources and support that you lend to us in these battles and in broader fight of justice and systems reform.

Finally, I would like to thank our clients for the privilege of their trust and all that they share with us. We are inspired by your resilience and achievements. We are driven by the injustice perpetrated against you by our immigration and legal systems.

National Legal Assistance Partnership

RAILS' most significant source of funding is the National Legal Assistance Partnership (NLAP), encompassed under the National Strategic Framework for Legal Assistance (NSFLA) of the Commonwealth and State Governments. This year, the NLAP funding cycle moved from a three-year cycle to a five year one. This has provided further stability to these core areas of our work.

As in previous years, NLAP funding has allowed RAILS to provide immigration advice and assistance to plane-arriving asylum seekers, as well as to clients on temporary visas who have experienced family violence. This work is often life changing. Australia's migration system is complex and people in these circumstances experience multiple layers of disadvantage. Having access to an experienced lawyer who can explain to clients how they can find and remain in safety is of utmost importance.

This year RAILS was able to extend its core funding to two additional areas of practice. First, we established a visa cancellation practice. Visa cancellation and integrity measures are increasingly a focus of the Department of Home Affairs. Whole communities have been living in fear of their visas being cancelled and this fear has been a disincentive to many in applying for Australian citizenship. RAILS' cancellation practice is now able to assist those holding (or who have held) refugee and humanitarian visas whose visas have been cancelled or may be cancelled due

to identity, integrity or consistency matters. We are very pleased that within this first year of practice, we have already been able to successfully represent a former refugee visa holder to have his visa re-instated through the Administrative Appeals Tribunal process.

Second, this year we were able to secure core funding for our TPV/SHEV Expiry Clinic. This pro-bono clinic ensures that those who have already been found to be refugees can access legal assistance in re-applying for a new refugee visa before their temporary refugee visa expires. Core funding for this clinic is a welcome relief after years of sustaining the clinic on shorter term funding.

Later in the financial year, RAILS received both further funds under the NLAP agreement to respond to the impact of COVID19 in the community, especially in relation to people experiencing domestic and family violence, and funds from the Queensland government to respond to the legal needs of those recently released from immigration detention. We are particularly grateful to the Queensland government for its ongoing commitment to the most vulnerable asylum seekers and migrants in the State and to funding the emerging legal needs that arise from the frequent changes in law, policy and practice in this area.

Total NLAP	Represented clients	Legal advices	Legal tasks	Information services	Referrals
	329	956	184	523	1047

Cancellation practice		
Represented clients	Legal advices	Legal tasks
5	36	14

NLAP COVID19 frontline funding				
Represented clients	Legal advices	Legal tasks	Information services	Referrals
10	51	18	75	122

NLAP TPV/SHEV Expiry Clinics			
Legal advices	Legal tasks	Information services	Referrals
37	39	20	15

NLAP Released Detainees	
Legal advices	Legal tasks
68	59

NLAP Evening Advice Sessions
Legal advices
221

NLAP CLIENT SURVEY

In May 2020, RAILS carried out a client survey for clients who had been assisted under NLAP funds. The below show the highlights of the survey results and comments provided by surveyed clients.



96.5%

of our clients said that RAILS staff listened to their legal problem in a friendly and respectful manner



96.2%

of our clients said they would recommend RAILS to others



93%

of our clients said they had found the information and resources received from RAILS staff very useful.



92.5%

of our clients said that RAILS staff helped them understand how to deal with their legal problem and provided them with options, as well as that they felt confident in the ability of the



91.3%

of our clients said that RAILS was able to meet their specific cultural or personal needs.

'RAILS is amazing, really understand regardless of race, sexuality, colour, religion, or anything else. Very good cultural awareness training. Has helped me greatly'.

'You have helped me tremendously. I am very grateful for their assistance. They have really looked out for us and helped us to access other important services, like housing, food, and financial support. Cannot thank you enough'.

'Everything very easy, very helpful, any questions answered promptly, very happy with the services'.

'Thank the organisation, make me feel not alone, provide me options, and give advice, interpreter was great'.

Domestic and Family Violence

In 2020-21, the COVID19 pandemic continued to have a huge impact on the lives of those experiencing family violence, especially on women without permanent visas. Women without permanent visas have disproportionately experienced an increase in family violence. Those who had previously experienced family violence in their relationship have seen an increase in the frequency and/or severity of that violence. Those who had not previously experienced family violence, have seen such violence commence.⁸

RAILS has learnt from support agencies that women are also finding it harder to leave their shared home due to the pandemic. They feel COVID19 restrictions are an additional barrier to leaving and are unable to seek refuge. Refuges are also not able to accommodate all people in need due to social distancing restrictions. This has exacerbated existing problems surrounding safety, the ability to access legal assistance regarding domestic and family violence and immigration options.

At RAILS, the pandemic has significantly increased the demand on our service, the complexity of our work and the time required to complete that work. In recognition of this increased demand, additional funds were given to RAILS and other community legal centres for frontline service delivery through NLAP. The funds were used by RAILS exclusively to support legal services for people who had experienced family violence. These funds were a crucial addition to core NLAP funding and funds provided by Legal Aid Queensland for this specific purpose.

How do we help?

When a person in Queensland who has experienced family violence contacts us or is referred to us, we give them legal advice about their visa options. After giving legal advice, we may be able to continue to assist them in the visa application process.

People who apply for an onshore partner visa normally need to stay with their partner and sponsor to be granted permanent residency. However, if they experience domestic violence, they do not need to stay in their relationship to become a permanent resident in Australia. Many women who are experiencing domestic violence at the hands of their sponsors do not know that they can leave the relationship without adversely impacting their visa status. Sometimes, their partners have applied for the visa online, and women do not understand or have control over the visa application process. In these cases, they also do not receive communications from the Department. This lack of control is often compounded by

an inability to speak functional English. This leaves many women disadvantaged and exposed to harm.

We work with them to prove that their relationship was genuine before they separated. We also help them prove that they suffered family violence. Often women have to re-visit their trauma to provide very detailed descriptions of the violence they experienced. They also need to provide reports from professionals in the sector (like psychologists and doctors) who attest to their personal situation. We work closely with those experts to assist in gathering evidence. We are grateful for the support from expert agencies and professionals who work with us to support women through the application process.

