



# CASE For Refugees

ANNUAL REPORT 2002 – 2003

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## Introducing CASE for Refugees

The Centre for Advocacy, Support and Education for Refugees 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 community 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 Federation of Community Legal Centres WA and has adopted the Practice and Insurance Manual of the National Association of Community Legal Centres (NACLC).

In October 1999 the Federal Government introduced legislation granting 3 year TPVs for people who arrive in Australia without the proper documents (such as passports and valid visas) and who are determined to be refugees. Previously such people were granted permanent residency. This change in legislation mostly affected Afghan and Iraqi asylum seekers arriving by boat. TPVs were first issued in December 1999, and approximately 8,800 TPVs have been issued nationally since then. Around 1000 people holding TPVs live in WA.

People living on a TPV who feel it is not safe to return to their country of origin at the end of the three year period must reapply to the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). The first visas began to expire in December 2002.

Putting forward a refugee claim is both complex and stressful. Most refugees do not have sufficient English language skills to negotiate the legal system and usually come from vastly different legal cultures, meaning they often do not understand the legal tests they need to meet nor the framework within which their claims will be assessed. Additionally, there is a high incidence of trauma amongst Afghan and Iraqi refugees. Studies conducted in Australia and the UK indicate that 65-75% of refugees and asylum seekers are survivors of torture and trauma.

***“Please don’t make me go back. I will die if I go back.”***

The Federal Government has not made any additional funds available for assistance to TPV holders seeking further protection. In March 2002 a group of people from ASeTTS, CARAD, CMC, SCALES, Sussex Street Community Legal Service and Trinity Uniting Church met to discuss their concern that TPV holders had no access to legal services.

***“I don’t have the money to pay a lawyer.”***

Existing CLCs in WA all agreed they could not meet the demand that TPV holders would represent. It was decided that the TPV issue presented an opportunity to establish a new CLC focussing on providing specialist legal services to refugees and asylum seekers in WA.

The first project and priority of Case for Refugees was to provide assistance to TPV holders. As the centre had no permanent funding and the needs were current and pressing, the focus of the TPV project was to encourage and coordinate pro bono legal contributions and to recruit, train, support and supervise volunteers. CASE for Refugees trained its first volunteers in June 2002, delivered its first client services (a community information session) in July and became incorporated in August 2002. It now has two paid part time staff members, over 160 volunteers and almost 500 clients.

***“I’d never really met any refugees before, I just sort of wanted to get involved, it seemed a good thing, but now I’m so much more committed, they’re real people, just like us.”***

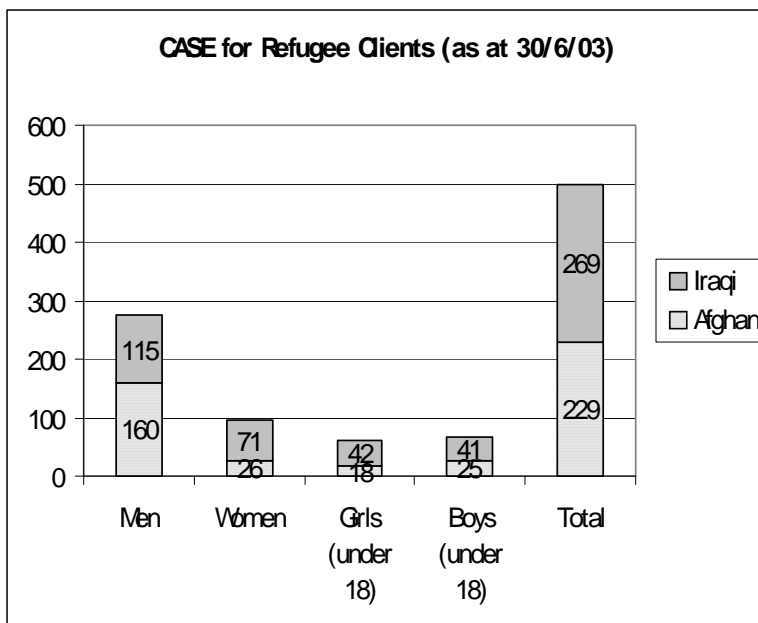
## Convenor's Report



CASE for Refugees seeks to strengthen the human rights of asylum seekers, refugees and persons of concern through legal representation, research, education and policy development, and to promote our clients' interests through both law and public policy.

