



## **Annual Report 2003-2004**

*centre for advocacy, support and education for refugees*

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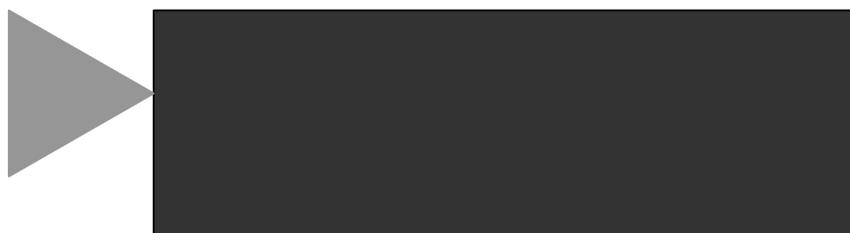
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## Introduction

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***The Centre for Advocacy, Support and Education Inc. (CASE for Refugees) is a community legal centre providing assistance to refugees on Temporary Protection Visas (TPVs) living in WA.***

- CASE for Refugees is the only specialist refugee and immigration legal centre in Western Australia
- CASE for Refugees is an incorporated community legal centre with Deductible Gift Recipient status from the Australian Tax office
- It is a member of the Community Legal Centres of WA and has adopted the Practice and Insurance manuals of the National Association of Community Legal Centres (NACLC).



***Our values***  
Respect, dignity and consideration – human rights.  
Participation, enthusiasm and working together – community involvement.

***Our Mission***  
To strengthen the human rights for refugees, asylum seekers and persons of concern through legal assistance, research, educational initiatives and policy development.

***Key objectives***  
To provide culturally sensitive legal services to refugees, asylum seekers and persons of concern who are disadvantaged in their access to the legal system  
To provide information and education on refugee issues to interested parties

# Convenor's Report

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This year, the convenor's report is tinged with a mixture of pride and disappointment.

The disappointment arises from the chronic under resourcing of our organisation in a time of high demand for our services. It is frustrating for board members, staff and volunteers to be placed in a situation where they are constantly having to compromise in the manner in which services are offered. There is also a high degree of stress and fatigue for all concerned who operate in this environment.

Ironically, the sense of pride I have arises from the same source. Notwithstanding our lack of resources, CASE has again performed to a very high standard in coping with its workload. There are currently 602 clients on our database and 82% of these have been identified as suffering from torture/trauma. Throughout the year, we have been able to provide our clients with a desperately needed service (which, for many, would not otherwise have been available) and we have been able to help many clients succeed in their applications, either at the initial decision or review stage.

Some of the factors that have contributed to the success of the organisation in the past twelve months include the following.

1. The introduction of the clinic system has resulted in CASE being able to assist more clients than would otherwise be possible given our lack of resources. In an ideal world, every client would be separately represented in his or her application, given the importance of the decision being made. Unfortunately, we do not live in an ideal world and the clinic system has been an effective response to the demands placed on us.
2. The assistance provided by our 120 active volunteers has been outstanding. I would like to again pay tribute to them for their dedication, skill and commitment. I would also like to acknowledge the invaluable work of Kathryn Choules who finished her work as a paid volunteer co-ordinator for CASE in March, but has since continued to assist in a voluntary capacity.
3. Our office has also been very professionally run by Caro Nye during the course of the year. The CASE office is a very busy place with volunteers, staff, board members and clients often rushing to and fro, and this is a challenging environment to manage. Caro also finished her paid work with us on 31 August this year but has continued to assist in a voluntary capacity. We are very grateful for her contribution.
4. CASE has also continued to benefit from the extraordinary dedication and commitment of our solicitor/project manager Vanessa Moss with part time assistance from Bill Thomas. Both Vanessa and Bill work beyond the normal requirements of their positions and provide a great service to our clients.

5. We have continued to have an excellent working relationship with CARAD and the Uniting Church which has continued to provide our office space free of rent. For this contribution, CASE remains very grateful
  
6. Finally I would like to thank my fellow board members for their enormous contribution of time and expertise to CASE during the year. Due to other commitments we have, in the last year, farewelled John McGinnis and Lucy Fiske from the board and on behalf of CASE, I extend my appreciation to both of them for their contributions. We have also been delighted to welcome Fiona McGaughey to the board. While all our board members go well beyond the call of duty in their contributions, I would like to pay particular tribute to Julie Beus who, as treasurer, has put in an enormous amount of hours and energy to keeping the organisation on track from a financial point of view.

