

REFUGEE ADVICE AND CASEWORK SERVICE (AUSTRALIA) INC

**FIFTEENTH ANNUAL REPORT
2004-2005**

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1. President's foreword

The Refugee Advice and Casework Service (Aust) Inc ('RACS') is Australia's oldest, leading community legal centre specialising in the provision of immigration law assistance to asylum seekers seeking to be recognised as refugees.

RACS is a not-for-profit organisation, relying primarily on funding from the Australian Government, donations from the community, an invaluable volunteer network and a Management Committee. It is staffed by a team of refugee-specialist lawyers dedicated to the protection of refugees. The lawyers provide legal advice and assist asylum seekers (whether they are in one of the Australian immigration detention centres or living in the community) in their applications for protection visas. This is vital work as asylum seekers must be recognised by the Government as Convention refugees in order that they may be afforded the protection from Australia they so desperately require.

RACS works in an ever-changing environment in terms of refugee policy and the numbers of arrivals. The introduction of Temporary Protection Visas (TPVs) 6 years ago has had a very significant impact on RACS' work. As the reassessment of TPV holders continued throughout the financial year, RACS tried to ensure that as many TPV holders as possible understood the regime, their rights and obligations. RACS communicates this information through a variety of means including information nights, evening face-to-face advice and detailed pamphlets and fact sheets – all of which is free. This material and advice is available in a number of languages. RACS is very proud of its multi-lingual staff and volunteers.

It is difficult to predict the future of refugee determination in Australia. One can never know in a given financial year how many asylum seekers will journey towards Australia nor how many of these will enter the Australian migration zone. Ideally, the day will come when there are no refugees or internally displaced people. The United Nations, when setting the original mandate of the UNHCR, believed this day was going to come almost 50 years ago. In the absence of sufficient political will from the international community to seriously address persecution, there is little indication that this day will come in the next 50 years. Until it comes, the services that RACS provides will remain vital. The more funding that individuals, organisations and government are able to give to RACS, the more RACS will be able to help.

I would like to thank all of the staff of RACS, the volunteers, those who fund RACS, the Management Committee and all other persons who have made it possible for RACS to provide such an outstanding legal service for the most vulnerable of people.

Alistair Gee

President

2. Organisational overview

RACS was originally set up in NSW in 1987 to provide a legal service to meet the specific needs of asylum seekers. RACS (Victoria) was established in May 1988. Organisations involved in this establishment include the Refugee Council of Australia, Amnesty International, The Ecumenical Migration Service, International Social Services and the Jesuit Refugee Service. On 1 July 1997, RACS (Victoria) as it was then known, changed its name to RACS (Australia) in order to set up a national entity with offices in Melbourne and Sydney.

RACS is now based and incorporated in New South Wales. This was a consequence of RACS continuing to operate out of its Sydney office, while the Melbourne office merged with the Victorian Immigration Advice and Rights Centre to become the Refugee and Immigration Legal Centre (RILC).

RACS has continued to provide a comprehensive, thorough specialist refugee advice service throughout these changes. This unique and vital service continues to work closely with a broad network of legal and inter-agency support services, including the client-based services of many other organisations such as the Red Cross, Amnesty International, the Asylum Seekers Centre (ASC), the House of Welcome (HoW), the Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS), the National Council of Churches and the Refugee Council of Australia (RCOA). RACS' involvement with these organisations - which are similarly committed to assisting asylum seekers - is critical to its information sharing and support base.

In its activities and concerns, RACS embraces the international, national and local levels.

International

RACS derives its mandate from the *United Nations Convention (1951) and Protocol (1967) Relating to the Status of Refugees*. Through our links with the Australian Office of the UNHCR, our attendance and participation at a wide range of conferences and seminars, and our subscription to a variety of international legal journals, RACS aims not only to keep abreast of current thinking in international refugee law, but to contribute to the development of the refugee area wherever possible. This occurs through the exchange of views, experience, information and support throughout the world. The possibilities and practice in this regard have been greatly enhanced in recent times by use of the internet.

