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Media Release

RACS strongly opposes 1 October 2017 deadline as another attack on access to justice for people seeking asylum.

Minister Dutton has today announced that all people seeking asylum that have arrived by boat must lodge their applications for protection by 1 October 2017. This is a newly imposed deadline which will mean that many families who are seeking asylum may be forced to lodge their applications without legal advice or access to interpreting services to understand the process. RACS strongly opposes this deadline.

Over 3000 people seeking asylum have sought free legal assistance from RACS to lodge their applications, however there are still approximately 1000 on our waiting list. Earlier this year, many of our adult clients were affected by the implementation of 'Reminder letters' advising people that they had 60 days to lodge their applications or face being cut off from financial support and the non-renewal of their Bridging Visas. RACS has vastly increased services for people who had received such letters to ensure that they could lodge their applicants in the time frames imposed by the Department of Immigration and Border protection.

This new deadline which has been imposed today without warning means that those families seeking asylum who have been waiting for a long time to get free legal assistance to allow them to make their application will be most disadvantaged. In this sense it is hurting those most vulnerable such as children under 15.

Sarah Dale, RACS Principal Solicitor states "What we are seeing today is another attack on procedural fairness. Our service has already quadrupled to assist the community under the pressure of these Reminder Letters, this new deadline imposed upon us with no notice, will cripple our service."

People seeking asylum were only invited to apply for their protection visas in early 2015, this was after waiting over 3 years for the opportunity to do so.

Ms Dale states "The Department claim that our clients have had significant opportunity to apply – what opportunity is there without legal assistance and interpreters? For an illiterate single mother with 3 children, no such opportunity exists. This is who these threats are targeting."

Services such as RACS, ASRC, Refugee Legal, RAILS and The Humanitarian Group responded to this unmet need by assisting people with pro bono support and running clinics. RACS Senior Solicitor, Ms Alison Ryan who is running the RACS fast-track service states "This weekend we assisted 25 Rohingya people prepare their statements and complete their applications. We are working at maximum capacity, weekdays and weekends to meet with the significant number of people needing to lodge their protection applications each week.

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There is no need to tighten the screws even further, such unfair deadlines just undermines the asylum process.”

The people coming to RACS are women, children and vulnerable men who have not yet applied as they cannot do so without assistance. They have been waiting for legal assistance, and have told the Department of Immigration that this is the reason for the delay. Ms Dale states “These forms are complex, even a 1 month old baby is required to have 25 page form filled in on their behalf, despite their parent having filled in a 41 page form before that, the pressures placed upon people seeking asylum without support is unprecedented.”

Ms Dale goes further, “The system of Fast Track is fraught with procedural fairness issues. Illiterate women required to fill out lengthy forms, non-english speaking children having to document their stories under arbitrary deadlines without the support of an interpreter or legal advice is no provision of justice.”

For further media contact please call Sarah Dale, Principal Solicitor on 0419 200 637.