While this report has unfortunately focused on CASE's lack of financial resources, there has been no lack of talented and energetic human resources applied to our work, and this is largely responsible for the organisation's success over the past year. There has also been some recent news on funding applications which is more hopeful as the organisation moves into its third year of existence. As most of you would be aware, we live in a very competitive world when it comes to securing funds for charitable work, and grant application writing is likely to continue to take up much of our time.

In conclusion, on behalf of the board I thank everyone for their magnificent efforts during the course of the year, and look forward to working with you all again in support of our courageous clients during the next 12 months.

*The assistance provided by our 120 active volunteers has been outstanding. I would like to again pay tribute to them for their dedication, skill and commitment.*

**Graham Castledine**

**Graham Castledine**  
**Convenor**

## CASE for Refugees Structure

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Case for Refugees is managed by a Board that consists of eight individual members. The main responsibilities of the Board are to oversee and set the policy and strategic direction of the organisation and ensure that it adheres to the rules of its constitution and other relevant laws.

### Board 2003- 04

<b>Convenor</b>	Graham Castledine
<b>Assistant Convenor</b>	Rosemary Miller
<b>Treasurer</b>	Julie Beus
<b>Secretary</b>	Lyn Levy
<b>Members</b>	Samer Al Janabi (client representative)
	Peter Creighton
	Lucy Fiske (community representative)
	Jim Ife
	Brian Kyme
	John McGinnis
	Katrina Williams
	Fiona McGaughey (co-opted August 2004)
<b>Farewelled during the year</b> Lucy Fiske John McGinnis	

This year the Board formed three main working parties to assist in a number of key areas of the organisation outside of the Board meetings.

### Working Parties

<b>Legal</b>	<b>Funding</b>	<b>Staff / Human Resource Management</b>
Peter Creighton	Julie Beus	Rosemary Miller
Katrina Williams	Lucy Fiske	Jim Ife
Samer Al Janabi	Fiona McGaughey	Brian Kyme



## Staff – 2003-04

<b>Vanessa Moss</b> (2 days per week)	Principal Solicitor / Project Manager	
<b>Bill Thomas</b> (4 days per week)	Migration Agent	
<b>Kathryn Choules</b> (2 days per week)	Volunteer Co-ordinator	Position expired 31.03.04
<b>Caro Nye</b> (2 days per week)	Office Manager	Position expired 31.08.04
<b>Niels Anderson</b> (15 hours per week)	Migration Agent	(Aug – Oct 2003)

## CASE for Refugees Structure

### BOARD

LEGAL SERVICES	VOLUNTEERS	OFFICE MANAGEMENT	FUNDING
<p>All legal assistance and migration advice is overseen by the Principal Solicitor and is provided in accordance with the Professional Indemnity Insurance requirements.</p> <p>Migration agents supervise Saturday clinics.</p>	<p>Recruitment, induction, training and support of volunteers</p> <p>Development and production of training materials.</p>	<p>Central communication point for CASE for clients, volunteers and outside agencies.</p> <p>Client intake</p> <p>Administration support for legal, volunteer and finance teams as required.</p> <p>Information management, including maintaining client and volunteer databases</p>	<p>Identify possible funding sources</p> <p>Write Submissions</p> <p>Identify and develop income producing strategies.</p> <p>Organise fundraising events</p>

## The story from 2002 to 2004

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Case for Refugees was formed in April 2002 by a collection of people from non-government organisations and individuals wanting to ensure that refugees on Temporary Protection Visa (TPV) have access to legal advice and assistance in lodging their applications for further protection visas in Australia. CASE for Refugees became incorporated and delivered its first client services (a community information session) in August 2002. CASE for Refugees' first general meeting was held in November 2002 and the first official board was elected.