National Level

RACS continues to play a significant role in the development of national policy on refugee law and procedure through its participation in a broad range of activities. This includes participation and advocacy at the Department of Immigration and Multicultural Affairs and Indigenous Affairs (DIMIA) and Refugee Review Tribunal (RRT) liaison meetings. In addition, we have also made written and oral submissions to the Senate Legal and

Constitutional References Committee the Senate Foreign Affairs, Defence and Trade References Committee, as well as providing regular submissions to DIMIA. These submissions have been made on issues which are directly relevant to the protection and promotion of rights of asylum seekers under Australian law; issues on which RACS is uniquely placed to comment, given its direct experience on a day-to-day basis with issues confronting asylum seekers throughout the determination process and beyond.

Local Level

While the focus of RACS' work has continued to be at the local level, with the direct provision of casework advice and assistance to asylum seekers both in the community and to those held in immigration detention at Villawood, we also perform a considerable casework role throughout Australia. This includes the provision of advice and assistance to asylum seekers held in detention in remote areas such as Baxter Immigration Detention Facility (IDF).

RACS' staff also provide community education and training sessions to lawyers, migration agents, community workers, students and the general public in a wide variety of fora.

There is a decreasing number of private and community organisations which provide legal assistance to asylum seekers in New South Wales, and RACS is the only specialist legal community organisation providing full assistance to protection visa applicants. The fact that all of the assistance provided by RACS is not for profit and free is also fundamental, given that the vast majority of our clients lack the financial means to privately fund the assistance required to fully and properly pursue their rights.

In 2002, a new project was initiated, the Temporary Protection Visa (TPV) Legal Project. This Project was established to assist the large number of refugees whose three year TPVs were about to expire and who required legal assistance with applications for further protection. RACS coordinates the TPV Legal Project. The Project was steered by the NSW Asylum Seekers Inter-agency's TPV Legal Working Group until June 2005. In 2003, this project trained 60 volunteer solicitors to assist refugees holding TPVs and, in 2004, another 55 volunteer solicitors. This service was especially important as almost all of the 4,100 TPV holders residing in NSW were not eligible for Legal Aid, and the immigration process was in a state of considerable uncertainty following the legislative changes throughout 2001-2005. About 190 TPV holders utilised the service throughout 2003-2004 and 127 TPV holders utilised the service in 2004-2005. RACS also participated in a number of community briefing sessions held for refugees on TPVs. In 2003 and 2005, RACS received very positive publicity for this project through articles in the Law Society Journal.

3. Aims of RACS

- To provide a free, expert legal service for individuals seeking asylum in Australia.
- To provide referral for counselling and assistance on related welfare issues such as accommodation, social security, employment, psychological support, language training and education.
- To provide a high standard of community education about refugee law, policy and procedure.
- To provide training sessions, workshops and seminars on refugee law, policy and procedure to legal and welfare agencies and individuals involved in advising and assisting refugees.
- To establish a resource base of current information and documentation necessary to support claims, for use by RACS, community organisations and lawyers assisting refugee claimants.
- To participate in the development of refugee policy in Australia as it relates to the rights of those seeking asylum in this country.

At a broader level, RACS aims to promote asylum seeker issues by raising public awareness of asylum seekers and promoting and assisting asylum seekers in a refugee determination process which both protects and promotes the rights of asylum seekers in the context of Australia's international obligations.

4. Details of the service

The RACS office is based in Sydney. It operates a full-time casework service from Monday to Friday between the hours of 9.00am and 5.00pm.

Monday Evening Advice: 5.30pm-8.30pm. This service is run by staff and volunteers.

Tuesday Evening TPV Clinic: 5.30pm-9pm. This service is run by staff and volunteers.

Tuesday and Thursday Telephone Advice: 10am-1pm.