We provide this free service to those who are disadvantaged in their access to the legal system. Many of our clients experience disadvantage by detention, the after-effects of torture and trauma, by language or culture, poor literacy and low socio-economic status.

CASE for Refugees has almost 500 people registered as clients. We expect this number to grow markedly in the next 12 months. Our client group are vulnerable people who have fled their country of origin, survived arduous journeys to relative safety and who have made new lives for themselves in Australia. About 75% have personally suffered torture. None of them have been able to access the family reunion program. They have all been found to be refugees once, but now need to go through the same process again, in order to stay permanently in Australia. Each client requires an average of 8 to 10 hours of contact time to complete a claim. All of this contact time must be covered by interpreters. Further, CASE for Refugees puts in another 6 – 10 hours of non-contact time by a variety of legal, research and other volunteers.



Our service has grown this year from an NGO offering services on a purely voluntary basis to employing first a Volunteer coordinator and then a solicitor. Each works 2 days per week. We are very thankful for the wonderful work of all our volunteers. Most volunteers are busy people, working or studying full time and with family commitments, but somehow they find the time and energy to contribute their remarkable skills, knowledge and enthusiasm to CASE for Refugees. There are many different reasons motivating them, and listening to their stories is inspirational.

CASE for Refugees is well served by its board. This year has seen the departure of Mary Anne Kenny, who convened the Board as well as heading up the Legal Team until March this year before going on sabbatical to the UNHCR in Canberra, Hastings University in San Francisco, Oxford University in the UK and then Cairo. We extend our sincere thanks to Mary Anne. We must also thank Megan Hoey who served on the board and supervised the research team before leaving to work in the UK. We are very thankful for their dedicated service since the inception of

## Convenor's Report (cont)

CASE for Refugees. Our thanks go to those about to leave the board this year also: to Chris Williams, who is to leave the board in order to volunteer as a supervisor with the legal team, to Selvini Thanigasalam, our treasurer, who is leaving to get married, and to Dr Judyth Watson who is leaving to work in other areas of refugee support.

Case for Refugees would not exist without our vast membership and support base. We are continually amazed by the generosity of both money and time to this work. Our whole operation is entirely dependent on the good graces of many selfless supporters and volunteers. We acknowledge the costly gift volunteers bring in hearing the distressing and heartbreaking stories of refugees fearful of being returned. But hearing our clients' stories of courage and witnessing the generosity of members of the Australian community is also a gift to all who work with them. Thanks to our volunteers and members in particular, but also to those who have supported CASE for Refugees through attending events, making donations or sending messages of support. We look forward to another year of delivering a greatly needed service to some of the most vulnerable in our community.