If a matter meets our casework guidelines, RAILS can also assist clients at the Administrative Appeals Tribunal, if their application for their permanent partner visa is refused by the Department. We also provide advice and occasionally representation for judicial review matters.

Case study

An Indian woman was referred to RAILS for advice by the Brisbane Domestic Violence Service after fleeing a violent relationship with her husband and sponsor of her Australian partner visa. Her Australian partner had lost his job during the COVID19 pandemic, which had exacerbated the abuse. Our client was physically and sexually assaulted on a regular basis and was also coerced to have an abortion. At the time of referral, the client was living in a refuge with her young daughter.

RAILS provided advice to the client about the impact of family violence and her relationship breakdown on her visa status. RAILS also completed two referrals in relation to the client: one for legal advice about obtaining a Domestic Violence Protection Order and the second for a range of culturally appropriate non-legal supports from the Immigrant Women's Support Service (IWSS).

The client was assessed as financially disadvantaged and offered full representation in relation to her ongoing partner visa application, relying on the family violence provisions of the Migration Regulations. Complex and nuanced legal work was required to establish that the relationship between the client and her partner was genuine before it ended. In addition, significant work was required to identify, review and submit non-judicial evidence of the experience of family violence. We had numerous face-to-face appointments with our client and

⁸ Marie Segrave, Rebecca Wickes and Chloe Keel, "Migrant and Refugee Women in Australia: The Safety and Security Study" 2021 Monash University Report at page 9.

Continued

Domestic and Family Violence

her support worker. We compiled a 142-page document of statutory declarations and other evidence, and prepared comprehensive legal submissions.

Three months later, our client was granted a permanent partner visa. She is now living safely in Brisbane with her daughter. If our client had been refused her partner visa, she could have been forced to return to India and endure the stigma and humiliation of a failed marriage. Both our client and her daughter would have faced significant discrimination and been at risk of a potential honour killing and further sexual and physical violence living in India without male protection. The cultural implications for our client cannot be underestimated.

This case study speaks to the impact of COVID19 on those most vulnerable in our community, the significant legal work that is required on behalf of women on temporary visas who experience family violence as well as the significant levels of overlapping disadvantage experienced by those assisted by RAILS. In this case, our client was culturally and linguistically diverse, had experienced family violence, was financially disadvantaged, was a single parent, was at risk of homelessness (as she relied on a women's refuge for her own and her daughter's accommodation) and was being supported by her GP in relation to a Mental Health Care Plan.

612 of our clients in **2020-21**

had experienced domestic violence or were at risk of experiencing it.

43%

of them had children

18%

of them had children and were homeless or at risk of homelessness

Refugee Family Reunion

Family separation has long-term consequences for refugees as they try to re-start their lives in a new country. Being separated from immediate family, such as their spouse and children, can impact all aspects of their settlement journey, including their health and ability to adapt. Many hope they will be able to reunite with their loved ones soon after arrival, but the visa process can be complex and take many years.

RAILS' Refugee Family Reunion (RFR) program is funded by the Commonwealth Government for the sole purpose of helping newly settled refugees sponsor their relatives to come to Australia. RAILS' RFR team consists of solicitors Noel Reeves and Tim Madigan; Migration Agent Grace Prince and paralegal Mu Shwe.

Access to services

As part of the RFR program, RAILS conducts outreach clinics throughout Queensland, in collaboration with various settlement services that support refugees after their arrival to Australia. RAILS provides assistance for refugee clients at the following locations:

- **Woolloongabba:** in the offices of Multicultural Australia, every week
- **Logan:** in the offices of Access Community Services, every week
- **Goodna:** in the offices of Access Community Services, every fortnight
- **Toowoomba:** in the offices of both Multicultural Australia and CatholicCare, every month
- **Townsville:** in the offices of the Townsville Multicultural Support Group, every two months
- **Cairns:** in the offices of Centacare, every two months.

Diversity of clients

RAILS' clients in the RFR program are refugees living in Queensland who wish to sponsor their family to come to Australia. They are a diverse cohort of clients from across the globe, including particularly from:

The Middle East:	Asia:	Central and Northeastern Africa:
Iraq and Syria	Afghanistan, Pakistan and Myanmar	The Democratic Republic of Congo, South Sudan, Somalia and Eritrea

These countries have the highest rates of displaced people in the world and have continued to experience various forms of upheaval in the last twelve months.

A large part of the RFR client group are women (and often their children) who hold subclass 204 visas. A 204 (woman at risk) visa is usually granted to women referred to the Australian government by the UNHCR who do not have the protection of a male relative and as such, are in danger of exploitation and sexualised violence. Many of the single female clients at the Townsville RFR clinic are Congolese and Somali women who have migrated to Australia from refugee camps in Kenya, Burundi and Tanzania. Similarly, many of the single female clients at the Toowoomba RFR clinic are Afghan women widowed by the ongoing conflict.

Continued

Refugee Family Reunion

How does RAILS help?

There are two ways refugees can bring relatives to Australia:

1. Humanitarian resettlement program: this program is free and can be applied for by anyone. However, there is a fixed number of people who can be approved each year.

2. Family visa program: this option is expensive and limited to certain types of relatives. However, it has a higher degree of success and more appeal avenues.

Most clients apply for the humanitarian program for their relatives, as they cannot afford other visa options. However, some clients also apply for the family visa program to sponsor the same relative and increase their chance of success. Two applications can run at the same time and will not impact each other's development.

COVID19 and the future

Despite challenges raised during the COVID19 pandemic, RAILS was still able to meet this demand by briefly switching in-person appointments to telephone. We owe a large thank you to our partners in the aforementioned settlement agencies for being able to accommodate these unprecedented events.

RAILS continues to hold the RFR program as one of the most important facets of our organisation and will do so for many years to come.

Refugee Family Reunion services provided

Legal advices

779

Legal tasks

119

Represented clients

188

Unrepresented Asylum Seeker Program

The Unrepresented Asylum Seeker (UAS) program at RAILS assists some of the most disadvantaged and traumatised people in Queensland. Our clients are asylum seekers and refugees who first entered Australia by sea.

