

Pro Bono Connect

APPLICATION FORM (Asylum Seekers)

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 and attached forms to request information on your behalf.
- Step 2** **Provide** with the forms copies of all relevant information and supporting documentation. Please see the *Documents Checklist* on the last page for required documents.
- Step 3** **Return** all completed forms and documents to JusticeNet by email, Google Drive or Dropbox, to email address: admin@justicenet.org.au.
- Do not post any documents. Hard copy documents will not be accepted unless requested.**



Information Sheet

This information forms part of an application for pro bono legal assistance to JusticeNet's Pro Bono Connect, specifically in relation to refugee and asylum seeker matters only

How can JusticeNet assist refugees and asylum seekers?

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 Pro Bono Connect co-ordinates 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 3 to 6 months and sometimes longer. The time that it takes to review your matter depends on a number of factors. We will first need to ensure that we have all of the relevant materials for assessing your case. It will then also depend on the availability of lawyers to help.

If JusticeNet forms the view that your matter should be treated as a priority for a particular reason, then the timeframe may be shorter.

Making an application for assistance

To make an application for assistance, you must provide to JusticeNet **ALL** of the following:

Application Form – Please provide as much detail as possible. If you would like us to also communicate with a family member or friend about your case, please make sure that you provide their details.

Form 424A - Request for access to documents or information – This form is to request from the Department of Home Affairs all interviews that you may have had with it as part of the assessment of your visa application. By signing this document and providing your certified identification, you are giving JusticeNet permission to request the interviews on your behalf.

To do so, you **must**:

- provide a **certified copy** of some form of **photographic identification** (such as a Passport or Driver's license); and
- **sign** at questions 6, 15 and 23.

Documents – Please also provide the following documents:

- Decision that you are seeking to challenge (i.e. IAA, AAT or Federal Circuit Court decision);
- Application for judicial review or appeal; and
- Affidavit supporting judicial review or appeal.

Please note that unless we receive ALL of the above forms and documents, your application for assistance will not be processed.

Other Important Information

Am I eligible for legal assistance?

JusticeNet's Pro Bono Connect 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

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	Boat ID
Other Contact Person (optional) <i>Completing this section authorises us to discuss your matter with this person. This person can be a relative, friend, case worker etc.</i>	
Name	Relationship to you:
Postal address	
Phone(s)	
Email address	
<i>If you wish to nominate another contact person, please attach a separate page with the above details.</i>	

2. Personal Information <i>Information will be kept confidential and used for statistical purposes only</i>	
Date of birth	Gender
Country of citizenship/receiving country	Marital status
Do you have any disabilities? <i>(please specify)</i>	
Do you require an interpreter? <i>(please specify language)</i>	

3. Referral Details		
Who referred you to JusticeNet's Pro Bono Connect?		
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?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

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 5

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



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. complete the *Form 424A - Request for access to documents or information* after I have signed it, to the extent that any information necessary to make those requests is missing;
- v. 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
Print name	
Home address	
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)

Documents Checklist

We will need the following documents to be able to assist you. Please send them by **email** to referrals@justicenet.org.au. Hard copy documents will not be accepted unless specifically requested by JusticeNet.

Please note that your application will not be processed unless we receive ALL of the documents listed below with this application form.

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Application for judicial review or appeal |
| <input type="checkbox"/> | Affidavit supporting judicial review or appeal |
| <input type="checkbox"/> | Decision being challenged in the judicial review or appeal (i.e. decision of IAA, AAT or Federal Circuit Court) |
| <input type="checkbox"/> | Completed and signed Form 424A <i>Request for access to documents or information</i> requesting interviews <u>and</u> certified identification |



Australian Government

Department of Immigration
and Border Protection

Request for access to documents or information

Form
424A

Important – Please read this information carefully before you complete the request. Once you have completed your request we strongly advise that you keep a copy for your records.

Your rights

You have a right to request access to your own personal information under the *Privacy Act 1988* (the Privacy Act). Under the *Freedom of Information Act 1982* (the FOI Act) you can also access copies of documents (except exempt documents) held by the Department of Immigration and Border Protection (the department) and other Australian Government departments.