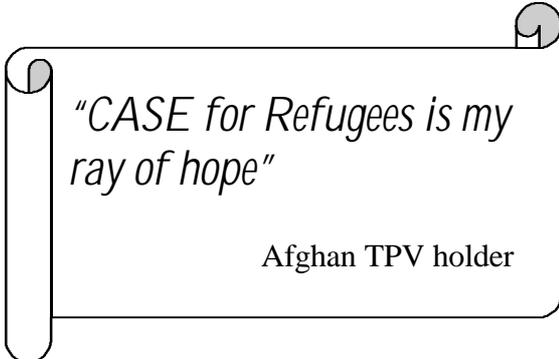
CASE for Refugees currently has two paid staff (four at its peak) and approximately 120 volunteers. It has developed a clinic intake system that is able to provide clients with legal assistance to support their application for a further protection Visa to remain in Australia. In addition CASE for Refugees has been able to assist 24 clients to the Refugee Review Tribunal stage, all receiving positive decisions to date.

### *Background nature and effect of TPVs*

The Temporary Protection Visa (TPV) was introduced into legislation in October 1999. Under this system a person found to be a refugee by the Department of Immigration Multicultural and Indigenous Affairs (DIMIA), who entered Australia without a valid visa was only eligible for a TPV, valid for three years. Previously, such people were granted permanent residency with all accompanying rights and supports.

The conditions on all TPVs include: no access to settlement services; limited access to English language lessons; access to the most basic of employment services but not to intensive employment supports and training; no access to tertiary education, and limited access to secondary education; eligibility for very limited social security benefits, with strict conditions attached to this, but not for disability benefits; and access to public health services, although these are limited and have extensive waiting lists.

Perhaps the most difficult aspect of the TPV is that it does not allow for family members to be sponsored to Australia, nor does it allow the TPV holder to return to Australia if they want to leave to visit family members. Statistics from the Department of Immigration, Multicultural & Indigenous Affairs show that in the period between October 1999 and September 2000, 42% of unauthorised arrivals had members of their family unit (i.e. spouse and or children) overseas.



*"CASE for Refugees is my ray of hope"*

Afghan TPV holder

# Solicitor/Project Manager's Report

**Vanessa Moss**

The past year has seen great change in the way CASE for Refugees has delivered its service to clients. This has been due to the lack of resources we have had to meet the demands of a growing client base, and an increase in the rate of processing of applications by the Department of Immigration.

In late August 2003 the Department of Immigration began making decisions in relation to our clients' applications for protection. The decisions were almost always negative, and related to our Afghan caseload (which comprises approximately half of our total caseload). We provided representation at the review stage for a large number of these clients, although many who could afford to, chose to engage a private migration agent following advice from CASE for Refugees that we had insufficient resources to meet all of our clients' needs for ongoing representation. At the time of writing we have been successful in respect of all review applications by clients whom CASE represented before the Refugee Review Tribunal.

In December 2003, in light of its lack of resources, CASE made the decision to provide only selected clients with ongoing representation, on the basis of their experience of torture, their inability to self represent and their financial circumstances.

These clients are assisted in respect of all matters relating to their application at the primary and review stages. In respect of the majority of our clients, we have adopted a new pared-back model of service delivery which

provides assistance only at critical points in the process. At the primary stage of processing (of applications by the Department of Immigration) our

clients attend clinics for a once-only interview (usually of 4 hours duration) with an interview team comprising an interviewer and a scribe under the supervision of a registered migration agent. During the interview a statement is prepared for the client, and signed by the client at the conclusion of the interview. Clients are invited to return to us for further assistance should their application be rejected by the Department of Immigration. Since February 2004 there has been a marked change in the decisions being made by the Department of Immigration in relation to our Afghan clients, with applications being accepted rather than refused. As a result, the demand for our assistance at the review stage has significantly reduced.

In mid 2004 the Department of Immigration commenced processing the protection visa applications of Iraqi nationals, which had previously been suspended.

In preparation for the Departmental interviews, CASE began preparing statements for its Iraqi clients. At the time of writing it is too early to determine what level of demand there will be for CASE's assistance to Iraqi nationals at the review stage. We are aware that there have been a handful of positive decisions (and not any negative decisions) made

by the Department in relation to our Iraqi clients. This augurs well but it is too soon to say whether this will be the pattern for our Iraqi caseload (which comprises approximately half of our total caseload).