Our contact details are as follows:

Address: Level 8 Suite 8C
46-56 Kippax Street
Surry Hills NSW 2010

Web: www.racs.org.au

Email: admin@racs.org.au

Tel: (02) 9211 4001

Fax: (02) 9281 8078

5. Service's structure

The Management Committee

The Constitution and Rules of RACS provide that organisations and individuals may nominate representatives and individuals to the Committee of Management.

The following individuals were office-holders during 2004-2005:

President	Alistair Gee
Vice-President	Joanne Kinslor
Hon Treasurer	Lachlan Murdoch
Hon Secretary	Fleur Johns
Committee Members:	Margaret Piper
	Jane McAdam
	Ben Saul

The Public Officer

The Constitution and Rules of RACS provide for a public officer. The public officer, currently Alistair Gee, is responsible for keeping proper records.

Staff

Coordinator:	Mark Green
Principal Solicitor:	Melissa McAdam

Caseworkers at RACS included Christian Carney, Louise Boon-Kuo, Parastou Hatami and Sarah Di Giglio. In June 2005 Parastou Hatami left the organisation. RACS thanks Parastou for her contributions to RACS, and wishes her the best in her future endeavours.

Annie Huang was the Administrative and Research Assistant until 25 August 2004. RACS thanks Annie for her contributions to RACS, and wishes her the best in her future endeavours. The position was then shared by Vicky Lin and Michael Della-Pozza until Cecilia Silva was appointed Administrative Assistant at the end of November 2004.

Max Morgan has continued to give to RACS his considerable time, knowledge and experience in order to ensure that our finances and financial records are properly maintained. His commitment to the organisation has also been demonstrated in many other ways. He has generously donated many extra hours to the organisation.

6. Funding

Throughout the year, the funding position of RACS has been stable. RACS has an IAAAS contract with the Commonwealth which commenced on 1 July 2004 and continues until 30 June 2006. Under this contract, RACS receives funding for performance of the following work:

- The provision of full application assistance for asylum seekers held in immigration *detention* in Sydney (Villawood), Christmas Island, Port Hedland and Baxter IDF, at both the primary and RRT stages.
- The provision of full application assistance for disadvantaged asylum seekers in the *community* in New South Wales and the ACT, at both the primary and RRT stages.
- Immigration advice for disadvantaged asylum seekers in the community in New South Wales, including immigration advice face-to-face, by telephone and by way of written referral to government agencies, other registered migration agents (where the client is not eligible for full application assistance under the IAAAS contract) and community organisations. This also includes conducting information sessions for community groups.

The funding from the IAAAS contracts falls seriously short of meeting the needs of disadvantaged asylum seekers contacting RACS. Nearly 44% of all *advice* provided to asylum seekers in the community and nearly 10% of RACS' *casework* in 2004-2005 was provided by RACS on a *pro bono* basis.

RACS has continued to diversify its funding base. This is particularly important as RACS' IAAAS detention contract is contingent upon new arrivals of asylum seekers arriving without immigration clearance. Throughout this year fundraising efforts have been two-fold. Grant seeking efforts have been successful, with a grant from the Law and Justice Foundation. RACS has also received donations from organisations such as Just and Fair Asylum and Gloucester RAR. In addition RACS has received support from many individuals and a private trust. We are in debt to Ms Julia Champaloup for her support of RACS' work and the energy she has put into RACS' fundraising activities.

7. Volunteers

RACS volunteers continued to play an invaluable role in the organisation. Our volunteers contributed countless hours of their spare time to providing essential assistance to asylum seekers in the community, as well as providing back up support for staff.