As a result of their mode of arrival, some were transferred to offshore processing centres in Nauru and Papua New Guinea. Most of them have now been brought back to Australia in need of medical treatment. The majority of them are now living in the community with 6 month bridging visas.

Those who were not transferred offshore are subject to a different and inferior refugee determination system (RSD) to that faced by asylum seekers who arrived by plane. If found to be refugees, they are granted a 3-year temporary protection visa (TPV) or 5-year Safe Haven Enterprise Visa (SHEV). Upon expiry, their need for protection is assessed again before another TPV or SHEV is granted. Due to the inferior RSD system that they are subjected to, Queensland hosts a large cohort of asylum-seekers who have been determined not to engage Australia's protection obligations yet are nevertheless afraid to return to their home countries, believing they will be persecuted. This group subsists on short term bridging visas or, increasingly, have no visa and consequently, no ability to work or access health care.

UAS was staffed this year by a Co-ordinator/solicitor Bernie Carrick from October 2020 and Neha Vaidyanathan and Kylie McGrath prior to this, a solicitor caseworker (Valentina Jung), a fulltime Legal Support Co-ordinator (Emma Fell), a part-time paralegal (Chi Nguyen until October then Clare Carter) and a part-time secondee from King & Wood Mallesons (Erin Allen).

RAILS-funded UAS core work

The core of UAS' work is funded through donations and grants. We have consciously focused on work that has the greatest potential to materially improve clients' immigration status. We work with a system that has been designed to keep as many clients as possible in a permanently precarious visa situation. Those opportunities are often fleeting so we seek to be alert to them, and able to act when they arise. This year that has included:

- Assisting 15 clients who were affected by *DBB16 v MIBP [2018] FCAFC 178*, which had the effect of retrospectively rendering their TPV or SHEV applications invalid (the Ashmore reef case). As a result of the judgment, the Minister allowed them 7 days to apply for another visa and we assisted 15 to do so.
- Representing 6 Afghan nationals of Hazara ethnicity to make fresh TPV or SHEV applications, after the Minister lifted the s 48B bar for 7 days to allow them to make an additional protection visa application, due to the deteriorating security situation in Afghanistan.
- Assisting 7 stateless children born in Australia to apply for Australian citizenship. This work was done thanks to the contribution of our day volunteers.
- Advising 34 SHEV holders on whether they had met the SHEV pathway requirements, where doing so may open permanent visa options for them. Those who had met the requirements were referred to lawyers and migration agents who specialise in family, skilled or employment visas, as appropriate.
- Assisting 10 clients with their AAT or IAA reviews. This ranged from one-off advice about the review process to full representation.

Reapplication Clinic (NLAP funded)

This clinic assists TPV and SHEV holders to apply for a subsequent TPV or SHEV prior to its expiry. We were assisted by 33 volunteer lawyers, the majority from Allens, Herbert Smith Freehills and King & Wood Mallesons.

The clinic operated on a fortnightly basis, in person or remotely, depending on the COVID19 restrictions at the time. While it was possible to operate remotely when required, the process was more difficult. Our clients do not have access to computers so the volunteer lawyers could not conduct video calls with them. They needed to conduct the appointments by telephone, and even then, several sessions were suspended because clients' phone connections dropped out.

Access to the clinic is subject to a financial disadvantage test. We assisted 35 clients through the clinic. This amounted to RAILS assisting approximately 30 per cent of the total number of Queensland residents whose TPV or SHEV expired during the year. It is important to remember that all of these clients have already been found to be refugees. The re-application process is critical to these refugees continuing to be able to remain safely in Australia.

Continued

Unrepresented Asylum Seeker Program

Final Departure Bridging Visas (DJAG funded)

Between October 2020 and March 2021, over 155 refugees and asylum-seekers who had previously been held in either the controversial Kangaroo Point Alternative Place of Detention or in community-based detention were released into the Queensland community. They were released on 6 month 'Final Departure' bridging visas.

These refugees and asylum seekers have no prospect of a long-term resolution of their visa status. After the initial 6 months of their bridging visa, they can only apply for another 6-month bridging visa, and only after the Minister personally lifts legislative bars in ss 46A and 46B of the *Migration Act 1958*. This complicated the process creates a significant risk that people will fail to apply, or not apply in the correct way, leading to them becoming unlawful.

In October 2020, the Department of Justice and Attorney General generously provided funding to RAILS from 1 January 2021 to 30 June 2021 to assist this group with applying for subsequent bridging visas. We are thankful to ASRA and Multicultural Affairs Queensland for their support in advocating for this funding.

The following statistics highlight the extreme vulnerabilities of these refugees and asylum seekers and the barriers that must be overcome to work effectively in this area:

- 54% of clients are at risk of homelessness and 4% of clients were homeless when we assisted them. This compares to 0.5% of the broader Queensland community who are homeless;
- 48% of clients were unemployed when we assisted them. With no Federal government financial assistance available to them, they are wholly dependent on charities and organisational collaborations such as ASRA and subsist on extremely low incomes;
- Just over half of the client group (53%) were living in a family group. Of these, 24% had children under the age of 18;
- A significant proportion of the client group reported disabilities including psychological (including mental

illness) (45%), physical (14%) and both physical and psychological (18%);

- 72% of clients required an interpreter to speak with us and a similar proportion were unable to read English.

The ASRA Consortium and Legal Services Co-ordinator's work

The Legal Support Co-ordinator (LSC) was the point of contact between clients and UAS at the Asylum Seeker and Refugee Assistance (ASRA) hubs weekly at Indooroopilly, and monthly at Gatton. Ongoing COVID19 restrictions meant the LSC engaged in a high degree of individually focused, remote client work. People who access ASRA are primarily boat arrivals and a large proportion are people on Bridging Visas or with no visa. Our work in the ASRA space is focused on helping clients to maintain lawful status through having a visa, and thereby remain able to work and access vital services such as Medicare.

The LSC made referrals to UAS or other sections of RAILS and other organisations as appropriate, assisted clients with drafting correspondence, completing forms and obtaining updates on their process. She also passed instructions to clients from the UAS lawyers and helped them obtain documents that they needed to facilitate their process. She performed 1,093 paralegal tasks such as these across the year.

