



ANNUAL REPORT : 2005-2006

centre for advocacy, support and education for refugees

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“CASE for Refugees is a small place but it has a big heart”

Quote from a refugee client from Iraq

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THE CENTRE FOR ADVOCACY, SUPPORT AND EDUCATION FOR REFUGEES INC.

The Centre for Advocacy, Support and Education for Refugees Inc. (CASE for Refugees) is currently the only Community Legal Centre in Western Australia providing specialist legal assistance to refugees. The Centre is committed to working towards the protection and promotion of human rights of refugees and asylum seekers. The strength of our organisation lies with the solid support of the many volunteers who work in all areas of the organisation.

OUR VISION

CASE for Refugees vision is to achieve equality, access to justice and a commitment to human rights for refugees.

OUR MISSION

CASE for Refugees mission is to provide culturally sensitive legal services to refugees, asylum seekers and persons of concern who are disadvantaged in their access to the legal system. We also provide information and education on refugee issues to interested parties.

OUR VALUES

Human Rights

We believe in the fundamental right of any person to seek and obtain protection from persecution and the right to representation in the pursuit of that protection.

Compassion

We believe in affirming the dignity of each individual, whatever their differences.

Professionalism

We believe in attaining standards of excellence in all we do.

Community

We believe in the value of an inclusive community

CONVENOR'S REPORT

After three years in 'the chair' I have decided to resign as Convenor of CASE for Refugees, so this will be my last Convenor's report.

I would like to take this opportunity to say what a great privilege it has been to be associated with CASE in this capacity for the last three years. CASE is unique as a community legal centre because of the amazing strength and dedication displayed by its staff, volunteers, board members and clients. Over my time as Convenor I have seen examples of remarkable courage from our clients, and extraordinary diligence and commitment from a great many people who have felt called to assist them in whatever way they can. This has provided me with a regular reminder of the best aspects of the human spirit, and I am sure many of my experiences will remain in my memory forever.

From its inception the backbone of CASE has been its volunteer base. It began as a volunteer organisation, and continues to rely heavily on the work of volunteers in its ongoing activities. I want to thank all our volunteers for the work they have done over the past 12 months in helping CASE to achieve a successful outcome for so many of its clients.

We have also been blessed with wonderfully talented staff over this period. I want to particularly thank Vanessa for the enormous part she has played in CASE's achievements. In her final solicitor's report she describes her part as 'small' but this is an extreme understatement! To many of our clients and volunteers Vanessa was considered the heart and soul of CASE, and she stamped CASE's work with a special quality. On behalf of the board, I extend to Vanessa our deep appreciation for her efforts, and wish her all the best in her new endeavour at Murdoch University.

We have been fortunate to find a most able replacement for Vanessa in Anne De Soyza who comes to CASE with a wealth of experience in both legal and

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managerial practice. In the short time Anne has been in the position she has quickly made an important contribution, and I am confident that the future of CASE is in good hands under her guidance.

Another important part of the 'heart and soul' of CASE has been Bill Thomas. Bill has stuck with CASE through all sorts of funding and other administrative uncertainties. He has always been reliable and committed to our clients' causes and, again, I wish to extend the board's heartfelt appreciation for his great commitment over a long period of time.

One of the most difficult positions at CASE is the office manager role. This person must liaise with clients and volunteers, keep files up to date and keep a badly under resourced office running professionally. The office manager is the 'front line' of CASE and has to deal with many crises as well as clients who are often in distressed circumstances. During the last 12 months we had Caro Nye doing a magnificent job in this position. There is no one who understands the inner workings of CASE better than Caro and she put in many unpaid hours during and after her tenure. I wish to thank her for her incredible efforts, particularly during the difficult time when we moved office from Trinity Arcade to Stirling Street.

Since Caro left in July we have had the office manager position looked after by Louise McLeod and Adie Wilmott in a job share arrangement, and most recently by Louise and Kate Castledine after Adie took up a position with CARAD. Over the last week or so I have been given a rare insight into the challenges of this job. Again, I believe CASE has been very lucky to have Louise, Adie and Kate step up for this difficult task when the need arose.

The last year has been a difficult time for the board with the task of 'reinventing' CASE after the success of the TPV project, dealing with the

CONVENOR'S REPORT

office move and several staff departures, and responding to the usual challenges of under funding and lack of resources. I have enjoyed getting to know all my fellow board members, and working with them on so many challenging issues and tasks. I wish them all well and look forward to maintaining my friendships with them into the future.