The following persons volunteered for RACS during 2004-2005:

Day Volunteers

Alexius Chan	Esther Ku	Michael Dalla-Pozza
Alissa Crittenden	Esther Watorowski	Patrick Chan
André Leslie	Georgina Pike	Sarah Prince
Aneesa Parker	Guan Yang	Stephanie Cameron
Arthur McCulloch	Irene Hoetzer	Thao Nguyen
Benish Haider	Kim Blumenthal	Vicky Lin
Cara Heaven	Louisa Fitz-Gerald	
Diana Pleasance	Madona Kobayssi	

Evening Advice Volunteers

Alex Newton	Joanne Kinslor	Parastou Hatami
Amanda Sapienza	Julie Todaro	Penny Gerstle
Annie Huang	Kathryn Viegas	Peter Brock
Bree Farrugia	Mark Webster	Ruwan Samarasinghe
Christine Michael	Meredith Dodds	Sarah Di Giglio
Deepika Weerakoon	Michael Jeremy	Steven Glass
Geraldine Read	Michael Robert-Smith	
Helen Styles	Michael Della Pozza	
Jane Brock	Nerida Peart	

TPV Legal Project Volunteers

Andrew Miers	Cathie Day	Elizabeth Misfud
Ann Peterson	Christian Carney	Fiona Allison
Aaron Tang	Catherine Hinwood	Farnam Razzaghipour
Adrienne Vella	Caitlin Westgarth	Gina Kim
Anita Kanetkar	Claire Forster	Geraldine Chin
Bryrony Feltham	Costas Agryrou	Graeme Edgerton
Clea Weibenga	Damian Spruce	Helen Fraser
Christine Michael	Deborah Potter	Helen Wodak
Claire Forster	Diane Anagnos	Jackie Hartman
Carly Jassy	Emma Carmody	James Arnott
Catherine Chang	Emily Forsyth	Jackie Mortensen

Jackie Svenson
 Julia Bruce
 James Mills
 Jamie Downie
 Joanna Hemingway
 Joe Tan
 Joanna Zain
 John Truswell
 Juliana Tang
 Jo Kwan
 Kath O'Connor
 Katherine Giles
 Katherine Crawford
 Kaye Sato
 Karen Criticos
 Karin Ragel
 Khiloud Shakir
 Kim May
 Katie Wrigley
 Laurie Berg
 Matt O'Sullivan
 Margaret Farmer

Meghan Magnusson
 Meg West
 Mary Gleeson
 Miranda Nagy
 Mia O'Brien
 Megan Braynem
 Megan Haire
 Mi Zou
 Nassim Arage
 Nerida Peart
 Nicholas Ross
 Olga Guillen
 Parissa Notaras
 Pepe Clark
 Peter Olds
 Posit Lashaphan
 Povyant Afshar
 Quyn Nguyen
 Rachel Kelleher
 Randa Abdel Fattah
 Renee Saibi
 Rosita Cassano

Ross Nicholas
 Rowena Irish
 Ryan Walker
 Sally Frenenstein
 Simone Farrar
 Sophie Redmond
 Stuart Englund
 Suede Stanton
 Suhad Kamand
 Susanna Taylor
 Tara Eaton
 Terry Liebman
 Theresa Baw
 Theresa Tran
 Tim McCauley
 Vijay Ratnam-Ranan
 Warren Kalinko
 Yvette Holt
 Zoe Endrey-Walder
 Zoe Hillman

Volunteer Interpreters

Abdul Ali Oruzgani
 Abdul Hekmat
 Amany Nuseibeh
 Amir Tambrchi
 Andre
 Angelo Berbotto
 Anwar Sadath Bashir
 Arash Vatanzad
 Aurelia Roper-Tyler
 Azadeh Dastyari
 Bernard Khoshaba
 Darius Mabior
 Debbie
 Desmond Eo
 Djavaid Shahafar
 Elhassan Elabbas
 Eshaq Dadyar
 Entisar Al Saady
 Fabian Tilemans
 Faisal

Fariba Mozayani
 Farnham Razzaghipour
 Fozia Saeed
 Gitty
 Habib Ghani
 Hassan Saleh
 Helal Faili
 Homeira Hosseini
 Jamal Daoud
 Jane Sun
 Jennifer Toisuta
 Kadim Hussain Fayaz
 Khiloud Shakir
 Kian
 Lian Boyce
 Liz Biok
 Maethim Al Kafajy
 Makiz
 Mamoon Reza
 Manuel Rodriguez