The other ASRA Consortium members: Communitify, Queensland Program of Assistance to Survivors of Torture and Trauma (QPASTT), Australian Red Cross, World Wellness Group (WWG) and Multicultural Australia, provide vulnerable clients with vital assistance including physical and mental healthcare, income support, housing and employment support. RAILS' ongoing membership of the Consortium ensures that our clients have ready access to services of the other organisations, and at the same time, facilitates access to expert visa assistance for disadvantaged refugees and asylum seekers in Queensland. This is particularly important because boat arrivals can so easily slip into the situation of having no visa, and when this happens, they lose entitlements to even the most basic government safety net.

UAS services provided

Legal advices

459

Legal tasks

186

Represented clients

45

Non Legal Support

426

Community Legal Education

Our legal education practice aims to be responsive to needs, engaging and effective, and is developed collaboratively with communities and practitioners. Our programs are designed around best practice education principles endorsed by the community legal education sector.

Continuing Professional Development

Our CPD program ensures RAILS staff, volunteers and the wider profession remain updated on the latest law and practice, maintaining professional standards and registration. Following COVID19, our monthly sessions are now predominately online which has made the education more accessible to a broader range of practitioners. A survey held during the year confirmed most practitioners preferred this method.

CPD sessions held during the year covered: judicial review, offshore humanitarian visas, AAT processes, Safe Haven Enterprise Visa pathways, visa cancellation, protection visas, partner visas, citizenship, family violence and visas, practice management, ethics and working with clients with impaired capacity. We held a large webinar on the end of dual regulation for lawyers under the migration agents registration scheme and an in-person workshop for our volunteers on best practice for RAILS Advice.

We thank private practitioners and RAILS staff members who assisted in presenting the sessions.

Community Education

We delivered legal education online and in-person to community leaders, asylum seekers, protection visa holders, TAFE students and community groups covering: citizenship, wills, work rights, COVID19 laws and immigration, domestic violence prevention, family violence and visas and refugee family reunion.

We held two online 'Family Peace-Building' programs in partnership with the Community Leader's Gathering, Multicultural Australia, South Community Hub and the Islamic Women's Association of Australia. For these programs, we work with community and faith leaders to build capacity to identify and prevent family violence and promote safety, particularly for women and children.

We worked with LawRight, the UQ Pro Bono Centre and Mt Gravatt Community Centre to consult with community leaders and deliver a series of workshops about the legal system, money and debt, tenancy, family law, domestic violence and visas, and youth justice.

We held online sessions with ethnic community associations on dispute resolution and changes to laws affecting incorporated associations.

Youth Education

We developed the 'Civics Rap' online legal education program. The program emerged from our previous innovative youth legal education and invites learners to sing, rap, dance and dialogue about personal, legal and political issues while developing language and artistic capacities. It promotes active and informed communities, committed to rights and responsibilities, and empowered to make good choices, while learning about the legal system, democracy, world views, consumer law, human rights, racism, safe families, healthy relationships, violence, work rights and police.

We held sessions with Yeronga High School ESL students covering material from 'Civics Rap'.

Resources

We created a video on 'Applying for Offshore Humanitarian Visas' and fact sheets about checking visa status and Lawyers Doing Migration Work.

With community leaders, we developed a 'Peace-building Leaders Toolkit' and a 'Peace-Building Pledge'/Code of Ethics for use in further Family Peace-building training.

Updated our 'Interpreters chapter for the Lawyers Practice Manual.

Volunteer testimonies

Over the past year, 147 people have volunteered with us. We could not have done our work without their dedication and commitment. Thank you! Below are some of their testimonies.

Emma Robinson, Evening Advice Sessions Advisor

Just between us, I suspect that I may get far more out of volunteering with RAILS than RAILS does. As a migration and refugee law lecturer at Griffith University, volunteering helps me ground my teaching in current law and policy and the needs of the client. It forces me to apply what I teach, from navigating the legislation and policy to client interviewing skills. As a volunteer EAS advisor I've had to adjust my expectations of what I can achieve in a single session, compared to what I could achieve as a caseworker when I worked at RAILS. I set myself two goals for each client I see at EAS: Firstly, I provide the client with accurate advice on any immediate action they should take and outline further steps they need to take in the future. Secondly, I put myself in the shoes of the RAILS caseworker checking my advice: is my written advice clear, detailed and PII compliant? If the client returns to RAILS, will the next advisor understand what advice has been previously provided? By doing these small things, I'm hopefully easing the pressure on RAILS staff to do the challenging work they do every day.

Nellie Gordon, Day legal volunteer

I began volunteering at RAILS 18 months ago through the legal clinic program at my university. That experience further opened my eyes to how confusing, costly and often unjust Australia's immigration system is, especially for the most vulnerable or marginalised members of society. I was struck by how important the services RAILS provides are and what an exceptional privilege it is to be a volunteer in a place like this.

During my time at RAILS, I have mostly worked with women who were the victims of abuse perpetrated by their visa sponsors. I feel a great sense of responsibility to them and am honoured by the trust placed in me to listen to their stories and assist with their cases. The work is often challenging but it is exceptionally rewarding. I have been able to improve my professional legal skills, practice a variety of tasks, and most significantly, feel as if the work I am doing is making a tangible difference, however slight, in our clients' lives.

Ethan Hyde, TPV/SHEV Expiry Clinics Volunteer

I have volunteered with RAILS since 2019, first as a graduate and now as a lawyer and volunteer coordinator of my firm's pro-bono clinics with RAILS, as I am passionate about providing access to justice for refugees and people seeking asylum.

In my time volunteering with RAILS, I've seen the invaluable assistance RAILS provides to refugees and people seeking asylum. I've witnessed how quickly and effectively RAILS responds to humanitarian crises, including, most recently, the deepening crisis in Afghanistan. Without this assistance, many clients would find it extremely difficult to navigate Australia's complex and restrictive migration system.

Volunteering with RAILS has greatly developed my legal skills, requiring me to work with diverse clients (frequently through an interpreter). It is often challenging work, which is made easier by the exceptional support, training and advice RAILS provides to its volunteers. It is a great privilege to support RAILS to assist such vulnerable clients and providing this support is one of the most rewarding parts of my career.