Of all the work in which I have been involved at CASE, I have found the interviews with clients the most profoundly affecting moments. Interviewing refugees in front of school children has provided me with profound insights into the lives of people fleeing persecution that I can only try to imagine. I have seen the views of teenagers radically change after they have seen these interviews and come to the realisation that refugees are people very similar to themselves, but who have come from countries facing very different circumstances from those faced in Australia. At times like these I get a strong sense of the great value of an organisation like CASE and realise (if I ever doubted it) that all the efforts of volunteers, staff, board members and others are worthwhile.

I look forward to seeing CASE go from strength to strength as it continues to pursue its expanded functions and role into the future.

Graham Castledine

Convenor

CASE for Refugees Board

BOARD OF MANAGEMENT

Convenor

Mr Graham Castledine

Vice Convenor

Ms Rosemary Hudson-Miller

Board Members

Ms Julie Beus (Treasurer)

Ms Lyn Levy (Secretary)

Mr Peter Creighton

Mr Kevin de Souza

Mr Samer Al Janabi

Mr Jo Day

Ms Sarah Kemp

Mr Sohail Mohideen

Ms Katrina Williams

Governance

This year CASE for Refugees received funding from Lotterywest to strengthen the capacity of the organisation by increasing the management and leadership skills of staff and board members. CASE for Refugees has engaged an external consultant to work with the Board to:

- develop a 3 to 5 year strategic plan
- review and update existing policy and procedures to ensure that the service complies with all relevant acts and legislation
- provide Governance training, and
- develop a whole of organisation occupational safety and health risk management plan

PRINCIPAL SOLICITOR'S REPORT



As I sit and write this report, my last as the Principal Solicitor and Project Manager, the Temporary Protection Visa (TPV) Project is largely concluded. It has been an outstanding success, in terms of the results we have achieved on behalf of our clients. CASE has been successful in securing permanent protection for all but a handful of clients and since the beginning of 2006 the focus has largely been on family reunion. The residual TPV caseload essentially comprises clients who arrived and were granted TPVs in the post-Tampa era.

The conclusion of the TPV project was accelerated as a result of an announcement made by the Prime Minister in mid June 2005 (following some successful lobbying by Liberal backbenchers) that the processing of further protection applications by TPV holders would be concluded by all government agencies by 31 October 2005. As a consequence of that announcement CASE was extremely busy in the latter months of 2005, and by the end of December 2005 the TPV project had been largely concluded. There remains a small residual caseload and these cases will be dealt with by the Department of Immigration, and CASE, as clients near the expiry of their temporary protection visas, over the next 2 years. Most of these clients arrived in Australia post-Tampa via Nauru.

Expansion of services

In December 2005, as a result of the winding up of the TPV project the Board decided to broaden the nature of work to be undertaken by CASE whilst retaining a focus on refugee and humanitarian matters, and according priority to TPV holders. The Law Society Public Purposes Trust subsequently agreed to fund these expanded services for 2006-2007.

Following this decision of the Board the Family Reunion Project has been expanded to include the provision of family reunion assistance to humanitarian visa holders (where previously it was provided only to ex TPV

PRINCIPAL SOLICITOR'S REPORT

holders). In this regard we have received referrals from other agencies and are now assisting humanitarian entrants, many of whom are from African countries.

7 day rule

Early this year we were successful in a number of applications before the Refugee Review Tribunal in which we were seeking review of decisions by the Department of Immigration to refuse applications for permanent protection and instead grant further 3 year temporary protection visas. Of the caseload of potentially 90 clients to whom the 7 day rule could apply, only a handful were issued further 3 year TPVs on the grounds that they had spent 7 days or more in a country on the way to Australia and where they could have sought effective protection. We lodged RRT applications in respect of those decisions and the hearings were conducted in September and October 2005.

All the hearings were conducted by the same Tribunal member. The threshold argument was whether the RRT had jurisdiction to consider an application for review in circumstances where a positive decision had been made granting a TPV and a negative decision had been made to refuse an application for permanent protection. Our clients' applications were the first of their kind to be considered by the RRT. Earlier this year we received favourable decisions on the law (the RRT agreed with our submissions that it had jurisdiction in these cases) and the facts (the 7 day rule does not apply in the circumstances of the individual case) in respect of all of those matters heard by the RRT.

Citizenship

Some of our clients have now been permanent residents for nearly two years and are eligible to apply for citizenship. CASE has conducted a client information session on the rights and responsibilities of citizenship with practical assistance provided to help with making the application. It is anticipated that further information sessions will be run as required.