Maryam Mostghimi
 Moameni Kourosh
 Mohamed Abu Shaban
 Mohammad Kader
 Nadarajah Kanapathy
 Nadia Arrage
 Nagui Elwasfi
 Neshaat Manshadi
 Nizar Shammu
 Owen
 Pari Batha
 Rafat Mirzaie
 Riz Wakil
 Sahar
 Salma Begum
 Samir Abi Salloum
 Sandy Swarbrick
 Sarah Klisarov
 Shahela Begum
 Sunny Chou

Tahere Shenshaki
Tahere Shey

Wa'el Sabri
Wali Popal

Zeenat Habib

8. Clients and casework

The major focus of RACS is the provision of legal services to asylum seekers and refugees. In the 2004-2005 year, RACS assisted 880 people through comprehensive casework assistance, advice provided through appointment or by telephone, and through referrals to other agencies. RACS opened files for 152 new ongoing clients, comprising 39 asylum seekers in detention, 98 in the community, and 15 on a *pro bono* basis. We assisted 127 TPV holders through the TPV Legal Project and 601 people at various stages of the refugee determination process through our Monday evening advice service (263 clients) and our day advice service (including telephone advice) (338 clients). This year, RACS has once again included statistical breakdowns of the number, country of origin, and types of matters for which people have sought face-to-face advice. These statistics assist RACS in evaluating our current strategies to provide the best possible assistance at all levels of service.

As the tables below illustrate, RACS' clients are from many and diverse countries, with many and varied experiences. What all have in common is living away from their country of origin, many having been forced to flee from persecution and human rights abuses. They continue to show enormous courage, dignity and fortitude in a world where cruelty, injustice and inhumanity continue to loom large in theirs and so many other people's lives.

We are immensely proud and privileged to have had the opportunity to assist these people and to play some role in their lives and futures.

Table 1: New Clients in 2004/2005

COUNTRY OF ORIGIN	Total Community	Total Detention	Limited Assistance (Pro Bono)	Total per Country
Aceh	2		1	3
Afganistan	4	1	4	9
Albania	1			1
Bangladesh	4			4
Burma	4			4
Burundi			1	1
China	6	16		22
Colombia		1		1
Congo	4			4
Ecuador			1	1
Egypt	2			2
Ghana		1		1
India	1	1		2
Indonesia	6	1		7
Iran	20	6		26
Iraq	18	4	2	24
Jordan			1	1
Kuwait	1		1	2
Liberia	1			1
Morocco	1			1
Nepal	2	2		4
New Zealand			1	1
North Korea	1	1		2
Pakistan		2		2
Palestine	3	1		4
Peru	1			1
Philippines	1			1
Singapore		1		1
Somalia	1			1
South Korea		1		1
Sri Lanka	1		1	2
Stateless	1			1
Sudan	2			2
Turkey	6			6
Uganda	1		1	2
Vietnam	1			1
Zimbabwe	2		1	3
TOTAL (By Type)	98	39	15	
GRAND TOTAL				152

Comments on Table 1:

'Community' refers to clients who are living in the community.

'Detention' refers to clients who are in immigration detention at the time of referral.

'Limited assistance' refers to matters where a RACS' caseworker provides often quite substantial assistance but does not agree to become the migration agent on the record.

'Pro bono' refers to matters where RACS provides comprehensive casework assistance, but does not receive any funding for the case. Almost all these clients were in the community. Those matters in immigration detention taken on *pro bono* may include clients in Nauru, clients whose visas have been cancelled, and clients who wish to make a second protection visa application. These clients are ineligible for funded legal assistance.

From the above table it is evident that almost 10% of RACS comprehensive casework for clients in the community was undertaken on a *pro bono* basis.

