
Information Sheet

What is the JusticeNet Refugee and Asylum Seeker Project?

If you have received a negative Independent Protection Assessment (IPA), Independent Merits Review (IMR) or a negative Refugee Review Tribunal (RRT) decision you can apply to the Federal Circuit Court for a review of the decision. This is called a judicial review.

JusticeNet coordinates free legal help for people who want to apply for judicial review. To make an application for assistance from JusticeNet please fill in the attached form.

How does JusticeNet Help?

JusticeNet does not provide direct legal advice or representation. We can provide the following help:

Step 1: Advice

After we receive your application, JusticeNet asks a lawyer to look at your negative decision and supporting documents and tell us if there are grounds for making an application for judicial review. If the lawyer tells us there is not a good chance of winning, we cannot provide you with any more help.

If the advice is that you have a good chance of winning, then JusticeNet will proceed to Step 2.

Step 2: Representation

If the lawyer believes you have a good chance of winning a judicial review, we will try to find you a lawyer to represent you in court.

How long will the JusticeNet process take?

Step 1 can take 2 to 6 weeks or longer in some cases. The time it takes for us to have your negative decision reviewed depends a number of factors. For example, it may take us longer if we have to get more documents from you or your migration agent. It will also depend on the availability of lawyers to help.

If you believe there is a reason why your matter should be treated as a priority, please discuss your situation with the JusticeNet Referrals Lawyer.

More information on judicial review

Judicial review means that the court will decide if the decision was made by the correct process. It is not a chance for you to make your claim for protection again. You cannot provide new evidence or raise new grounds of persecution.

If it is found the decision maker was wrong, it does not mean you will be given a visa. If you win your judicial review, you will then have to go back to the Refugee Review Tribunal and they will consider your claim again.

You have 35 days from the date of a negative RRT decision to apply to the Federal Circuit Court for judicial review. This includes weekend days. If you have a negative IPA or IMR, you can apply at any time.

If you do not make your application in time, you will have to ask the court to give you an extension of time. The court does not have to grant you extra time.

It is not always possible for JusticeNet to get legal advice by the time your application should be filed. You will therefore need to decide if you want to make the application to court yourself or wait for us to obtain legal advice. If we obtain advice that you have a good case, and we can find a lawyer to then represent you, your lawyer will be able to make the application to court.

If you want to make an out of time application then you will have to ask the court for an extension of time. It is likely that the court will accept an out of time application if there are good grounds for judicial review. However, we cannot guarantee this. If you decide to wait for us to obtain legal advice before making your application then you accept the risk of the court deciding not to accept your application.

What is the cost of judicial review?

It is important for you to understand that judicial review can be very expensive if you don't win your case. Even if you are provided with free legal assistance, the court can still make an order that you have to pay the Department of Immigration's legal costs. Those costs could be many thousands of dollars. For example, it could be \$10,000 or more in some circumstances.

If the court orders you to pay the Department of Immigration's legal costs it will impact your ability to enter Australia again. You will not be able to return to Australia under any type of visa including a family reunification visa, until you have paid these legal costs.

How can I get assistance?

If you (or your client) have received a negative IPA, IMR or RRT decision and require assistance, please contact us on Tel: 8313 5005 or by email: referrals@justicenet.org.au

When you make your application to JusticeNet you will need to complete a Referral Form. Your case worker may be able to help you to do this.

Referral Form and Checklist

This form is intended to assist case workers and other individuals who are helping asylum seekers make an application to JusticeNet.

	<p>Has the client already received legal advice about whether or not they have grounds for judicial review from another organisation?</p>
	<p>If the applicant has already received legal advice about judicial review, please do not refer the client to JusticeNet. We are unable to assist with this matter.</p>

If the asylum seeker has not already received legal advice please follow the below process.