PRINCIPAL SOLICITOR'S REPORT

Conclusion

The success of the TPV project is a tribute to the sheer hard work and perseverance of hundreds of volunteers and staff who have contributed their time, energy and expertise to advancing the human rights of refugees. It was an ambitious project that has succeeded in spite of the lack of resources and many difficulties we faced along the way. It has been a privilege to have played a small part in this project and rewarding to see the difference we have made to the lives of our clients, and in differing measures, been changed by it ourselves. With the winding up of the TPV project CASE is at the threshold of a new era, and I am delighted to welcome to CASE our new Principal Solicitor and Project Manager, Anne De Soyza, who brings with her a great deal of legal experience and talent.

Vanessa Moss
Principal Solicitor

STAFF 05-06

Staff

Ms Vanessa Moss – **Principal Solicitor /Project Manager**

Mr Bill Thompson – **Migration Agent**

Ms Caro Nye – **Office Administrator**

Incoming staff

Ms Anne De Soyza – **Principal Solicitor / Project Manager**

Ms Louise McLeod – **Office Administrator**

Ms Adie Wilmont – **Office Administrator**

Farwelled during the year

Ms Vanessa Moss – **Principal Solicitor /Project Manager**

Ms Caro Nye – **Office Administrator**

THE CENTRE

New Premises

In March this year we moved into the new premises at 245 Stirling Street with CARAD (the Coalition for Asylum Seekers, Refugees and Detainees). Our gratitude is extended to the Trinity Uniting Church for their generosity in providing these premises. The freshly painted offices have a very professional appearance yet remain welcoming for our clients. There is a communal kitchen area and a relaxing courtyard at the rear of the premises.

Easy access is an added bonus and the premises are only a one minute walk from ASSeTTS where many of our clients receive counselling in respect to their experiences of torture and trauma. This co-location with CARAD, and close location/proximity to ASSeTTS, was welcomed by the board as it provides the opportunity for a closer working relationship with those agencies.

Special thanks are extended to Rosemary Hudson-Miller and her husband for the enormous amount of work they contributed in getting the floors sanded and sealed in time for the moving in of office furniture. Thanks also to Caro Nye for co-ordinating the move and the time she put into making sure everything ran smoothly.



The new Centre was officially launched on Refugee Sunday when a small gathering of friends, supporters and clients attended the official unveiling of the Centre's new sign. This was followed by a relaxing afternoon tea at Wesley Auditorium.

FOR ADVOCACY

CASE for Refugees has met our initial goal of providing legal assistance to people living in WA on Temporary Protection Visa's however there still remains a significant need for services for refugees. CASE for Refugees current project is aimed at providing assistance to refugees in Western Australia with their applications for reunion with family members living overseas. We have also identified a number of other areas where there are no specialist community legal services being provided for refugees in the area of migration law and we are working towards expanding our services so that we can cater for this in the coming year.

Current and future services include:

- Assistance to holders of temporary protection visas in putting forward their claims for continuing protection
- Family reunion work in respect of former temporary protection visa holders and existing/former humanitarian visa holders
- Assistance to people within Australia (ie onshore applicants) seeking to lodge protection visa application
- Assistance in relation to any other migration issue (including but not limited to visa cancellation and deportation on character grounds) where exceptional humanitarian issues are raised.
- Representation in relation to visa issues for victims of domestic violence who are on temporary spouse visas

Changes to the Migration Act

Thanks to the pressure put on the government from two Liberal back-benchers, Petro Georgiou and Judi Moylan, the Government was forced to make changes to detention and temporary protection visas in 2005. These changes included:

- Parliament affirming as a principle that a minor child shall only be detained as a measure of last resort
- The release of children and their families into the community without security supervision and with reporting arrangements
- Review by Ombudsman of all cases of those in detention more than 2 years and subsequent half-yearly reports by DIMIA to Ombudsman if detained for longer than 2 years
- Ombudsman to recommend on need to detain, release into community or grant permanent visa (Ombudsman's recommendations are not binding on Minister but assessments tabled in Parliament within 15 days)
- 3 month time limits on processing asylum claims at both DIMIA primary stage and at Refugee Review Tribunal (RRT) (to be tabled in next sitting of Parliament)
- Finalisation of TPV applications for Further Protection Visas by 31 October 2005 on written applications without the need for a further interview except where reasonable prospect of refusal. (This resulted in a pathway to Permanent Protection Visas for 90% of remaining TPV's)

Sourced from a summary of changes to detention and temporary visas
Ecumenical Migration Centre
Brotherhood of St Laurence

Temporary protection visas project

Between 2002 and 2006 the work undertaken in the Temporary Protection Visa (TPV) Project assisted approximately 850 TPV holders to establish their claims for further protection in Australia. Approximately 85% of the clients assisted under the TPV project were found to be victims of torture or trauma.