Table 2: New Clients in 2004/2005 – Main Countries of Origin

RACS assisted new clients from 37 different countries.

The highest numbers of new files opened (by country of origin) for the 2004/2005 Financial Year may be represented as follows:

Country	Clients
Iran	26
Iraq	24
China	22
Afghanistan	9
Indonesia	7
Turkey	6

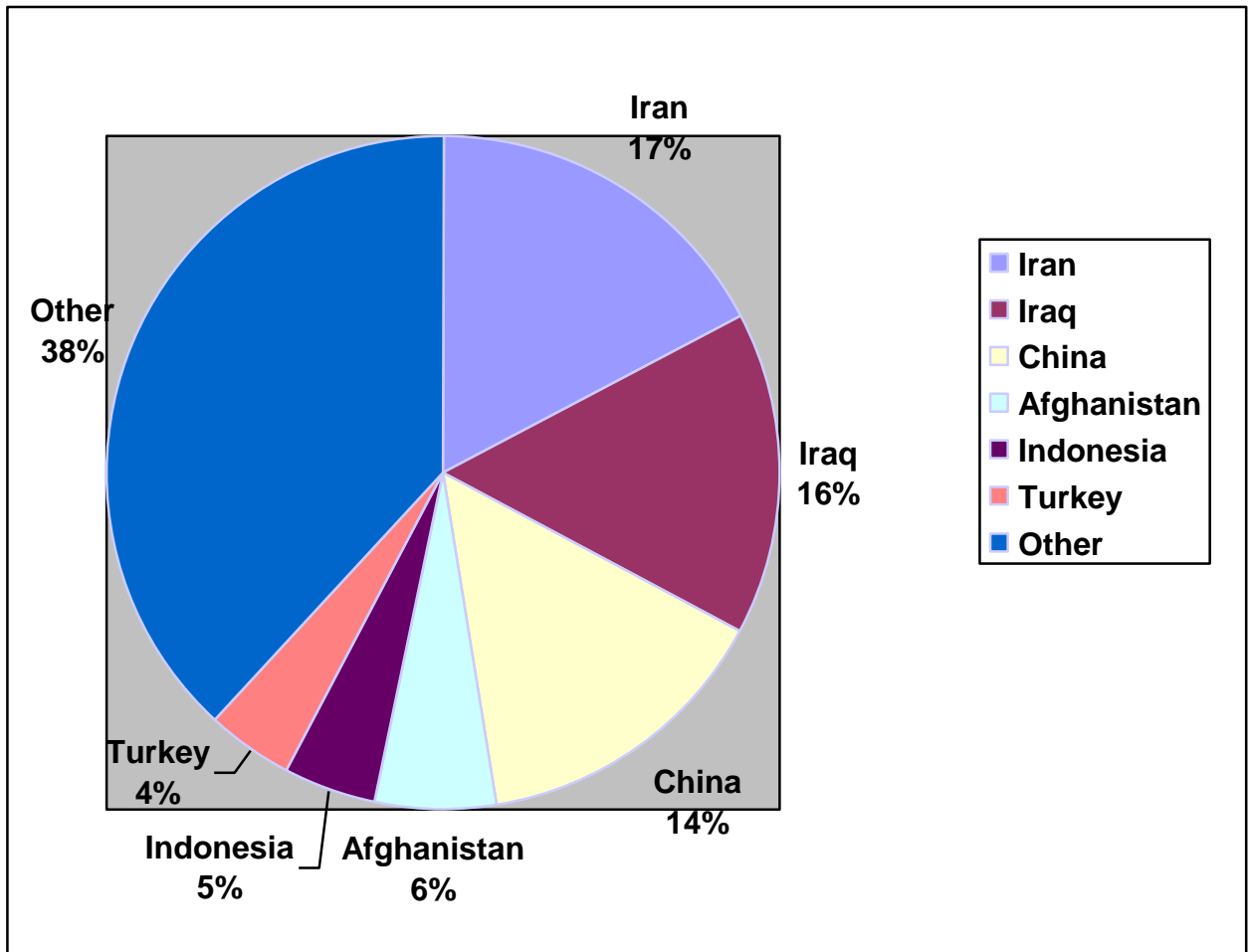


Table 3: 2004-2005 Advice provided by country

COUNTRY OF ORIGIN	Evening Advice	TPV Advice	Day Advice	Total
Aceh	28		16	44
Afganistan	11	21	16	48
Algeria	1			1
Armenia	2		2	4
Assyria	2	1		3
Bhutan	1			1
Bangladesh	19		15	34
Bhutan			1	1
Burma	3	1	10	14
Burundi	1			1
Cambodia	1			1
China	17		13	30
Colombia	1		4	5
Congo		2	2	4
Cuba	1			1
EastTimor			1	1
Egypt	8		9	17
Eritrea			1	1
Ethiopia	1		2	3
Fiji	1		7	8
Ghana			2	2
India	8	2	14	24