Treasurer's Report

Kerryn Prentice, RAILS Treasurer

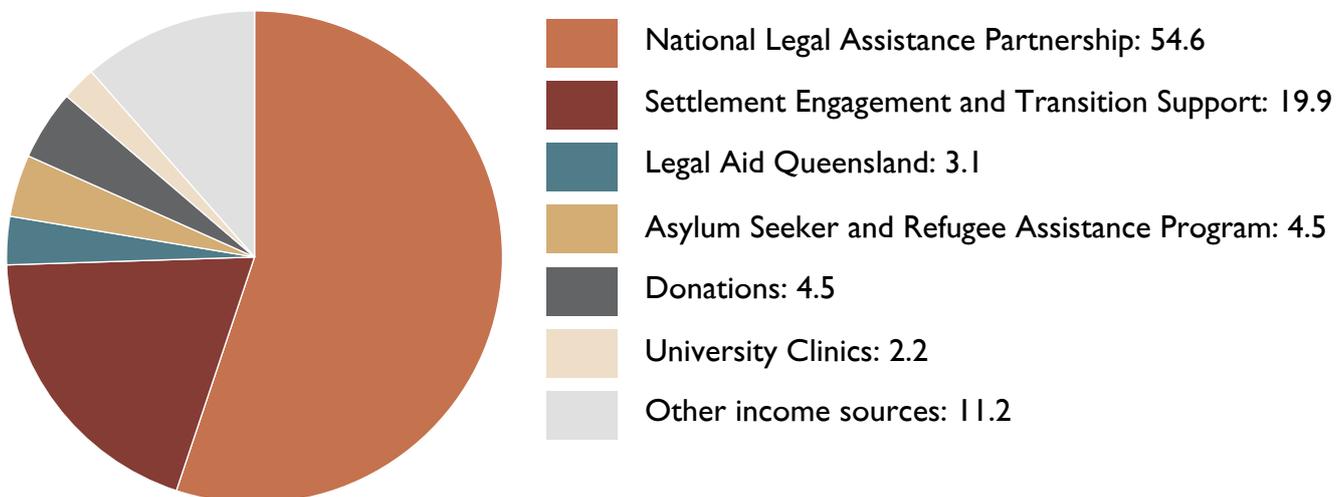
On behalf of the Management Committee of RAILS, I present the Financial Statements for the year ended 30 June 2021 which is reporting a small deficit of \$7,906 (2020: deficit of \$35,168). As per previous years, the Management Committee of RAILS has continued their commitment to support the Unrepresented Asylum Seeker (UAS) program, which receives limited government funding. This has contributed to the deficits reported in the previous two years. The demand for this assistance continues and RAILS has looked at other funding options to continue this program. We have implemented fundraising campaigns during the 2020-21 financial year to assist with funding this program resulting in the reduced deficit. We greatly appreciate the continued support of individual donors and organisations

who help us to continue with our mission to assist migrants and refugees.

RAILS is in a sound financial position to face any future funding challenges and continues to have a strong current ratio of 2.7 (2020: 3.4); giving an indication of RAILS ability to pay their debts as they fall due. We have met budgeted milestones in the majority of our service areas and continued to provide quality legal services.

I would like to take this opportunity to thank all RAILS' staff for their continued commitment, hard work and dedication to assist our clients.

RAILS 2020-21 Income Sources (as % of total income)



Acknowledgment of key funders

National Legal Assistance Partnership – combined State and Commonwealth Government funding

RAILS receives funding through the National Legal Assistance Partnership (NLAP), encompassed within the National Strategic Framework for Legal Assistance. RAILS' NLAP funding agreement commenced on 1 July 2020 and will expire on 30 June 2025.

Settlement Engagement and Transition Support – Commonwealth Department of Home Affairs

RAILS receives funding from the Department of Home Affairs to provide legal assistance to humanitarian visa holders to sponsor their family to reunite with them in Australia.

2020-21 Contingency Funding - Queensland Department of Justice and Attorney General

To support RAILS' work with refugees and asylum seekers who were released from immigration detention on 6-month Final Departure visas.

Asylum Seeker and Refugee Assistance (ASRA) program, auspiced by Communitify and funded by Multicultural Affairs Queensland

For the provision of funds to employ a Legal Support Coordinator to assist those accessing ASRA hubs.

COVID19 ICT Grant – Commonwealth Government

RAILS received funding to respond to the increasing IT needs that arose from the COVID19 pandemic and social distancing restrictions.

Legal Aid Queensland

For the provision of funding to provide immigration legal assistance to people who are experiencing domestic violence and to support RAILS' Community Legal Education program.

University of Queensland, Griffith University and Queensland University of Technology

For their collaboration with RAILS to host students for clinic placements. This gives students experience in working in a legal service and in-practice skills, as well as learning about professional responsibilities, while they provide valuable assistance to RAILS' Caseworkers.

RAILS also thanks the trusts and foundations that have supported our work through the provision of grants, including the Gambling Community Benefit Fund and Religious of Queensland. RAILS thanks the generous individuals and organisations who have donated to us and supported our recently established efforts to fundraise publicly, in particular the Queensland Presentation Sisters, Stephen Keim SC, Denise Keim and another generous donor who provided generous matching donations for our fundraising campaigns in 2020-21.

Management Committee Profiles

Matt Black

President

Matt is a barrister in private practice. He advises and appears for a range of private and government clients in both state and federal jurisdictions. During his time at the Bar, Matt has also undertaken appointments as Official Visitor and Inspector under the Corrective Services Act 2006 (Qld) and teaching administrative law as a casual lecturer with the College of Law in Brisbane.

Before coming to the Bar, Matt was an in-house lawyer at Centrelink. He has previously performed legal or research roles for the Land and Resources Tribunal, the Administrative Appeals Tribunal and the Australian Institute of Criminology.

He has been a member of our Management Committee since November 2018 and President since November 2020.

Nitra Kidson

Secretary

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.