The department will attempt to release the information in line with our open and accountable culture. If your request can be processed under the Privacy Act, it will either be processed by the FOI team or sent to the relevant business area of the department, to be completed within 30 days.

Where your request is likely to be complex or take longer than 30 days we will process your request under the FOI Act. At any time you can ask for your request to be treated as a request under the FOI Act. Please note, where we are able to process your request under the Privacy Act and you inform the department that you would like the request to be actioned under the FOI Act, the legislative timeframe under the FOI Act will commence from that date.

Where the department is unable to provide access to documents under the Privacy Act, your application will be taken to be a request for access under the FOI Act from the date that your request is received by the department.

Access to your personal information under the Privacy Act

Under the Privacy Act you may obtain original documents which you have given to us or copies of personal documents on your file which you have provided to us or that we have sent to you.

You can contact your current departmental case officer or any office of the department and ask for your documents. For a list of our offices please check the department's website at www.border.gov.au. However, if the documents you seek are not located at that office you may be asked to complete this form or put your request in writing. If your request relates to the documents or personal information of another person, you may need to make a request under the FOI Act.

The Privacy Act requires that the department responds to requests for access to personal information within 30 days. Further information is contained in form 1442i *Privacy notice*.

Access to documents under the FOI Act

Under the FOI Act you can access documents held by the department, including policy documents and personal information, subject to exemptions necessary to protect essential public or private interests.

Access to specific personal information held by the department

If you are seeking:

- Evidence of your Australian Citizenship, please complete form 119 *Application for evidence of Australian citizenship*.
- Evidence of your residence status in Australia please complete form 164 *Application for evidence of resident status in Australia*.
- Your International Movement records, please complete form 1359 *Request for international movement records*.
- Your superannuation status, please complete form 1194 *Certification of Immigration Status and/or request to cancel a Temporary Resident visa*.

These forms are available online www.border.gov.au/allforms/ or from any office of the department.

Access to departmental documents held by the National Archives of Australia

Documents considered to be in the 'open access' period under the Archives Act are held by the National Archives of Australia. To enquire about any such departmental documents please visit the National Archives of Australia 'ask a question' website www.naa.gov.au/collection/using/askquestion/index.aspx

Note: Requests for access to personal information must be directed to the department in the first instance.

Can someone else make a request for you?

You may ask someone else, such as a friend or migration agent, to make a request for you. If you nominate a friend or migration agent to act on your behalf, you must fill in Part C of this form. All notices regarding your request will be sent to them.

If you change your nominated friend or migration agent for your FOI request, it is important that you advise us as soon as possible.

If you want documents or information about another person

To assist us in deciding if we can provide another person's information to you, please provide evidence of your authority to ask for their information. For example, if they consent to your request, please provide evidence of this or have them complete Part D of this form where indicated. That person will also usually need to provide proof of identity (such as a Passport or Driver's licence). If you are unable to provide authority, please provide a reason why you believe this information should be released to you.

How to make a valid Freedom of Information (FOI) request for access

To make a valid FOI request, you must:

- put your request in writing. You can use the attached form or send a letter detailing your request either by post or email. If you do not use this form you must state that your request is made under the FOI Act;
- describe in detail the documents you wish to access; and
- include details of how notices of information may be sent to you.

Proof of identity

If you are requesting your own personal documents please include a certified copy of some form of photographic identification (such as a Passport or Driver's license) to assist us in processing your request.

Amending or annotation your personal information

You may ask that your personal information be changed if it is inaccurate and has been used or could be used for an administrative purpose. See form 424C *Request for amendment or annotation to personal records*.

Where to send your request

The department processes requests for documents in Melbourne, Sydney and Canberra.

If you live in Victoria, Western Australia or South Australia, please send your request to:

Freedom of Information Melbourne
Department of Immigration and Border Protection
GPO Box 241
MELBOURNE VIC 3001
Email: foi.vic@border.gov.au

If you live in New South Wales, Queensland, the Australian Capital Territory, the Northern Territory or Tasmania, please send your request to:

NSW Freedom of Information
Department of Immigration and Border Protection
GPO Box 9984
SYDNEY NSW 2001
Email: foi.nsw@border.gov.au

If you live overseas, please send your request to:

Freedom of Information Section
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2616
AUSTRALIA
Email: foi@border.gov.au

What will a FOI request cost?