Family reunion project

As a result of the successful outcomes CASE has achieved for its clients there has been a strong demand for assistance with family reunion applications. It became apparent that there was little or no assistance available to our clients from other agencies. In response to that demand CASE began a Family Reunion Project at the beginning of 2005 and that project continues to date. It is the Family Reunion project that is now the focus of the majority of our volunteers' time. The United Nations Voluntary Fund for Victims of Torture (UNVFVT) funding was also available for the family reunion project from 1 January 2006 to 30 June 2006 and this meant that CASE has been able to offer family reunion assistance to clients on weekdays using the services of our employed registered migration agent, Bill Thomas.

SUPPORT

Why is CASE so important?

A clients story...

Y is a Hazara in his later 30's from a small community in Afghanistan. He married young and had 3 children. Like many in his community, the family suffered because the area was not stable politically. After the Taliban took control of the area, violence increased towards Hazaras. The family suffered a tragedy when, in 1998, the local Wahdat Party headquarters was bombed by the Taliban. Many of his family were killed. As a result of the deaths he became responsible for his orphaned nephews as well as his younger brother.

In 2000, Y was arrested by the Taliban. He was severely tortured and still bears the physical and emotional scars. After his release the family borrowed money to get him out of Afghanistan. He made it to Australia in 2000, and was granted a temporary protection visa in 2001 and within 5 months was employed and has worked ever since.

Several years after he arrived in Australia he heard from someone that his family had all fled to Iran. When he established contact, he immediately started to support them by sending money.

Y registered with CASE and was assisted with his application for a Permanent Protection Visa. This was granted in late 2004. In this respect he was fortunate: he did not have to prolong the wait by going through the RRT. He started the process of sponsoring his wife and family.

With help from CASE his immediate family members were eventually granted visas.

This year, his wife and sons arrived in Perth, followed by a younger nephew a few days later. But even this arrival was not without its problems because of difficulties with passports as they attempted to cross the Afghanistan border. With

SUPPORT

the assistance of CASE, contact was made with the Principal Migration Officer in Tehran. Within a few hours Tehran had responded, had contacted Y and assured him that the family could fly to Perth from Afghanistan.

The change in Y himself since his family arrived is remarkable. He is transformed. He looks younger, seems happy and relaxed, and despite the cost involved in new family sponsor applications for his other relatives, he is prepared to face the long slow process and the possible disappointments that it may bring for the sake of bringing all his family together again.

Y's case is a work in progress. Thanks to CASE he has a PPV, family members have arrived and he has hope for the future.

Is it any wonder that this work is so rewarding for the volunteers?

SUPPORT

Snapshot of clients attending CASE for Refugees

Total clients since commencement (including dependants)..... **1061**

Clients issued with further-TPVs (not given PPV) **14**

Clients registered for assistance under the Family Reunion program..... **213**

Our volunteers and staff are currently assisting clients from twelve nationalities including:

- Afghan
- Iraqi
- Ethiopian
- DR Congo
- Iranian
- Kuwaiti
- Liberian
- Pakistani
- Palestinian
- Sudanese
- Vietnamese
- Zimbabwean

Special thanks once again to our office staff and volunteers who do a brilliant job coordinating and booking interpreters on top assisting clients, managing files, assisting solicitors, recruiting and training new volunteers and a host of other things that make the service run smoothly.

AND EDUCATION

Harmony Week

CASE for Refugees has been involved in a number of educational events this year including Harmony Week. The event was attended by 260 high school students at the Perth Town Hall. Two young refugees (a young woman from Iraq and a young man from Afghanistan) were interviewed and shared their experiences as refugees; their life in their home country, what caused them to flee, their journey to Australia, their time in detention, and their hopes and dreams for the future. The event was well received by the students and teachers who attended and CASE has been requested to make it an annual event. The forum provided an opportunity to promote human rights, create greater understanding of the plight of refugees from different cultural, religious and ethnic backgrounds, and to dispel the myths and fears surrounding the refugee debate.

Progressive Law Students Association (UWA)

Presentation by Vanessa Moss on the legal process for refugee applicants. Vanessa spoke about the QAAH case and the legal process for refugee applicants. From the students present three volunteered to help out at CASE.