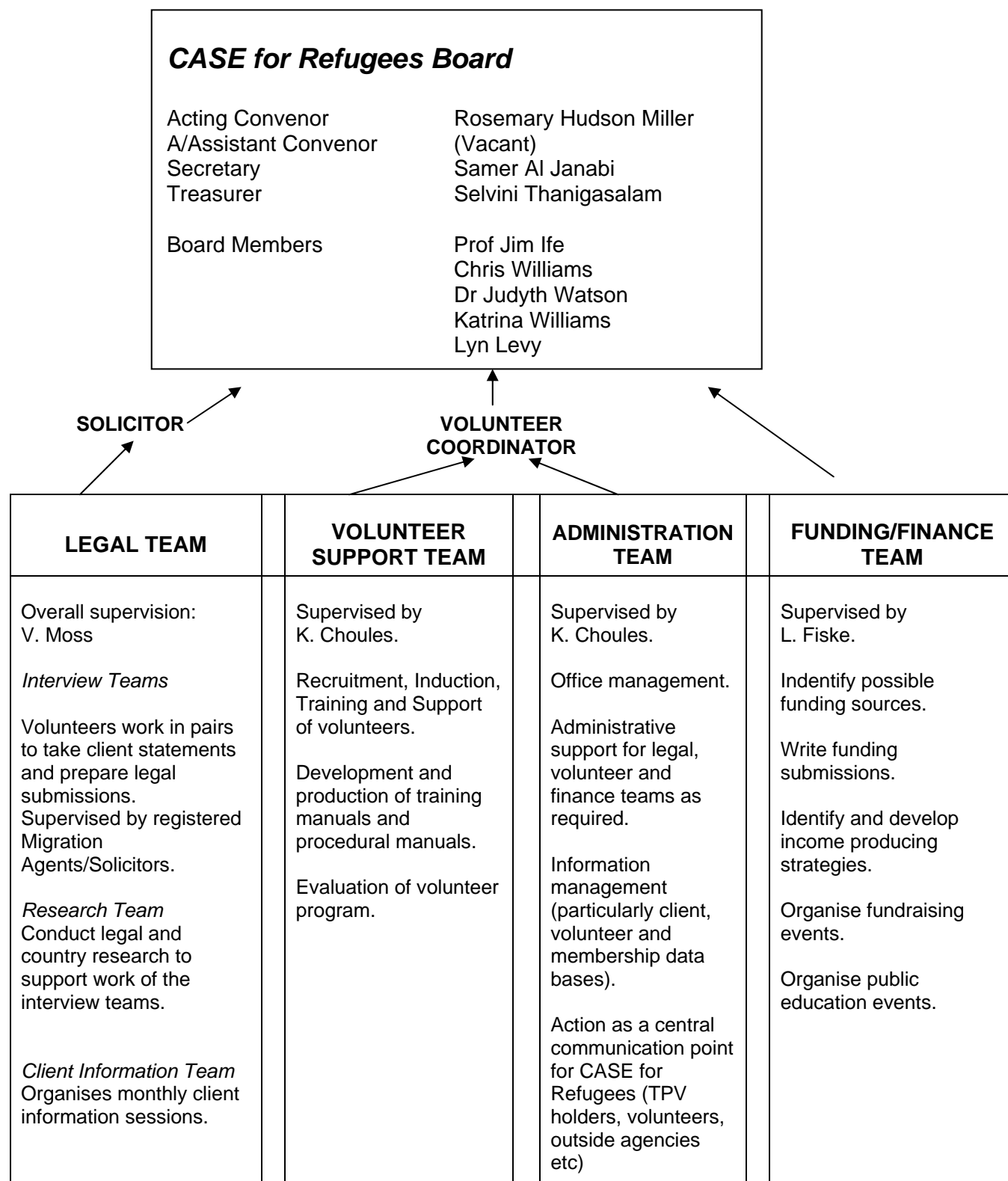
Rosemary Hudson Miller  
Acting Convenor  
September 2003



**Legal Team Volunteer Kelly Gerber and Board Member Judyth Watson**

**Solicitor Vanessa Moss, A/Convenor Rosemary Hudson Miller and Office Volunteer Caro Nye**

# Organisation Structure



## Legal Team Coordinator's Report



The Legal Team is the team that does most of the direct service provision. Volunteers in the legal team interview clients, prepare client statements and supporting submissions linking issues raised by the client to the relevant legal frameworks and to country information.

Volunteers work in pairs; one interviewer and one scribe. Depending on volunteers' prior experience, new volunteers are paired with a colleague who has worked on preparing a number of statements and submissions. In this way, volunteers not only get the initial training, there is also the opportunity to observe and assist more experienced partners before taking on a client. Each interviewing pair is then grouped into a team, usually made up of 6 to 8 interviewing pairs, and supervised by a registered migration agent. A migration agent provides any advice and information required by the client on the process. The interviewing team takes the statement and the migration agent checks the draft and settles the statement prior to client signing it.

*"I want to volunteer because my friends at uni volunteer for CASE and they've said how great it is."*

Clients' usual point of entry to CASE for Refugees' services is through the public meetings. There are a series of three meetings held each month in Dari and Arabic, and occasionally in Kurdish. The **First Case Contact Meeting** broadly outlines the Refugee Convention, the definition of a refugee, how applications are determined in Australia, the services offered by CASE for Refugees and where else people might seek assistance should they wish. At this meeting, most people elect to be registered on the CASE for Refugees database. Volunteers also assist refugees to apply for a copy of their immigration file under Freedom of Information legislation.