There is no charge to access your own documents.

The costs relating to FOI requests for other documents, such as policy documents or documents about people other than yourself, are determined by the *Freedom of Information (Charges) Regulations 1982*. The department may ask for payment of charges for processing your request as follows:

Search and retrieval of documents	AUD15.00 per hour
Decision-making/consultation	AUD20.00 per hour
Photocopying documents	10 cents per page
Postage	Actual cost
Supervised inspection of documents	AUD6.25 per half hour or part thereof

The first 5 hours of decision-making time will be free.

Deposits

Where the estimated charge for processing your request exceeds AUD25.00, we may ask you to pay a 25% deposit before we can proceed.

Processing times

Under the FOI Act the standard processing time is 30 days. The department may contact you should an extension of time be required. The department receives many FOI requests and can respond to your FOI request more easily if we know what specific documents you want access to and when you need them (see Question 13).

Compliments and complaints

Your suggestions are valuable to the department and will help to improve our services. To provide compliments or complaints about the department you can:

- contact the Global Feedback Unit, telephone **133 177** (toll free in Australia) during business hours;
- visit the department's website www.border.gov.au; or
- contact the nearest office of the department or Australian mission overseas.

The Australian Information Commissioner

If you are not happy with how the department has handled your request, you can contact the Office of the Australian Information Commissioner in the following ways:

Online: www.oaic.gov.au
In writing: GPO Box 2999
CANBERRA ACT 2601
Telephone: 1300 363 992 (local call charges apply)

Important information about privacy

Your personal information is protected by law, including the *Privacy Act 1988*. Important information about the collection, use and disclosure (to other agencies and third parties, including overseas entities) of your personal information, including sensitive information, is contained in form 1442i *Privacy notice*. Form 1442i is available from the department's website www.border.gov.au/allforms/ or offices of the department. You should ensure that you read and understand form 1442i before completing this form.

Further enquiries

If you have an enquiry, please telephone 131 881 (toll-free within Australia) and ask to be directed to the Freedom of Information office for your state or territory, or email the relevant office on page 2. For general information on FOI you should visit the Australian Information Commissioner's website www.oaic.gov.au

Home page www.border.gov.au

General enquiry line Telephone **131 881** during business hours in Australia to speak to an operator (recorded information available outside these hours). If you are outside Australia, please contact your nearest Australian mission.

Please keep these information pages for your reference



Request for access to documents or information

Please use a pen, and write neatly in English using BLOCK LETTERS.

Tick where applicable

Where possible your request will be sent to the relevant business area to be processed under the *Privacy Act 1988* (Privacy Act). If we cannot process this request under the Privacy Act we will treat this as a request for information under the *Freedom of Information Act 1982* (FOI Act).

Part A – Your details

1 Title: Mr Mrs Miss Ms Other

2 Full name
 Family name

Given names

3 Have you been known by any other names?
 (including name at birth, previous married names, aliases)
 No
 Yes Give details
 Family name
 Given names

4 Date of birth Day / Month / Year

5 Any of the following numbers, if known, would assist us to more quickly locate your records

Client ID number (CID)

Client file number (CFN)

Permission Request ID Number (PRID)

Boat ID

6 Your signature

Date Day / Month / Year

7 Your postal address

 Postcode

8 Your telephone numbers

	Country code	Area code	Number
Office hours	()	()	
After hours	()	()	
Mobile			

9 Preferred method of communication
 (Tick one box only)

Email Email address

Post

Fax Fax number
 Country code Area code Number
 () ()

10 Do you need an interpreter?
 No
 Yes Language

Part B – Document(s) or information

11 Please provide as much detail as you can to help us quickly identify your document(s) or the information you seek, including any reference numbers

1. AUDIO RECORDING AND/OR ANY TRANSCRIPT OF ARRIVAL INTERVIEW
2. AUDIO RECORDING AND/OR ANY TRANSCRIPT OF PROTECTION VISA INTERVIEW
3. AUDIO RECORDING AND/OR ANY TRANSCRIPT OF ANY OTHER INTERVIEWS

12 Do the requested document(s) or information relate to another person (eg. spouse, dependants and other parties involved in your application)?