During 2004 the Perth office of the Department of Immigration has significantly increased the resources it has devoted to the processing of

**The legal team comprising scribes, interviewers and supervising migration agents has been under a great deal of pressure but their dedication and commitment has been outstanding**

protection visa applications, and therefore been able to increase the rate of processing of applications. In response, CASE has needed to significantly increase its rate of client interviews, and the adoption of the clinic system has enabled us to do this. Our resources have been stretched, and for much of this year clinics have been running every Saturday. The legal team comprising scribes, interviewers and supervising migration agents has been under a great deal of pressure but their dedication and commitment has been outstanding. It is to their credit that we have been able to keep up with the Department's schedule, and that all of our clients have had the opportunity to provide the Department with a statement of their updated claims prior to their Departmental interview.

This year we have endeavoured to provide increased support to our legal team, with additional training available to interview teams/supervising migration agents. The training sessions have focussed on the skills and knowledge required in statement taking and matters related to better practice as a community legal centre. Regular "Twilight Seminars" have been held throughout the year and have provided the legal team with the opportunity to keep up to date with developments in refugee law and other matters pertinent to our TPV project.

In March this year Kathryn Choules finished her contract as Volunteer Co-ordinator, and we were not successful in obtaining further funding for her position. The role of volunteer co-ordinator is vital for CASE, given that we have a very large number of volunteers who deliver the majority of the services provided by CASE. Kathryn has nevertheless continued to be responsible, in a volunteer capacity, for the quarterly training of new volunteers.

Caro Nye, our office manager, finished her contract on 31 August and there is no ongoing funding available for her position. Amongst other things, she leaves us with a more spacious, better equipped and better administered office.

Bill Thomas, our registered migration agent, finishes his contract with us at the end of October this year, and at this stage no further funding has been secured.

Kathryn, Caro and Bill have all made significant contributions to CASE over and above what they were contracted to provide – they undertook significant volunteering in addition to their paid work. I am very grateful for their hard work, dedication and passion for the cause of our clients, and the support they have given me in my role as solicitor/project manager.

I congratulate our volunteers for their hard work this year, work that has been graciously and willingly undertaken in very difficult circumstances, in an office that is chronically under-resourced. Although we are the poorest community legal centre in Western Australia, we are rich in the contributions of time and expertise made by our volunteers. It has been very humbling for me to see the extent of the work undertaken week after week, by volunteers who lead busy lives and who devote so much of their time and expertise to assisting our clients in their "spare time".

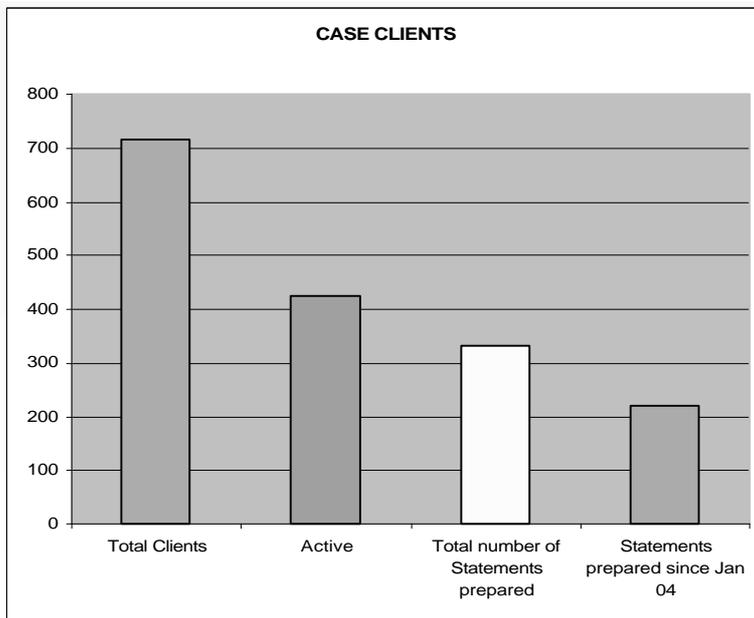
***Although we are the poorest community legal centre in Western Australia, we are rich in the contributions of time and expertise made by our volunteers.***

It is very much appreciated by our clients and many of them come into the office to express their thanks for the work of CASE for Refugees in securing for them a safe and permanent home.

