

Information Sheet

*This information forms part of the Refugee and Asylum Seeker
Project Application*

What is the JusticeNet Refugee and Asylum Seeker Project?

If you have received a negative decision from the Immigration Assessment Authority (IAA), the Migration and Refugee Division of the Administrative Appeals Tribunal (AAT) or the former Refugee Review Tribunal (RRT), you may be able to apply to the Federal Circuit Court for a review of the decision. This is called a judicial review.

JusticeNet's Refugee and Asylum Seeker Project (**RASP**) coordinates free legal help for people who want to apply for judicial review.

What happens when I apply?

JusticeNet will acknowledge receipt of your application and assess your matter against our eligibility criteria (see Other Important Information below).

The assessment of your application includes the following process:

- **Step 1 – Advice:** We will ask a lawyer to look at your decision and supporting documents and tell us if there is a basis for making an application for judicial review.
- If the lawyer's advice is that an application for judicial review **would not have** a reasonable chance of success, then your application will not proceed to the next stage and JusticeNet will not be able help you.
- **Step 2 – Representation:** If the lawyer's advice is that an application for judicial review **would have** a reasonable chance of success, then we will try to find you a lawyer to represent you in court.

How long does a referral take?

Generally, Step 1 may take 2 to 6 weeks and sometimes longer. The time that it takes to review your matter depends on a number of factors. For example, it may take longer if we need 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 JusticeNet's Migration Solicitor.

Application checklist for case workers and other individuals assisting Applicants to make an application

- Explain to the Applicant the two-step referral process, described above.
- Complete sections 1 to 5 of this Application Form.
- Ensure that the Applicant understands and signs section 6 of this Application Form.
- Provide the requested documents listed in the Relevant Documents Checklist on the last page.
- Need any help with the Application Form? Call JusticeNet's Migration Solicitor on (08) 8313 0014.

Other Important Information

Am I eligible for legal assistance?

JusticeNet's RASP will try to find a *pro bono* lawyer for applicants who meet the following criteria:

- you are unable to afford essential legal services without undue hardship; and
- you have a problem requiring a legal remedy for which:
 - there are reasonable prospects of a successful outcome; and
 - you would suffer significant injustice if not legally represented; or
 - your matter concerns an issue of public interest; and
- you are unable to obtain the requisite services from an alternative legal services provider, particularly the Legal Services Commission, a community legal centre or the Litigation Assistance Fund / Disbursements Only Fund; and
- the matter is of such a nature that you could not reasonably be expected to self-represent; and
- JusticeNet considers in all the circumstances that the matter would be an appropriate use of available *pro bono* legal resources.

JusticeNet, in its absolute discretion, may also provide assistance in exceptional circumstances to applicants who do not meet the above criteria.

What happens when I apply?

JusticeNet will acknowledge receipt of your application and assess your matter against our eligibility criteria (above).

- The assessment includes the process outlined in Step 1 in the Information Sheet (above).
- If we are unable to refer your matter for *pro bono* assistance, we will notify you and suggest other services which may be able to assist you.
- If you disagree with our decision, or wish to make a complaint about our service, we ask you to contact us in writing.
- Once your file is closed, it will be held for 7 years, after which time it will be destroyed.

Do any fees apply?

The assessment of your application by JusticeNet is free. If successful, JusticeNet will refer your matter to a lawyer on a *pro bono* basis; that is, you will not be required to pay any fees for legal services provided.

In some cases your lawyer may reserve the right to charge you fees in certain circumstances. This can only occur by agreement between you and your lawyer. The agreement should be in writing and signed by both you and the lawyer.

The most common types of fee agreements are:

- no fee, regardless of the outcome of the case;
- reduced fee basis; or
- conditional basis, where you pay the lawyer an agreed fee if you are successful and the other party is ordered by a court or tribunal to pay legal costs.

Usually, you are responsible for any out-of-pocket expenses (disbursements) that arise during your matter. These expenses include filing fees for documents, court or tribunal daily sitting fees, interpreters' fees, experts' fees, cost of transcripts and travel expenses.

If your matter is in a Court or Tribunal and you lose your case, the Court or Tribunal may order that you pay the other party's legal costs. These costs are your responsibility and are not covered by JusticeNet or your lawyer.

What sort of legal assistance is provided?

The legal assistance arranged by JusticeNet ranges from providing advice to representation in court. In some cases, the assistance JusticeNet is able to arrange may be limited in scope from the assistance requested in your application.

Do I have a right to obtain assistance?

JusticeNet provides *pro bono* assistance on a discretionary basis and there is no automatic right to assistance. Although we would like to assist every eligible applicant, we are not in a position to do so, as the demand for *pro bono* legal assistance far exceeds its availability.

Is my application confidential?

All information provided by you to JusticeNet will be kept confidential, subject to such disclosure as may be necessary for the purposes of assessing and referring your matter to a lawyer.

PLEASE REMOVE THESE SHEETS AND KEEP THEM FOR YOUR INFORMATION