Kerryn Prentice

Treasurer

Kerryn is currently the Finance Manager at CPL - Choice, Passion, Life. She is a qualified accountant with more than 25 years of experience in government, private and not-for-profit organisations. Her career has covered all aspects of finance and administration and she has worked for various organisations, including UnitingCare Queensland, Variety - the Children's Charity and TransitCare. Kerryn has previously served as a Board Member and Chair of the Finance, Risk and Audit Committee at YWCA Queensland.

Kerryn has a Bachelor of Business (Accounting) degree from QUT, is a member of CPA Australia and has completed a Certificate in Governance for non-for-profits with the Governance Institute of Australia.

Continued

Management Committee Profiles

Hiwa Zandi

Member

Hiwa is a practicing lawyer specialising in commercial litigation and migration matters. Hiwa has worked for the International Organisation for Migration in a consultancy position to coordinate the asylum seeker Voluntary Return Program in Manus and Nauru. Hiwa is currently the Managing Director of a Brisbane based boutique law firm, Madina Lawyers and its associated migration firm Migrating to Australia Consultancy.

Hiwa's association with RAILS goes back more than 10 years, when he initially worked as a voluntary legal clerk between 2004 and 2006. He has been a member of our Management Committee since 2016.

Kelly Morrow

Member

Kelly is a solicitor practicing in personal injuries law and has practised in both state and federal jurisdictions. Kelly has a long history at one of the largest social justice firms in Australia, before moving into

defendant insurance. Kelly has previously volunteered with LawRight (formerly QPILCH), VoRTCS, the Indooroopilly Uniting Church Visa Application Program and at RAILS as a law student and volunteer lawyer.

Narelle Shuterland

Member

Narelle is an experienced grant and policy program manager. She has more than 30 years of experience in community legal centres, domestic violence and housing support organisations and state government agencies. Narelle currently coordinates grant programs for First Nations land management. She has volunteered on a number of non-government management boards and as a settlement support worker with recently arrived refugees. She has qualifications in Social Work, Arts (Sociology) and policy analysis.

Narelle joined RAILS Management Committee in November 2020.

RAILS Staff Members

Kylie McGrath – Executive Director and Principal Solicitor

Malathi Kanagasabapathy – Executive Director
(until March 2021)

Robert Lachowicz – Education Officer

Noel Reeves - Senior Supervising Solicitor

Susan Hogarth – Senior Supervising Solicitor

Cristina Prieto Salvador – Operations Manager

Mei Wang – Finance Officer

Caseworkers

Abby Jiang – Solicitor

Angus Francis – Solicitor

Bernie Carrick – UAS Coordinator and Solicitor

Bruce Wells - Solicitor

Bunu Gautam – Solicitor

Ebony Franzmann - Solicitor

Grace Prince – Migration Agent

Imke McCall - Solicitor

Jee-Yeun (Valentina) Jung – Solicitor

Lara Conlan-Kinsella – Solicitor

Neha Vaidyanathan – Solicitor

Rachael Molnar – Solicitor

Stacey Parker – Pro Bono Coordinator and Solicitor

Tim Madigan – Solicitor

Support Staff

Anna Cavanagh – Senior Intake Officer

Chi Nguyen – Paralegal, (until September 2020)

Clare Carter – Paralegal

Emma Fell – Legal Support Coordinator

Erin Allen – Paralegal

Latif Murtazawee – Paralegal

Lauren Bellamy – Receptionist

Mu Shwe – Paralegal

Phoebe Nind - Paralegal

Rachel Li – Administration and Intake Officer

Rin Shimada – Senior Intake Officer,
(until December 2020)

Ruby Chiswell – Receptionist

Smitha Mallya – Administration and Finance Officer,
(until September 2020)

Thank you!

Our committed and resilient team of pro bono law firms and barristers, volunteer lawyers and migration agents, day and evening volunteers, clinic and PLT students continued to assist our vulnerable clients through the ups and downs of social-distancing and lockdown restrictions this financial year. In particular, we thank *King and Wood Mallesons* for continuing their secondment of Erin Allen as practice assistant to our Unrepresented Asylum Seeker program throughout the financial year for a total of fifteen months and *Herbert Smith Freehills* for urgently providing secondee lawyer Ebony Franzmann to assist our casework team with protection visa work for three months at the end of this financial year.

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

Allens for providing pro bono representation for judicial review proceedings.

Corrs Chambers Westgarth for providing us with advice on our contractual arrangements.

MinterEllison for providing pro bono assistance to clients who have experienced family violence, refugees seeking to reunify their families and other vulnerable clients and for the donation of hardware to RAILS.

Alexander Psaltis, Arron Hartnet, Hamish Clift, Gavin Rebetzke and Julian Gormly of counsel for providing pro bono opinions and acting as pro bono counsel for clients with judicial review proceedings.

Terry Fisher of Fisher Dore Lawyers for providing pro bono representation for judicial review proceedings and pro bono advice to a refugee regarding cancellation of their visa.

Caitlin White of Fisher Dore Lawyers and Jessi Galbraith of East Coast Immigration Consultants for representing clients with a review of their matters at the Administrative Appeals Tribunal.

Anthony Stolar, Solicitor from Stolar Law Pty Ltd; Hendrik de Korte from TDK Law and Marg Le Sueur for providing pro bono migration advice to vulnerable clients.

M4M Agency for providing pro bono advice on our communications.

Evening advice sessions volunteers

RAILS began as a volunteer advice service over 40 years ago. Many volunteer solicitors, migration agents and students continue to give up their time and expertise to volunteer at our free Evening Advice Sessions. While the service was suspended at the start of the financial year

due to the pandemic, we used the time to introduce significant service improvements. The service recommenced in August 2020 on a semi-remote basis. The service takes place on Wednesday nights, to meet the need for access to justice in the migration space for people who could not otherwise afford to seek legal advice.