It was therefore not surprising that the efforts of CASE for Refugees were publicly recognised on 10 December 2003, Human Rights Day, when it received a “Highly Commended” Award from the Human Rights and Equal Opportunity Commission for “protection and promotion of human rights of refugees and asylum seekers particularly those on temporary protection visas”.

*Vanessa Moss*

**Vanessa Moss**  
**Principal Solicitor/ Manager**



## Office Report

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We began this financial year working out of the CARAD office – with one old computer and 2 filing cabinets. Since then we have moved – and moved again – and now have a large fully equipped office along with 2 interview rooms.

This development is primarily due to the ongoing support of Lotterywest, who have provided us with equipment, and the Uniting Church of Australia Trinity Church Office which has provided us with free office space in the Trinity Arcade Building in central Perth.

We continue to receive assistance and support from, and liaise regularly with, CARAD members and their network of supporters. This co-operation between our agencies is beneficial to our clients and also our volunteers.

We have also received invaluable support from Jacques Giuffre and Uniting Communications in support of our IT network.

This year, with funding from external agencies, we have received funds to employ three part-time workers: a Solicitor/Project Manager, a Migration Agent, and an Office Manager. The workload has been substantial and we could not have achieved our goals without the approx. 120 active volunteers who support our work.

Many people come and go through the CASE Office throughout the year contributing their time and skills to assist in the administration work required in a community legal centre.

People have contributed on many levels but unfortunately there are far too many names to thank everyone individually. With this enormous commitment from volunteers we are able to have our doors open from Monday to Friday 9.00am – 5.00pm and also Saturday mornings to assist our clients on temporary protection visas.

Office volunteers have supported our work in the following areas:

- client assistance
- file management
- file review
- assisting the solicitor
- mail-outs
- fundraising events
- the clinic system
- client appointments
- book-keeping
- interpreter bookings
- computer and IT support
- membership, donations
- volunteer recruitment and training

At any one time the office has around 20 volunteers who commit regular hours to ensure CASE for Refugees can carry out all its functions. We also have approximately 7 supervisors, 30 interviewers and 20 scribes working through our clinic system – supporting our “after-hours” work.

We are indebted to all volunteers, our Board of Management and interpreters for the time and contributions they have made to advance our work.

Caro Nye

**Caro Nye**  
**Office Manager**

***At any one  
time the  
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who commit  
regular  
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## Volunteer Intake and Training

We are fortunate at CASE for Refugees that our volunteer recruitment is able to happen largely by word of mouth. With very little publicity we receive sufficient new volunteer applications to run a training session approximately every 3 months. CASE for Refugees requires

***Without the assistance of people such as Carol Bolton, Ana Kailis, Marg Le Sueur, Mary Anne Kenny, Chris Williams and Sue Brook we would not be able to provide the high quality training that we do.***

all volunteers to undergo training. In the last financial year we have trained approximately 100 new volunteers. These volunteers work in all areas of the organisation. The majority of volunteers work in interview teams in the preparation of client statements supporting their application for a further protection visa. This is the core business of CASE for Refugees and requires significant skill and expertise.

In order to prepare volunteers for the various roles that they will fill in the organisation, the training includes the following components:

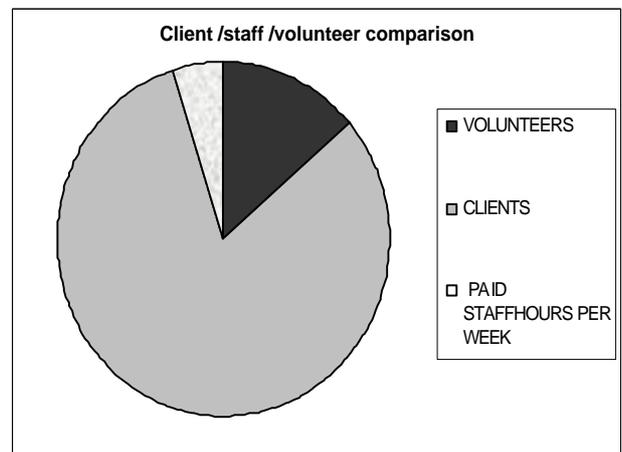
- legal and migration issues
- the 7-Day rule and sur place claims
- legal practice obligations
- volunteer self-care
- interview techniques
- working with interpreters
- working with victims of torture and trauma
- structure of CASE for Refugees and volunteer roles
- research
- country information on Iraq and Afghanistan