*"The only thing I think about is my visa."*

The **30 Month Meeting** is for refugees who have held their TPVs for at least 30 months. People are invited to attend a second meeting where a migration agent goes into the refugee determination process and services offered by CASE for Refugees in more detail. If people wish to become clients of CASE for Refugees at this point, volunteers are on hand to take people's files and formally register them.

*"Problem, it's a big problem, a big worry."*

After this, clients are allocated to an interviewing pair who will help that individual or family to prepare their statements and submissions. Finally, when clients have been scheduled for an interview with Immigration they are invited to attend a **Pre-DIMIA Interview Meeting**.

*"If CASE wasn't here, we'd have no-one."*

Traditionally, legal services are delivered on an individual case work model. At CASE for Refugees the actual statement preparation and discussion of individual claims are conducted in such a framework, but CASE for Refugees' rapid establishment (over 120 people wanting assistance with TPV applications attended the first meeting) and urgent need to begin work immediately, with

almost no resources meant that volunteers had to develop a new model for information delivery.

Everyone in the legal team has done a great job and put in huge amounts of time and energy, giving up many evenings and weekends to do the work. A special thankyou must go to all the supervisors: Stephanie Beard, Natalie Chiplin, Anna Copeland, Mary Anne Kenny, Marg Le Sueur, Peter Roszy and Alison Vivien.

*"It'd be nice to have a Saturday off."*

## Legal Team Coordinator's Report (cont)

The Legal Team now has its first paid position. We welcomed Vanessa Moss to CASE for Refugees in June 2003 working two days per week. Vanessa's position is funded by the Myer Foundation for 12 months.

A big thank you to interviewing volunteers for your commitment and hard work throughout the year.

Vanessa Moss  
Solicitor/Project Coordinator  
Mary Anne Kenny  
Legal Team Coordinator  
September 2003



**Vanessa Moss**  
**Supervising Solicitor**

*“The  
volunteers  
have  
achieved  
amazing  
results.”*



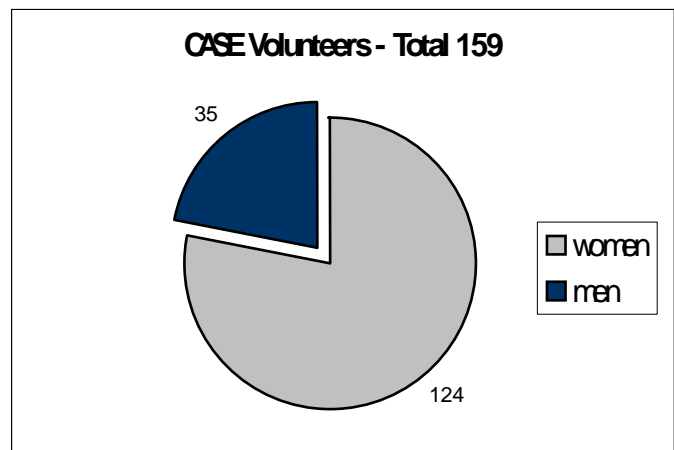
**Raili Simojoki, Fiona Koski**  
**(Administration) and Anna**  
**Copeland (Legal Supervisor)**

## Volunteer Coordinator's Report



Commencing with CASE for Refugees in March 2003 was a very exciting opportunity for me. What CASE for Refugees has achieved for people with TPVs is an inspiration and is due to the hard labour of a large group of dedicated volunteers. It continues to be a constant challenge as the work situation develops. With the huge unmet need from our client group we are forever playing catch up and trying to consolidate our achievements. Notwithstanding this, CASE for Refugees continues to be an organisation which serves its client group well in a resource strapped situation.

During my time with CASE for Refugees I have been hugely impressed by the professionalism and commitment shown by all volunteers especially those involved in client services. CASE for Refugees wouldn't exist without the volunteers, and it was a very dedicated group that created, trained others and then ran the organisation for almost 12 months before getting the first paid position, which understandably was a volunteer coordinator. The dedication of these volunteers to the client group and the principles of representation in a legal process have ensured that refugees on TPVs in WA will have access to services.



