



CASE for Refugees
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FOR IMMEDIATE RELEASE

CASE for Refugees welcomes the announcement by Minister for Immigration and Citizenship Chris Bowen on new administrative arrangements for protection visa applicants, but calls for more consideration of stateless detainees and the funding of advice and representation for judicial review applications.

Bridging visas

The introduction of bridging visas to allow protection visa applications to live in the community, with access to work rights that will allow them to support themselves, is a positive step. CASE is pleased to see improvements to arrangements that will keep vulnerable asylum seekers away from the system that has caused so much damage to people languishing in detention centres while their cases are processed.

CASE notes, however, that the bridging visa arrangements will not apply to detainees who have been found by the Department to not be owed protection under the Refugees Convention but are in situations where they cannot be returned. The circumstances of stateless asylum seekers are of particular concern. The United Nations has recognised that because they lack a nationality, stateless persons are at particular risk and need protection.

The situation of the Faili Kurds who've self-harmed at the detention centre in Darwin is incredibly distressing. While they cannot be returned to Iran, they are currently facing a lifetime in detention unless the Minister intervenes to grant them visas.

CASE calls upon the Minister to immediately review the cases of all detainees found to be stateless and ensure that they do not remain trapped in indefinite detention.

New status determination arrangements

Removing the unnecessary parallel processing system for offshore entry persons is also a positive, if not overdue, development. The separate system was arbitrary, inefficient, and, as found by the High Court last year in the "M61" case, legally flawed. Better

decision-making and adequate review of administrative processes is vital to maintain the integrity of Australia's refugee processing arrangements.

CASE hopes that the new processing arrangement will also help to dispel the myths that persons arriving by boat have less of a right to claim protection under international law as others coming to Australia via plane.

Judicial Review

While CASE is pleased to see Professor McMillan's review of migration litigation following the High Court's decision in "M61" last year has finally been released, CASE expresses concern that the Minister has not announced new funding arrangements to assist asylum seekers exercise their rights to challenge badly made decisions in court.

This year, CASE established the Judicial Review for Asylum Seekers Project (JRASP) which provides applicants with free legal advice and representation in applying to the Federal Magistrates Court for judicial review. While asylum seekers are assisted through their initial applications by agents or lawyers under the IAAAS system, they are often left without assistance if their refugee status applications are rejected. Their situations are made worse by the language barrier, their unfamiliarity with the legal system, and the stress they are under through their experiences in detention.

Applications by unrepresented asylum seekers puts unnecessary pressure on both the courts and the asylum seekers themselves. Adequate legal assistance supports the administration of justice but JRASP relies on the support of pro bono barristers and lawyers to do this work.

CASE urges the Minister and the Attorney General to provide additional funding to the community legal centres and Legal Aid commissions around the country who are now taking on this work in addition to their regular case loads at the same level of funding. This is a significant gap in access to justice that must be addressed.

About CASE for Refugees

CASE for Refugees was established as a WA not for profit community legal centre in 2002 to offer free legal advice and immigration assistance to asylum seekers, many whom have been victims of torture or trauma. CASE provides education and generalist legal services to the CaLD (culturally and linguistically diverse) community. Additionally, CASE provides legal education and training to law students, migration agents and lawyers.

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centre for advocacy, support and education for refugees