The training programme has slowly been developing over the last 2 years and is continually being honed to meet the needs of both our clients and our very busy volunteers. We call on a variety of volunteers and supporters to assist in the presenting various aspects of the training.

CASE for Refugees along with ASeTTS, Edmund Rice Centre and Women's Health Care Association sought and has had approved Lotterywest funding to employ a person to document and pilot a core training package for volunteers working for the different organisations. This project will commence early next financial year. This will assist CASE for Refugees in further improving the volunteer training we provide.

*Kathryn Choules*

### **Kathryn Choules Volunteer Training and Support**



# Funding Team Report

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The past year has been a financially challenging one for CASE for Refugees. We have continued to operate through the efforts of our volunteers (in every area of the organisation), the dedication of our part-time staff, in-kind support from other organisations (notably Trinity Uniting Church, SCALES and CARAD amongst others) and the generosity of the United Nations, the Perpetual Trustees and the Myer Foundation.

## **Planning Sessions**

The early part of the year saw a small group come together with the help of Ian Robinson from YouthCARE WA to determine the fundraising strategy for the year. This session was followed up by a special purpose board meeting focussing on Funding which resulted in a three tier strategy, dividing funding sources into 'major applications', 'events' and 'other' fundraisers.

## **Major Applications**

In order to pursue as many funding avenues as possible, a grant-writing team was established under the supervision of Lucy Fiske. Lucy patiently trained and mentored the team (Julie Beus, Judy Harley and Fiona McGaughey), before retiring from CASE for Refugees in June. Lucy's expertise and dedication will be sorely missed.

The funding received from the Perpetual Foundation, the United Nations Voluntary Fund for Victims of Torture (UNVFVT) and the Myer

Foundation during 2002/03 was used to fund the four part-time staff positions. Unfortunately follow-up funding has been harder to secure meaning that the position of Volunteer Co-ordinator has been un-funded since March 04.

Throughout the year, applications have been submitted to the Perpetual Foundation (2003/04), the Law Society's Public Purposes Trust (2003/04) and the State Government Community Legal Centre Funds. The applications met the criteria of the funding bodies, but were unsuccessful. Applications have also been submitted to the United Nations, the Law Societies Public Purposes Trust (2004/05) and the Mercy Foundation, and all are still pending. We have just received confirmation of a successful application to the Myer Foundation.

This work is continuous and an application is currently being drafted to the Perpetual Foundation (2004/05). It has been wonderful to work as a team and although the lack of success is at times disheartening, the news of success is celebrated. There are always applications to be written and so we welcome new volunteers at any opportunity!



*Sister Veronica Brady and Anna Copeland  
at the Hypothetical*

## **Events**

Fundraising events are fundamental to the operation of CASE for Refugees, both in allowing us to meet some of the ongoing operational costs, which are rarely covered by grants, and in raising community awareness about CASE for Refugees, the TPV regime and refugees.

CASE for Refugees volunteers and supporters were fundamental in organising three events throughout 2003/04. The Quiz Night and the Hypothetical events held in the latter half of 2003 and the Afternoon of World Music held in Hyde Park in April 04 were all enjoyable and successful events. CASE has also been involved in numerous other events and public lectures throughout the year including the Refugee Awareness Concert held in Subiaco in March 04, The Last Resort – the launch of the HREOC Report into Children in Detention and the World Refugee Day events both in June 04.

Thank you to the local businesses who generously supported the events and to ALL of the people who were involved in organising them.