The major boom in volunteer work since March is that which is now carried on in the office. Prior to March 2003 basic office functions were carried out by one dedicated volunteer, Virginia French. CASE for Refugees moved into new offices in June 2003 and has set about establishing a fully functioning office. There is now a staff of office volunteers who are responsible for the running of the office. They have enabled CASE for Refugees to bring much of the administration into a central location facilitating better access for clients, volunteers and other services. As a result of establishing the office we now have many clients and potential clients walk in for ongoing updates or to become registered with us, making us more accessible to the people we serve. The general office work of filing, corresponding with clients and DIMIA, following up client and volunteer queries, and maintaining databases is never ending. It is a credit to the great work of the office volunteers that they have been able to set up the office in such a short time.

The client work of CASE for Refugees could not occur without the services of the interpreters. Accuracy and impartiality are essential in interpreting for asylum claims. We are grateful for the high quality and professionalism of the interpreters. Ian James has the difficult task of getting interviewers, clients and interpreters in the same room at the allocated time for all interviews and community meetings. This task has utilised all of Ian's excellent organisation skills.

*"It's amazing being a part of this."*

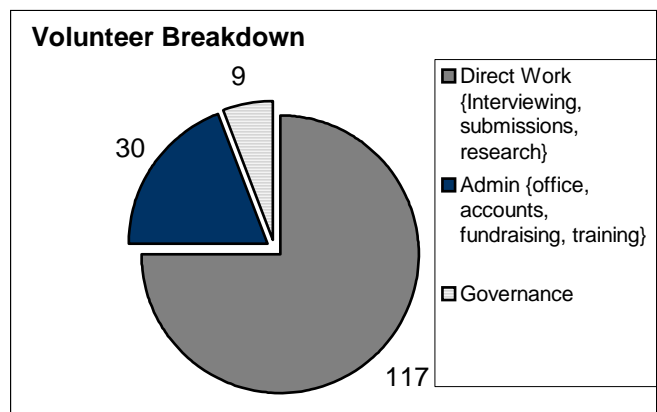
## Volunteer Coordinator's Report (cont)

In May 2003 we were advised that DIMIA would soon commence interviewing clients whose visas had expired. These interviews required the creation of a large team of volunteer scribes. Specific training of scribes has been provided and a large number of new volunteers have come in through wanting to be involved in this role. These scribes are doing a terrific job in ensuring that CASE for Refugees has a record of the content of the DIMIA interview and are also important in supporting the clients during the interview.

All new volunteers are required to undergo the CASE for Refugees volunteer training programme. The programme includes a wide variety of information including the legal context in which we work, country information on Afghanistan and Iraq, cross cultural interviewing skills and working with survivors of torture and trauma. In order to be able to provide this training, we rely heavily on the goodwill of people associated with CASE for Refugees who come along and share their experience and expertise by presenting sessions on relevant areas. Since June 2002, we have trained around 160 volunteers through 5 separate training programmes.

The dedicated work of a hard working bunch of volunteers ensures that CASE for Refugees meets the needs of a group severely disadvantaged in the Australian society.

Kathryn Choules  
September 2003



**Peter Roszy and Ian James with their appreciation awards**

## Research Team Report



The majority of CASE for Refugees' clients come from Afghanistan and Iraq. The research Team plays a vital role in the application process by undertaking research and keeping up to date with developments in clients' countries of origin. The situation in both these countries is constantly changing and security differs greatly regionally within both countries. The Research Team works closely with the Legal Team, responding to requests for information as well as doing general country and regional profile research.

Mary Anne Kenny, Megan Hoey and Sue Brook have been involved in the supervision and coordination of the team. A fantastic achievement of this team has been the establishment of a research web site meaning that volunteers can post requests at any time as well as access a growing bank of information for their submissions to DIMIA. All subscribers of the web-site receive email notification of updated articles. The web site now has lots of useful country information, status of minority groups, status of women, legal submissions, court document precedents, and human rights reports.

The web site has been an important agent in developing communication and resource sharing with people and organisations doing similar work around Australia.

Thanks to all the research team volunteers for the excellent work you have done throughout the year.