We thank the following EAS volunteers:

EAS Advisors

Anna Gunning Stevenson
Bianca Chisari
Darryl McNeill
Elizabeth Collins-Fischer
Emily Darling
Emma Robinson
Hendrik de Korte
Jennifer Samuta
Jessi Galbraith
Joshua Sharman-Selvidge
Katherine Keane
Kieran O'Brien
Marcus de Witt Ryall
Marg Le Sueur
Narendra Sharma
Prataph Lakshmanam
Roya Majd
Sastha Sanjaya
William Markwell

EAS Coordinators

Alexander Russel
Bella Nguyen
Dominic Walton
George Carrington
Isabella Ridout
Joe Williamson

Unrepresented Asylum Seeker Program statement clinic firms and volunteers

Our Unrepresented Asylum Seeker (UAS) program runs evening Statement Clinics for Temporary Protection and Safe Haven Enterprise visa re-applicants. The pro bono and volunteer support for this service has been inspiring in this extremely complex and challenging area of migration law.

We thank our UAS partner law firms, **Allens, Herbert Smith Freehills and King & Wood Mallesons** for providing pro bono lawyers to assist this extremely vulnerable cohort of people seeking asylum.

Continued

Thank you!

We also thank the following individual volunteer lawyers:

Allens

Alana Humphris
Corin Morcom
Georgia Jones
Georgie Bills
Inez Botta-Stanwell
Julia Egarr
Maaiké York
Meg Hogan

Herbert Smith Freehills

Tatsuki Shiratsuchi
Oliver Cook
Stebin Sam
Henry Meehan
Sandy Smith
Georgia Williams
Maritsa Samios
Gavin Davies
Elise Higgs
Ebony Franzmann
Samara Cassar
Jamilla Wynter
Jessica Downing-Ide
Patrick Cross
Allira Jeffrey
Natalie Lesco
Lauren McDonald
Molly McInerney
Emily Reyher
Matt Wertheimer
Ethan Hyde
Soeun Hong

King and Wood Mallesons

Alexandra Jule
Ethan Hyde
Georgia Sullivan
Jordan Waldock
Julius Moller
Kate Cincotta
Max Ziukelis
Ruthvik Rao
Sacha Kemp
Tegan Tucker

Day legal and administration volunteers, PLT students and legal clinic students provide much needed support to our staff. We thank the following:

Day legal and administration volunteers

Abinaya Ketheeswaran
Alexandra Richards
Andrew Butler
Andy Luu

Chi Nguyen
Connor Bennett
Elisabeth Ann Young
Elle Ko
Emma MacDonald
Georgia Alderton
Glennis Gill
Grace Desoe
Grace O'Shannessy
Harrison Bass
Helen Stewart-Koster
India Paul
Isaac Ford
Ivana Daskalovic
Jacob Currie
Jennifer Messieh
Jesse To
Jodie Chapman
Kate Dowse
Kirsten Cribb
Lauren Bellamy
Lauren Giles
Lilly Nguyen
Marisol Garcia Tobon
Markella Voulcaris
Michelle Tan
Mu Shwe
Nellie Gordon
Nicholas Walker
Nikul Sharma
Nishat Khan
Noemi Gonzalez-Salas
Panashe Muzira
Paola Ovalle
Patricia Pador
Patricia Riddle
Patrick Fogarty
Rachel Li
Rosie Cavdarski
Sadia Azizi
Sophie Hill
Stephanie Cook
Talya Bolge
Thien-Tam Nguyen
Thomas Bell
Thomas Choo
Trinh Tan
Yosun (Stephanie) Jung

PLT students

Latif Murtazawee
Libby Masters
Vanja Serbedzija

Fundraising and communications volunteers

Aimi Gordon
Elisabeth Fritz-Joughin
Elly Torres

Continued

Thank you!

University student clinics

University of Queensland

2020 Semester 2

Charlotte Whan
Eleanor Gordon
Francesca Harris
Georgia Alderton
Grace Vogler
Helen Stewart-Koster
Nicholas Walker
Rosie Cavdarki

2021 Semester 1

Andy Luu
Carolyn Cormack
Emma MacDonald
Hui Hui Michelle Tan
Jacob Currie
Kirsten Cribb
Kirsten McRuvie
Michael Fielding
Nyenyenzi Murhi
Patrick Fogarty
Riley Harland
Rory McFadden

Griffith University

2020 Semester 2

Caitlin Degraaf
Jemma Clark
Mahan Nouri
Nicholle Triandis
Sophie Somerville
Wilson Redman

2021 Semester 1

Addison Scott
Ellysha Laklem
James Harcombe
Elle Ko
Neda Khademazad

Queensland University of Technology

Agalya Rajendra
Anishka Shenoy
Zhen Wu

Our pro bono programs enable us to assist far more clients than through staff alone, showing that we can make our limited resources stretch a long way!

We also thank ...

University of Queensland and Griffith University for partnering with us to deliver student clinics.