Indonesia	21		27	48
Iran	10	14	18	42
Iraq	23	77	42	142
Jordan	2		4	6
Kenya	4		4	8
Korea			3	3
Kurdish/German	1	1	1	3
Kuwait	1		1	2
Lebanon	5		3	8
Liberia	2			2
Macedonia			1	1
Malaysia	1		1	2
Moldova			1	1
Montenegro	2		1	3
Myanmar	3			3
Nicaragua			1	1
Nigeria	9	2	4	15
Nepal	17		19	36

Pakistan	6		12	18
Palestine	2	3	1	6
Peru	2			2
Philippines	3		2	5
PNG			1	1
Poland	2			2
Romania			3	3
Russia	1		3	4
Singapore			2	2
Somalia			1	1
South Africa			1	1
South Korea	1		1	2
Sri Lanka	11		5	16
Stateless		2	2	4
Sudan	3		5	8
Syria	2		2	4
Tibet	1		2	3
Turkey	12	1	7	20
Uganda	3		4	7
Ukraine			1	1
USA	1			1
Vietnam	1		1	2
Zimbabwe	3		2	5
Unknown	2		34	36
Totals	263	127	338	
GRAND TOTAL				728

Comment on Table 3:

As shown above RACS provided face-to-face advice to people from over 62 different countries of origin.

