

Refugee and Asylum Seeker Project

APPLICATION FORM

JusticeNet SA coordinates *pro bono* (free) legal assistance to eligible individuals and organisations who are unable to obtain legal assistance through other means.

To apply for assistance:

Step 1 **Complete** the application form.

Step 2 **Enclose** with the application form copies of all relevant information and supporting documentation. Please see the *Relevant Documents Checklist* on the last page for required documents.

Step 3 **Return** the form to JusticeNet by one of the following methods:

Post: JusticeNet SA
Ligertwood Building
UNIVERSITY OF ADELAIDE SA 5005

Email: migration@justicenet.org.au

If you need any help completing this form, please ring the Migration Solicitor at JusticeNet on (08) 8313 0014.

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

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

1. Contact Information

Client Details

First & middle name(s)

Last name(s)

Home address

Postal address (if different from home address)

Phone(s)

Email address

Language

Dialect

Number of persons included in this application

Other Contact Person (optional) *Completing this section authorises us to discuss your matter with this person. This person can be a relative, friend, case worker etc.*

Name

Relationship to you:

Postal address

Phone(s)

Email address

If you wish to nominate another contact person, please attach a separate page with the above details.

2. Personal Information *Information will be kept confidential and used for statistical purposes only*

Date of birth

Gender

Country of citizenship/receiving country

Marital status

Do you have any disabilities? *(please specify)*

Do you require an interpreter? *(please specify language)*

3. Referral Details

Who referred you to JusticeNet's Refugee and Asylum Seeker Project?

Name

Relationship to you:

Position

Organisation

Postal address

Work phone

Mobile phone

Email address

Do you authorise us to discuss your matter with this person?

Yes

No

Office Use only

Date received

Data Entered

Yes

No

Conflict check completed by

PCLaw file number

4. About your case

Did you have a Migration Agent?

No

Yes – Please complete the Migration Agent Details below

Migration Agent Details

Name of agent

Name of agent's firm

Address

Postal address (if different)

Work phone

Mobile phone

Email address

Briefly describe your legal issue and what you hope to achieve with the help of a lawyer. Please include all of the relevant facts of your matter, all important dates and what outcome you seek.

Negative decisions

Date of visa refusal decision

Date of AAT or IAA decision

Have you filed an application in the Federal Circuit Court or have any other migration related proceedings?

No – Proceed to section 6

Yes – Please complete the "Proceedings" section below

Proceedings

What Court or Tribunal are you in?

What is your Court or Tribunal file number? (e.g. ADG618/2018)

What is your Court pseudonym? (e.g. SZY14)

When is your next Court or Tribunal date?

What is the type of hearing? (e.g. first court date, directions hearing, final hearing)

Do you have a copy of the Court Book?

Yes

No

5. Financial Circumstances

Please provide the following financial information to the best of your ability.

You do not need to provide any supporting documentation about your financial circumstances at the time of making your application. However, JusticeNet may request such documentation in the future to assess your eligibility for assistance.

Your financial circumstances

What is your main source of income?

Full-time employment
 Part-time employment
 Casual employment
 Unemployed

Government benefit (please specify type of benefit)

Self-employed (please detail your role and business)

Other (please specify what financial support you receive)

Your estimated income (before tax) for the **current** financial year

\$

Your income (before tax) for the **previous** financial year

\$

Your supporting person's financial circumstances

(A supporting person is someone who is contributing to financially supporting you; for example a husband, wife, parent, child.)

Do you have a financially supporting person?

Yes

No

Describe your relationship to the supporting person

Your supporting person's estimated income (before tax) for the **current** financial year

\$

Your supporting person's income (before tax) for the **previous** financial year

\$

Do you have any dependants? (please specify details)

Details of your assets and liabilities

Please detail **assets** you own or jointly own including houses, cars, cash, a business, shares

Asset	Owned by	Value
		\$
		\$
		\$
		\$

Please detail **liabilities/debts** you owe or jointly owe including in relation to houses, cars, cash, a business, shares

Liability	Owed to	Value
		\$
		\$
		\$
		\$

6. Declaration and Authority to obtain and disclose information



The Law School
Ligertwood Building
The University of Adelaide
North Terrace
Adelaide SA 5005

ABN 31 135 823 513
T 08 8313 5005
F 08 8313 4344
E admin@justicenet.org.au
www.justicenet.org.au

I authorise JusticeNet SA Inc. to

- i. request, transfer and receive personal or financial information or documentation in relation to me for the purposes of assessing my eligibility for assistance, providing assistance, and obtaining feedback about the progress or outcome of a legal matter for which I have been referred for legal assistance, without waiving legal professional privilege;
- ii. discuss my case with, and disclose any personal or financial information or documentation to any lawyer, barrister, my migration agent, or organisation for the purpose of assessing my eligibility for assistance and providing assistance;
- iii. discuss my case with, and disclose any personal or financial information to the persons who I have expressly authorised JusticeNet in this application to communicate with or who I will otherwise authorise in writing in future;
- iv. use my personal information anonymously to compile statistical data for the purpose of evaluating JusticeNet services.

I understand that this authority continues until I withdraw it in writing.

I undertake to:

- i. notify JusticeNet of any change in my financial circumstances;
- ii. notify JusticeNet of any change in my address or phone number;
- iii. notify JusticeNet of any new matter which might affect my case; and
- iv. provide all additional information requested by JusticeNet.

I understand and accept:

- i. the conditions of receiving assistance from JusticeNet as outlined in the information accompanying this application;
- ii. that JusticeNet reserves the right to suspend or cease providing assistance if it becomes aware that the information provided by me is false or misleading or incomplete;
- iii. that upon closure of my file, it will be held for 7 years, after which time it will be destroyed.

I declare that all information provided by me to JusticeNet is true and correct.

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 Applicant the contents of this Application Form and this Declaration and Authority to obtain and disclose information.	
Interpreter's signature	Date
Interpreter's name	TIS Reference (if by telephone)

Relevant Documents Checklist

We will need certain documents to be able to assist you. To help you understand which documents we will need, please see the table below and provide **copies** of as many documents as possible in the category that relates to your situation.

What is happening with your case right now:	Please provide documents in:
I have not yet filed proceedings in the Federal Circuit Court	Category 1
I have filed proceedings in the Federal Circuit Court but I <u>have not</u> yet received the Court Book	Category 1 <u>AND</u> Category 2
I have filed proceedings in the Federal Circuit Court and I <u>have</u> received the Court Book	Category 3

Category 1

- Entry interview documents
- Audio file of Protection Visa interview and/or transcript from the Department of Home Affairs (previously Department of Immigration and Border Protection), IAA, AAT or former RRT
- Application for a protection visa, including supporting documents
- Statement of claims/statutory declaration, any submissions supporting the Application for a protection visa and any other supporting documents
- Any requests for information from the Department of Home Affairs (previously Department of Immigration and Border Protection) and any responses
- Decision to refuse visa from the Department of Home Affairs (previously Department of Immigration and Border Protection)
- Any requests for information from the AAT or IAA and any responses
- Any submissions to the AAT or IAA
- Decision to affirm refusal of visa from the AAT or IAA

Category 2

- Application for judicial review or appeal
- Affidavit for judicial review or appeal

Category 3

- Court Book
- Any Court Orders