*“How do you cope in such an environment? Sometimes I wonder if it’s worth it, if we make any difference.”*

Megan Hoey  
September 2003



**Interpreter Coordinator Ian James, Legal Team Volunteer Steve Shaw, and Research Team Supervisor and past Board Member Megan Hoey**

## Funding Team Report



As a new organisation with high client demand for services, generating income has been an important goal in CASE for Refugees' first year of operation. For much of the financial year CASE for Refugees had very little income. Much of the work continues to be done by volunteers (from service provision, to administration, planning and governance). Without the unquantified support of the volunteers, CASE for Refugees would not exist. Additionally, a number of organisations have contributed essential in-kind support. All donors are listed on the Donors page, but four organisations deserve special mention here for their ongoing generous support.

- **ASeTTS** provided interviewing rooms, training for volunteers and considerable staff time in both operational and governance development.
- **CARAD** (Coalition Assisting Refugees, Asylum seekers And Detainees) has supported CASE for refugees by picking up infrastructure, electricity and telephone costs and has assisted with dissemination of information.
- **SCALES Community Legal Centre** (Murdoch University Law School) has provided invaluable staff time and expertise in the training and ongoing supervision of volunteers, establishment of essential legal procedures and standards and in the governance of CASE for Refugees.
- **Trinity Uniting Church** provided office space free of charge, access to a community hall for public meetings and staff time towards CASE for Refugees' governance and development.

In addition to the in-kind support, CASE for Refugees is actively working towards developing a secure and independent funding base. There are two main strategies of income development.

Firstly CASE for Refugees seeks funding for salaries and other infrastructure costs through grants. This year, despite being the first year of operation and therefore not having a proven track record, CASE for Refugees was able to secure

- **Lotteries Commission of WA** (now Lottery West) \$44,000 (for computers and software and office furniture).
- **Perpetual Foundation** granted \$25,000 to employ a part time volunteer coordinator (who began work in February 2003).
- **Myer Foundation** granted \$30,000 to employ a part time solicitor (who began work in June 2003).

This is a great achievement in the first year of operation, and hopefully the sign of good things to come. We thank the organisations for the confidence they have shown in CASE for Refugees.

Fundraising events have enabled us to meet ongoing expenses (such as administration and interpreting costs) which are rarely covered by grants. Importantly, these events also profile the work of CASE for Refugees and raise public awareness about issues facing refugees and asylum seekers. During the year CASE for Refugees held many events including 2 film screenings, public lectures by Dr Louise Newman and Julian Burnside QC, and a launch of the organisation with Arnold Zable as guest speaker.

Mary Anne Kenny has been instrumental in submission writing and for passing on some of her considerable skills in grant writing. Thanks also to all the volunteers (too numerous to mention here) who have been involved in writing submissions and organising events.

Lucy Fiske

## List of Donors

### *Core In-Kind Support:*

AAA Australian Migration  
ASeTTS (Association for Services to Torture and Trauma Survivors)  
SCALES (Southern Communities Advocacy and Legal Education Service) and Murdoch School of Law  
Trinity Uniting Church  
Catholic Migrant Centre  
Sussex Street Community Legal Centre  
CARAD (Coalition Assisting Refugees, Asylum seekers and Detainees)

### *Core Financial Support:*

Lotteries Commission of WA  
Myer Foundation  
Perpetual Foundation

### *Valuable Financial and In-Kind Support:*

Amnesty International Australia (WA Refugee Team)  
Arnold Zable  
Curtin University Centre for Human Rights Education  
Downings  
Edmund Rice Centre for Social Justice - Notre Dame University  
Gadens Lawyers  
IARC (Immigration Advice and Resource Centre) [Sydney]  
ICJ (International Commission of Jurists)  
John Cameron  
Julian Burnside QC  
Law Access, WA Law Society  
Louise Newman (Dr)  
Mallesons  
MIA (Migration Institute of Australia).  
Minter Ellison  
Order of Brigidine Sisters  
RACS (Refugee Advocacy and Casework Service) [Sydney]  
RECOWA (Refugee Council of WA)  
Refugee Council of Australia  
RILC (Refugee and Immigration Legal Centre) [Melbourne]  
St John's Lutheran Church  
Starfish Technology  
Slater & Gordon  
Town of Vincent  
UWA University of Western Australia, Politics Department  
UWA Extension  
WRAS (Welfare Rights Advocacy Service)