No

Yes ▶ Ensure you also complete Part D

13 Urgency (*optional*) – Please advise if you have an application at any of the following (please include hearing dates):

Administrative Appeals Tribunal (AAT) ▶ Date

Day	Month	Year
/	/	

Court ▶ Give details

Date

Day	Month	Year
/	/	

Ministerial Intervention

Visa cancellation ▶ Date

Day	Month	Year
/	/	

Other ▶ Give details

Reason for urgency

Date you require information by

Day	Month	Year
/	/	

14 How would you like to receive your decision?

Email

CD

Paper

Other ▶ Give details

The department will endeavour to provide the decision in your preferred format.

Part C – Consent for person to act

15 Do you want to authorise someone to obtain access to the document(s) described in Part B?

No ▶ **Go to Part D**

Yes ▶ Please complete the authorisation below

I hereby authorise (full name of other person)

Title: Mr Mrs Miss Ms Other

Family name

Given names

Migration Agent Registration Number (MARN)

(if this person is an Australian registered migration agent)

7 Digits

:	:	:	:	:	:	:
---	---	---	---	---	---	---

whose signature appears below, to obtain access to the document(s) described in Part B, in accordance with the FOI Act.

Address of other person

Postcode

Telephone (Area code 08) 8410 2280

Email address REFERRALS@JUSTICENET.ORG.AU

Your signature



Date

Day	Month	Year
/	/	

Signature of other person



Date

Day	Month	Year
/	/	

16 Preferred method of communication

(Tick one box only)

Email ▶ Email address

REFERRALS@JUSTICENET.ORG.AU

Post

Fax ▶ Fax number

Country code Area code Number

()	()
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Part D – Request for release of document(s) or personal information of another person

17 Are you requesting document(s) and/or information about another person?

No ► **Go to Part E**

Yes ► Provide details

Third party's full name

Title: Mr Mrs Miss Ms Other

Family name

Given names

Date of birth Day / Month / Year

Address

Postcode

Telephone numbers

Office hours Country code () Area code () Number

After hours () ()

18 By what authority are you requesting this person's document(s) or information?

With consent ► **Go to Question 19**

Without consent ► **Go to Question 20**

19 Attach evidence of consent or ask the person to sign below

(full name)

consent to the Department of Immigration and Border Protection releasing the document(s) or information about me set out in this request to the applicant.

Signature

Date Day / Month / Year

►► **Go to Part E**

20 Provide the basis of request or other authority (eg. for law enforcement purposes, required by law). *Attach any supporting documents.*

Part E – Young people and people under representation

21 Is your request on behalf of a person you represent (eg. an executor or receiver)?

No

Yes ► Provide details of your capacity to act for them and attach evidence of your appointment (eg. probate of a will or court order)

22 The release of information of or about persons under 18 years of age may require their consent if they are capable of making independent decisions about their own information.

Do you want to access information about child(ren), under the age of 18 years, in your role as parent or guardian?

No

Yes ► Provide their details

Child's full name

Family name

Given names

Date of birth Day / Month / Year

If more than one child, attach additional details.

I certify that I have parental responsibility for this child and that there are no Court orders or any other circumstances or causes which affect my parental responsibility for this child.

Your signature

Date Day / Month / Year

Part F – Declaration

23 WARNING: Giving false or misleading information is a serious offence.

I declare that:

- I am aware that any person who provides false or misleading information, or who deceives or misleads, or who presents a forged document to an Australian Government official, may be prosecuted.
- I have read the information contained in form 1442i Privacy notice.
- I understand the department may collect, use and disclose my personal information (including biometric information and other sensitive information) as outlined in form 1442i Privacy notice.

Your signature



Date

Day	Month	Year
/	/	

Part G – Checklist

24 Please indicate the documents attached to this request.

Proof of identity:

- Passport
- Driver's licence
- Travel document
- Other ▶ Please specify

We strongly advise that you keep a copy of your application and all attachments for your records.