<p>JusticeNet needs you to: <i>(please tick once complete)</i></p>	
<input type="checkbox"/>	<p>Explain the two-step referral process to the client described in the Information Sheet</p>
<input type="checkbox"/>	<p>Fill in sections A – D of this form</p>
<input type="checkbox"/>	<p>Provide a copy of the <i>JusticeNet Permission to Share Information Form</i> signed by the client to JusticeNet (section E)</p>
<input type="checkbox"/>	<p>Provide a copy of the client's negative IPA/IMR/RRT decision to JusticeNet</p>
	<p>Please do not refer the matter to JusticeNet until you have completed the steps above and can provide JusticeNet with each of the relevant documents. If you cannot provide JusticeNet with all of the relevant documents, please contact JusticeNet. JusticeNet cannot assist until we have all the information listed above.</p>

<p>Other documents you MAY provide to JusticeNet if held by the client: <i>(please tick if providing)</i></p>	
<input type="checkbox"/>	<p>Statement of claim/statutory declaration made by client when they made their initial application for asylum (including any attachments)</p>
<input type="checkbox"/>	<p>Submissions made on behalf of client to the IPA, IMR or RRT decision maker</p>
<input type="checkbox"/>	<p>Entry interview documents</p>
<input type="checkbox"/>	<p>Interview CD and/or transcript from the IPA,IMR or RRT hearing</p>

PART A: COURT DETAILS <i>(please complete ALL relevant fields)</i>	
Has the client already filed an application in the Federal Circuit Court? <i>(please select Yes or No)</i>	
<input type="checkbox"/> No	If no , please proceed to PART B.
<input type="checkbox"/> Yes	If yes , please complete the remaining fields in PART A and provide a copy of the client's Court Application to JusticeNet.
Which Court Registry was the application filed in? (e.g. Adelaide):	
What is the Court Application number? (e.g. SYG2157/2012)	
What is the client's Court pseudonym? (e.g. SZYPO)	
What is the client's next Court date? (insert date):	
Is this a first hearing or final hearing date? (please specify):	

PART B: CLIENT DETAILS <i>(please complete ALL fields)</i>			
Title		Boat ID:	
Given name		Last name	
Address or Detention Centre:			
Telephone number	(home):		(mobile):
Language spoken:		Dialect:	

PART C: MIGRATION AGENT DETAILS <i>(please complete ALL fields)</i>			
Name of Agent:			
Name of Firm:			
Address:			
Telephone number	(work):		(mobile):

PART D: REFERRING PARTY DETAILS <i>(if you are helping the client, please complete so that JusticeNet can contact you)</i>			
Name:			
Relationship to client:			
Position:		Organisation:	
Address:			
Telephone number	(work):		(mobile):
Email:			

PART E: PERMISSION TO SHARE INFORMATION FORM

(Please read form to client with the aid of an interpreter, if required, and ask client to sign form)

If you received a negative Independent Merits Review (IMR) / Independent Protection Assessment (IPA) / Refugee Review Tribunal (RRT) decision you can apply for judicial review in the Federal Circuit Court.

The role of the Court is different from the role of the decision maker in the IMR/IPA/RRT process. The Court is limited to reviewing whether the IMR/IPA/RRT decision maker followed the correct rules or procedures when they made your decision. The Court cannot listen to your story again or grant you a protection visa.

JusticeNet will attempt to find a lawyer to help you with your application for judicial review. We will first obtain written advice about your matter. If you have already received advice about judicial review then JusticeNet **cannot** assist you.

We are required to keep your information confidential. We cannot share your information with anyone unless you give us permission. To help you with your application for judicial review we may need to get your documents from other people and organisations. We may also need to give your information to other lawyers and your migration agent.

If you sign this form you are giving us permission to share your information with other lawyers and advocates who may be able to help you.

JusticeNet will not share your personal information with the Department of Immigration and Citizenship (DIAC). If DIAC contacts us, JusticeNet will only tell DIAC whether we are assisting you.

JusticeNet Client Authority

I,, give my permission for JusticeNet to receive and share with other lawyers, my migration agent, my community advocate, any support person and any Legal Aid commission:

- my name and boat number
- my age and nationality
- my location (Immigration Detention Centre)
- facts about my case
- letters and documents in relation to my case, for example:
 - Refugee Status Assessment (RSA)/Protection Obligations Evaluation (POE)
 - Independent Merits Assessment (IMR)/Independent Protection Assessment (IPA)
 - Court documents
- any other information about my case.

Client Signature:

Date:

Interpreter clause (if applicable)

I, (name) certify that I understand the English language and the (name of language), and that I have truly interpreted to the person signing the authority.

Interpreter Signature:

Date:

TIS Reference (if by telephone):