Table 4: Evening Advice (face-to-face) by Matter Type in 2004-2005

Primary	100
Review	48
Post RRT	109
Other	6
Total	263

Table 5: TPV Legal Project Advice by Matter Type in 2004-2005

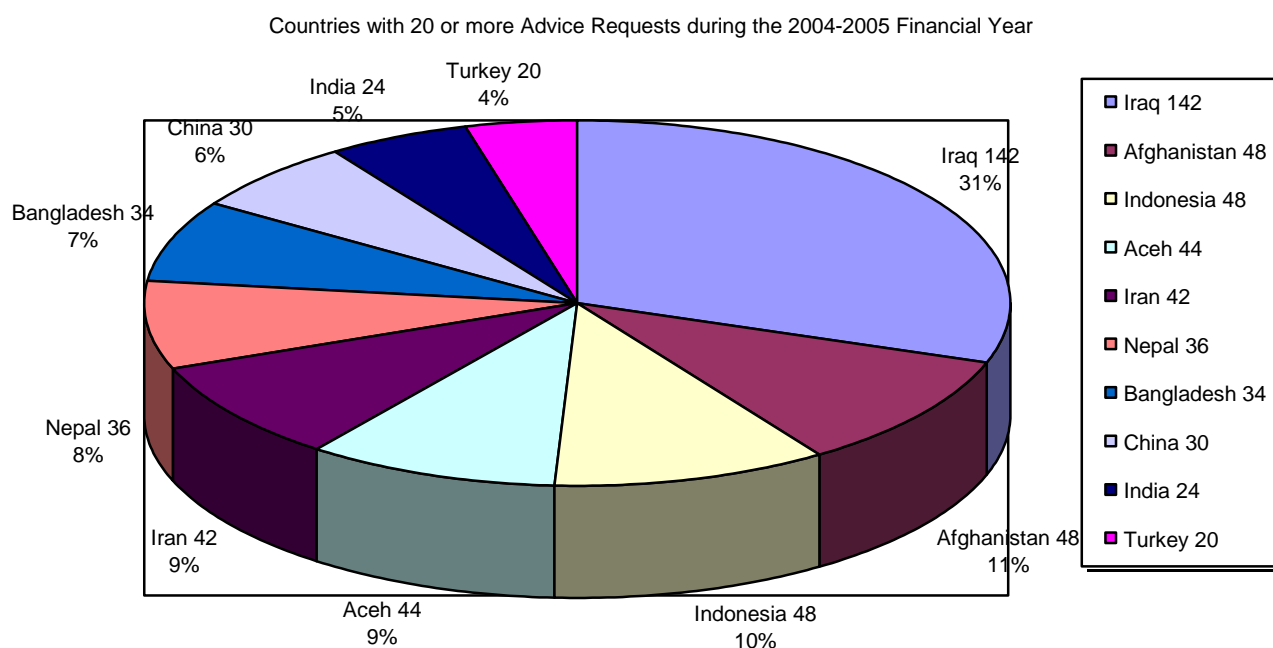
Primary	110
Review	15
Other	2
Total	127

Table 6: Day Advice by Matter Type in 2004-2005

Primary	111
Review	32
Post RRT	142
Other	53
Total	338

Comment on Tables 4, 5 and 6:

These statistics were included to assist RACS in evaluating existing face-to-face advice services.



9. Treasurer's report

The Statement of Financial Position and Statement of Financial Performance as at 30/6/2005 reveal the organisation's financial position has declined over the year under review.

Income and Expenditure resulted in a loss of \$45,972 for the year.

Whilst income rose by \$21,672, this can be attributed to a donation from a private trust of \$52,603 towards salary of an additional caseworker and can be offset against the increase of \$51,646 in employee and volunteer expenses. Effectively without these funds income was \$20,931 below the previous year's income.

DIMIA income was also down by \$6,483 with other donations being the major area of decline in income.

Main items of expenditure were the aforementioned employee expenses and interpreting and translations costs, which rose by \$8,504.

Equipment rental and maintenance rose by \$4,328 for the photocopier which was partially offset against contract for reduced telephone costs (-\$2,445).

We need to look closely at all avenues of income generation in the year ahead.

RACS has sufficient funds in reserve to maintain the current level of services over the ensuing 12 months.

Lachlan Murdoch

Treasurer

10. President's Declaration in respect of Fundraising Appeals

I, Alistair Gee, President of Refugee Advice Casework Service (Inc) (RACS) declare that in my opinion:

- a. the accounts give a true and fair view of all income and expenditure of RACS with respect to fundraising appeals;
- b. the provisions of the *Charitable Fundraising Act 1991* and the regulations under that Act and the conditions attached to fundraise have been complied with; and
- c. the internal controls exercised by RACS are appropriate and effective in accounting for all income received.

.....

Alistair Gee
President

Dated.....

11. Statement of the Members of the Management Committee

The Committee has determined that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 of the Notes to the Financial Statements.

In the opinion of the Committee, the accompanying accounts as set out in the attached Statement of Financial Performance, Statement of Financial Position, Statement of Cash Flows and Notes to the Financial Statements present fairly the financial position of the Refugee Advice and Casework Service (Australia) Inc. as at 30 June 2005 and the results of this Association for the year ended on that date.

On the date of this statement, there are reasonable grounds to believe that the Refugee Advice and Casework Service (Australia) Inc. will be able to pay its debts as and when they fall due.

This statement is signed for and on behalf of the Committee by:

.....

Alistair Gee
President

Dated.....