St Mark's Anglican Community School

Graham Castledine and Vanessa Moss did an Andrew Denton style interview with an 18 year old Iraqi refugee whose family have been CASE clients. Approximately 100 children aged 14 to 15 attended the talk.

Methodist Ladies College

CASE for Refugees Principal Solicitor, Vanessa Moss, accepted an invitation to give a talk to an assembly of approximately 750 high school students at the Methodist Ladies College during Harmony Week. Vanessa's talk focussed on the lives of two young, unaccompanied, teenage refugees who came to Australia by boat from

AND EDUCATION

Afghanistan in 2000, and shared information about the work that CASE for Refugees undertakes.

Julian Burnside QC Fundraiser

A very successful event was held when Julian Burnside donated his time to CASE for Refugees to help us raise funds for the organisation. An indication of the great value and respect for Julian Burnside's work was evidenced by the tremendous turnout of over 90 people, this despite the fact that the event was advertised at very short notice only through CASE for Refugee volunteers and networks. Julian shared his thoughts on 'the rule of law', terrorism, off shore detention centres, the Australian government's treatment and response to asylum seekers and the David Hicks fiasco, and the role that the media and politics play in shaping Australian societies lack of concern about human rights and social justice issues.

The event raised approximately \$1800 and CASE for Refugees. CASE extends sincere thanks to Julian Burnside for his time and ongoing commitment to furthering social justice in this country.

MEMBERS/VOLUNTEERS

Adele Maloney
Amy Hardy
Anna Ledley
Anna Celliers
Amy Sprott
Alex Main
Alexa Morcombe
Amanda Blackburn
Anastasia de Reuck
Angela Chaney
Angeyo Odong
Angus McLeod
Anna Canet
Anna Ledley
Beverley Noakes
Bhavani Chandran
Brydie Flynn
Caro Nye
Clara Fletcher
Coralie Horsfall
Caroline Spencer
Clare Cullen
David Kernohan
Deb Robertson
Delaram Sarban
Derek Schapper
Drina Panic
David Singh
Emma Geary
Emma Luck
Farah Tayba
Gail Essery
Geraldone Wooller
Graham Castledine
Gwynneth Ife
Helen Leeder
Heather Marr
Indra Kaur
James McNamara
Jane Atkinson
Jane Elton
Jean Shaw
Jessica Davies
Jessie Taylor
Jonelle Fuller
Julie Beus
June Rider-Jones
Karen Mann

Karen Venard
Katherine Dawe
Kathryn Teede
Kathryn Choules
Kathy Wake
Katrina Williams
Kok Fei Leong
Kevin D'Souza
Kim Jennings
Kosta Lucas
Katherine Dowling
Lee McIntosh
Len Luxford
Liully Dayeh
Lisa Bayly
Liz Hardwick
Luke Bradshaw
Lucy Young
Lyn Levy
Marina Suleski
Mary Martin
Mary Anne Kenny
Maryllis Green Armitage
Matt Porter
Melanie Yap
Melanie Brook
Mathew James
Melissa O'Donnell
Melissa Ross
Merridy Parr
Megan Ashford
Michele Lord
Michael Jorek
Minoo Manesh
Miriam Mckenna
Myrna Tonkinson
Nasreen Sadiqi
Niels Andersen
Noura Huneidi
Natalie Scholtz
Nitya Marayan
Pamela Bryant
Pauline Masters
Peter Creighton
Philippa Perry
Prachi Kumar
Rahima Bannerman
Raili Simojoki

Rebecca Bunney
Rosa Sierra
Rosemary Hudson-Miller
Sam Mendelson
Sarah Lealifano
Sarah Kemp
Sarah Knuckey
Sarah Lealifano
Shahen Wheatley
Sean Monahan
Saragil Verali
Shaeron Yapp
Stephanie Beard
Stephanie Chok
Syvi Boon
Samuel Millett
Sarah Kemp
Shiela Woods
Shirely Duncan
Silvie Boon

Sohail Mohideen
Tessa Khan
Tse Chee Loo
Victoria Martin-Iverson
Vincent Holland
Vivienne Gardiner
Vanessa Moss
Watna Mori

OUR SUPPORTERS

CASE for Refugees wishes to formally thank the following people for their support during 2005/06

Major Supporters

Trinity Uniting Church
United Nations Victims of Torture and Trauma Fund
Public Purposes Trust
Lotterywest
Julian Burnside

Special Thanks to

Geoff and the team at ISPX