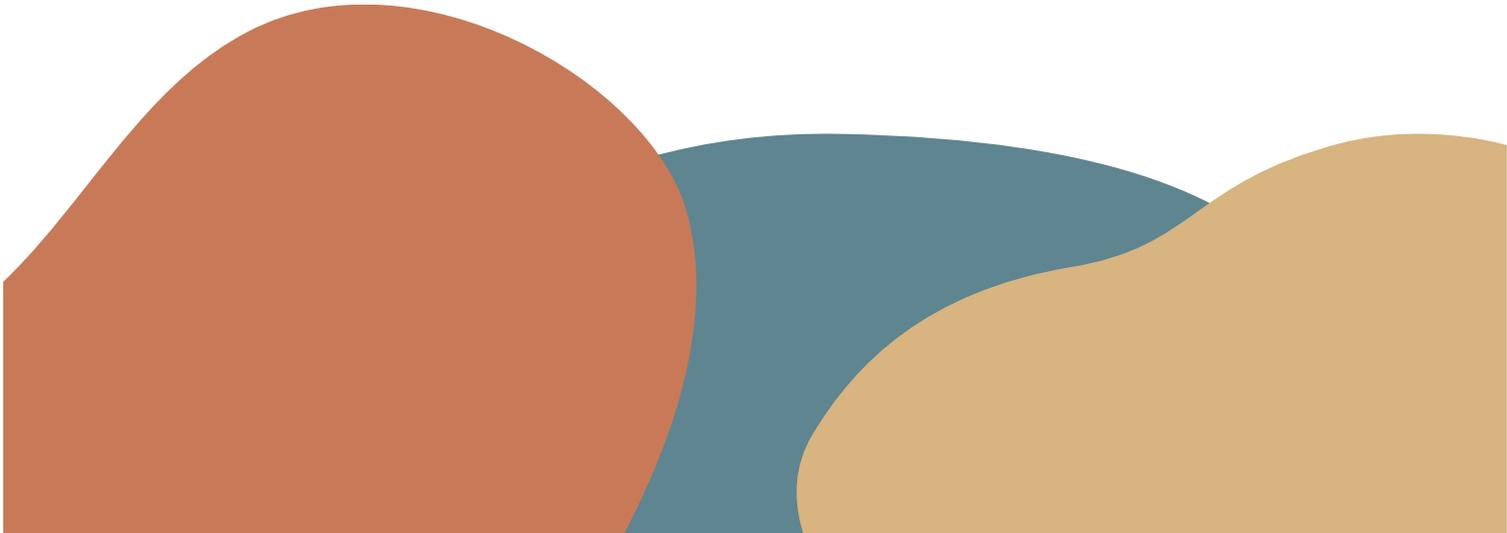
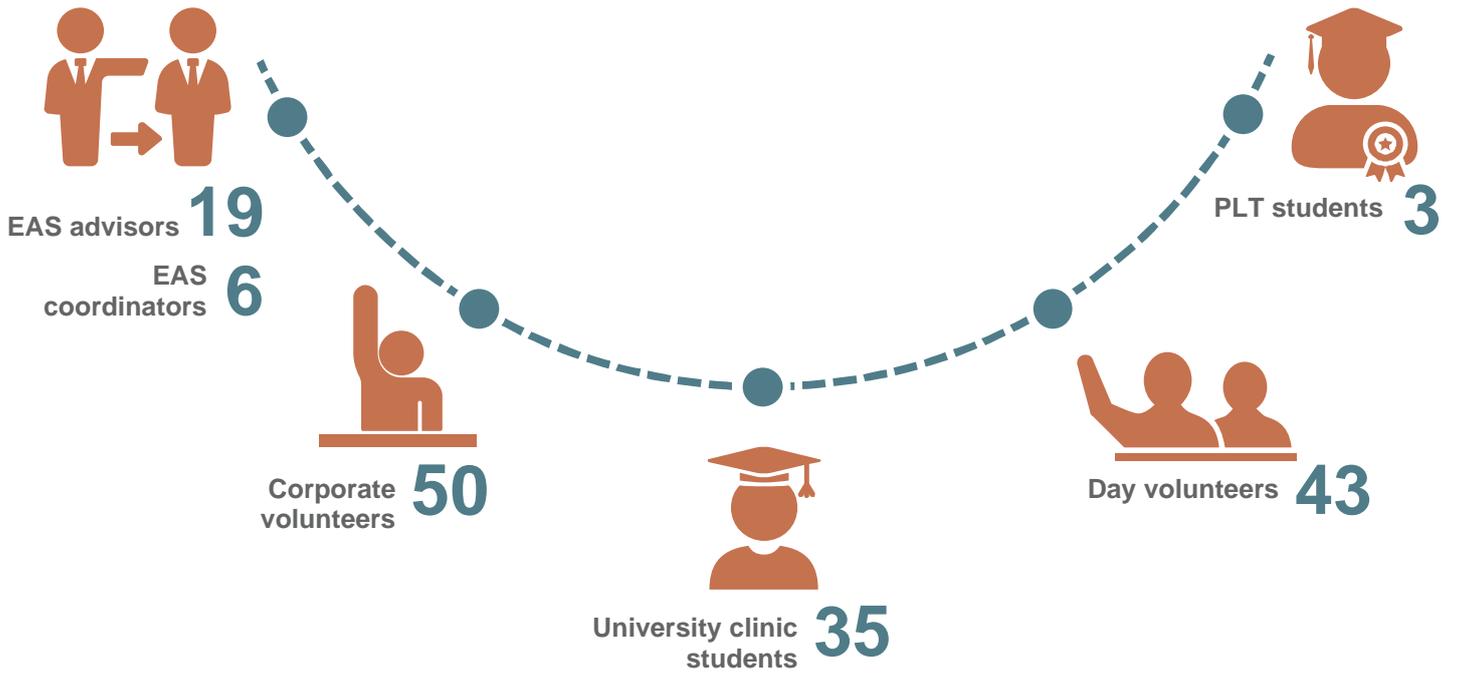
UQ Pro Bono Centre and QUT Law Student Legal Education Clinics for assisting with the delivery of legal education to refugee and culturally and linguistically diverse communities.

Our CPD program guest speakers:

Carly Hanson, Community Legal Centres Queensland
Dr Bridget Cullen, Member of the Administrative Appeals Tribunal
Matt Black, Quay II Chambers
Philip Duncan, Newland Chase Australia
Stafford Shepherd, Queensland Law Society
Theo Tavoularis, Senior Member of the Administrative Appeals Tribunal

Our long-standing community partners:

Access Community Services Ltd
Australian Red Cross
BRASS Network
CatholicCare
Centacare FNQ
Communify
Community Leaders Gathering
Community Legal Centres Queensland
Community Legal Centres Australia
Ethnic Communities Council Queensland
Immigrant Women's Support Service
Inala Community House
Indooroopilly Uniting Church
LawRight
Legal Aid Queensland
Multicultural Australia
QPASTT - The Queensland Program of Assistance to Survivors of Torture and Trauma
Queensland University of Technology
Refugee Association of Logan
Refugee Council of Australia
Romero Centre
Salvos Legal
South's Community Hub
Townsville Multicultural Support Group
Women's Legal Service Queensland
World Wellness Group



OUR VISION

Fair and humane
justice system for the
most vulnerable

OUR MISSION

Empower the most
vulnerable refugees,
asylum seekers and
migrants through legal
assistance, education
and advocacy

OUR VALUES

Social Justice

Expertise

Client-centered

Ethical Practice

Inclusive

Hours of operation and location

Level 1, 170 Boundary Street, West End, QLD

Monday to Friday 9 am - 5 pm

(07) 3846 9300 Our phone lines are open
Monday to Friday, between 11 am and 5 pm.

admin@rails.org.au

<http://www.rails.org.au>