*THE AFTERNOON OF WORLD MUSIC – AND VOLUNTEERS HARD AT WORK!*

### **Other Funding News**

During the year the office was equipped to receive EFTPOS and Credit Card donations and several smaller fundraising ventures, such as sales of Chocolates and Entertainment books were undertaken. Our first 'monthly donators' pledged their support for the work that CASE for Refugees does



Jan Ryan, Jim Ife and Anna Copeland Hypothetical

THE AFTERNOON OF WORLD MUSIC – MAHDI SPEECH



Fundraising is often seen as the non-sexy side of working with CASE for Refugees. However, the efforts of our volunteers allow the main work of CASE to continue (pretty important I'd say!). THANK YOU to all the volunteers (too numerous to mention) and supporters who have been involved in writing submissions and organising events in the past year.

**Julie Beus and Fiona McGaughey**  
Fundraising Team

# **Auditor's Report**

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**CASE FOR REFUGEES INC**

**FINANCIAL STATEMENTS**

**30 JUNE 2004**

**(on line version attached as separate document)**

**DRY KIRKNESS**  
**Chartered Accountants**  
**West Perth**

## CASE for Refugees

wishes to formally thank the following people...

### ***Core Financial Support***

The Perpetual Foundation

The United Nations Voluntary Fund for Victims of Torture (UNVFVT)

Lotterywest

The Myer Foundation



### ***Supporters***

The Association of Heads of Churches (Migrant Sunday Appeal)

### ***In-Kind Support***

Trinity Uniting Church

CARAD (Coalition Assisting Refugees, Asylum Seekers and Detainees)

SCALES Community Legal Centre (Murdoch University of Law School)

Jacques Giuffre and Uniting Communications

### ***Events***

#### **Quiz Night**

Susannah Brook Winery

Giz Watson

John Hyde

Kate Doust,

Margaret Quirk

Peter Roszy

Meagan Gardiner

Urban Store Fremantle

Mills Records

Catholic Migrant Centre

Norfolk Hotel

Joondanna Motors

Holiday Inn Perth

Sunset Cinemas

New Edition Bookshop

Town of Vincent

The Afghan TPV Community

Murray Districts Auto One

#### **Hypothetical**

Julie McCrossin (ABC Radio National),

Dr Sev Ozdowski OAM (HREOC),

Anna Copeland (CASE),

Phil Sparrow (CASE),

Benjamin Chow (Prime Minister's Advisory Committee on Multicultural Affairs),

Lee Corder OAM (Future Directions International and former Commodore of RAN),

Maqsood Alshams (former detainee and now coordinator of SAVE Australia),

Sister Veronica Brady,  
Jose Alvarex (State Director DIMIA),  
Erika McKinnon,  
Susannah Brook Winery

### **Afternoon of World Music**

Steve Richter a musician, who generously offered his services, came up with idea undertook to the organising of the fundraising concert for CASE for Refugees.

#### **The Bands –**

*Tetrafile*  
*Sabroson*  
*Micadelic*  
*We Are Us*  
*Latin Gypsy Explosion.*

Amanda and crew who did the stage management/sound etc;  
Alison Riggle and Fiona McGaughey and all the others who made the day what it was.

#### **Letters of Support**

The following generously wrote letters of support which were included in many of our grant submissions

Fred Chaney OAM  
Julian Burnside QC  
Legal Aid WA  
SCALES  
ASeTTS  
Afghan Australian Human Rights and Charitable Association  
Hazara Ethnic Society of WA  
UNVFVT  
South Brisbane Immigration Community Legal Service (SBICLS)  
Refugee and Immigration Legal Centre (RILC – Melbourne)  
Refugee Advice and Casework Service (RACS – Sydney)  
Refugee Council of Australia  
Myer Foundation  
Perpetual Foundation  
CARAD

*I know that if it wasn't for your help, advise and guidance and understanding I wouldn't be here today and I wanted to thank you from my heart and soul how much you have been able to change my life and future. I feel like I have been reborn and given a second chance at life and to this I am extremely grateful.*

*Excerpt from a letter received by CASE for Refugee's from a client after receiving a notification from Immigration advising their Temporary Protection Visa had been changed to a Permanent Resident.*

**To all those we've missed-  
the biggest thank you of all.**

