

The Refugee Justice Network: Information Evening for Barristers

You are invited to an evening for members of the Bar to hear about the impact of recent legal changes on the judicial review needs of asylum seekers and refugees and find out about how you can help by joining the Refugee Justice Network.

- Date:** 9 November 2015
- Time:** 6pm for 6.30pm
- Location:** Australian Human Rights Commission
Level 3, 175 Pitt Street Sydney NSW 2000
- RSVP:** <https://www.surveymonkey.com/r/5MRB2RB>

Changes to the landscape of judicial review for asylum seekers in 2016

There are currently around 25,000 people in Australia who are in the process of applying for protection. These people are asylum seekers and refugees who arrived by boat after 13 August 2012. Some of them have been waiting for over three years for permission to apply for protection.

Due to recent changes in the law, these people subject to new rules about the criteria for being granted protection and new procedural rules for the assessment of their applications. For example, they will not have the right to a hearing before the Administrative Appeals Tribunal but instead will have a limited form of merits review before the new Immigration Assessment Authority (**IAA**). Their applications will also be subject to new legal tests regarding the definition of a refugee. These new procedures and legal tests are yet to be challenged in or interpreted by the courts. In addition, around 80% of this group of people do not have access to legal representation during the process of applying for protection. From 2016, these circumstances are expected to give rise to substantial unmet legal need for pro bono advice and representation in judicial review of refugee decisions.

When is the increased demand for judicial review likely to occur?

It is difficult to predict when people in this group are likely to require advice and representation in judicial review because there are no statutory timeframes for the assessment of visa applications by the Department of Immigration or the IAA. However, based on current processing, we expect that the need for assistance will start in the first half of 2016 and will increase substantially in the second half of 2016.

Why the Refugee Justice Network?

Existing systems and networks for judicial review referrals for asylum seekers are limited and are unlikely to cope with the anticipated increase in demand. We are seeking support from the legal community to develop a new network of barristers who are willing to provide advice and assistance to asylum seekers seeking help with judicial review. We are looking to develop a network of administrative and immigration law specialists, or those looking to develop a practice in these areas. The purpose of this information session is to discuss upcoming legal needs, seek expressions of interest from members of the Bar who are interested in becoming involved, and discuss how a new referral network might operate.

What sort of commitment is involved?

We are looking for all levels of voluntary contribution including barristers prepared to give advice and barristers prepared to represent applicants where there is a positive assessment of merit.

The key priorities are that members of the network are able to respond to requests for assistance within a reasonable timeframe bearing in mind the time limits that apply. These time limits are likely to be around 2-3 weeks, however, in some cases, they could be much shorter, such as a few days.

Justice Connect will endeavour to connect applicants with legal representatives as instructing solicitors. As part of the project, we hope to enable members of the Bar to develop contacts with private law firms, migration agents and public interest organisations.

To find out more

If you have general questions, please contact:

- Michael Ziemer, Lawyer, Justice Connect via Michael.Ziemer@justiceconnect.org.au
- Katie Wrigley, Principal Solicitor at RACS via Katie.Wrigley@racs.org.au
- Dr Stephen Tully, Barrister-at-Law via stully@stjames.net.au

If you're unable to attend, but interested in being involved, please contact Michael Ziemer.