



RAILS

Refugee and Immigration
Legal Service

2023-24

Annual Report

Refugee and Immigration Legal Service

Welcome

The Refugee and Immigration Legal Service (RAILS) is a Community Legal Centre (CLC) founded in 1980. For over 40 years, RAILS has provided free legal assistance and education in immigration and refugee law. RAILS is the only specialist CLC in Queensland for this area of law and provides services throughout the State.

RAILS works with people who have experienced family violence; with people who have applied or need to apply for refugee visas in Australia after fleeing violence in their home countries; and with refugees in Australia hoping to reunite with their closest family members, often displaced and fleeing situations of danger, in Australia.

RAILS is a member of Community Legal Centres Australia and is registered as a Charity with the Australian Charities and Not-for Profit Commission.

RAILS acknowledges the Traditional Owners of Country throughout Australia, particularly the peoples on whose land we live and work, and their continuing connection to land, waterways and community. We pay our respect to them and to Elders, past, present and emerging.



RAILS

Refugee and Immigration
Legal Service

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Message from the President

Abdul Jarrah, RAILS' President

Our team of extraordinary and dedicated professionals had another busy year. My heartfelt thanks go out to RAILS' leadership, staff, and volunteers for their unwavering commitment to our mission: empowering the most vulnerable refugees, asylum seekers, and migrants through legal assistance, education, and advocacy.

I also extend my gratitude to our partners and the law firms that provide pro bono assistance for the quality services they continue to offer us and our clients. My thanks also go to the Management Committee members who generously dedicate their valuable time to guiding the overall direction of RAILS.

This year has indeed been a year of change. Last November, we welcomed Gayan Mendis and Angus Francis to the Management Committee and bid farewell to our long-serving Secretary, Nitra Kidson KC. We also said our goodbyes to Peter See, who contributed significantly to the organisation, particularly in relation to our financial policies and practice.

In September 2024, both Management Committee member Lorraine Hill and our Executive Director Kylie McGrath were appointed to the Administrative Review Tribunal (ART). Consequently, Lorraine resigned from her position on the Management Committee to assume her new role at the Tribunal, and Kylie will leave RAILS in November to take up her role at the ART. We extend our heartfelt thanks to Lorraine and Kylie for their dedicated service.

The Management Committee conducted a search for Kylie's replacement and interviewed a number of capable candidates. In a homecoming of sorts, the Management Committee appointed Angus Francis as our new Executive Director and Principal Solicitor. We welcome Angus and feel privileged to have him lead our organization.

This year has seen a high demand for our services from asylum seekers arriving by plane. Our staff continues to work diligently to meet this demand and develop strategies to manage the workload. Unfortunately, they sometimes have to make tough decisions about whom RAILS can assist with our limited resources.

Significant new funding for protection visa work, secured close to the end of the financial year, allowed us to expand our services by hiring more staff. We also worked in partnership with other community organizations to support arrivals fleeing the ongoing war in the Middle East.

The organizational review work, which began last calendar year, has now been completed and is in the final stages of implementation. The new staffing structure, led by Legal Practice Directors and the Operations Director, will place us in a better position to respond to the needs of our clients.

With the office move and organizational review behind us, we hope to shift our focus in the coming year to raising RAILS' profile and exploring additional partnering and funding opportunities. Thank you for your support.

OUR VISION

Fair and humane justice system for
the most vulnerable

OUR MISSION

Empower the most
vulnerable refugees,
asylum seekers and
migrants through
legal
assistance,
education
and advocacy

OUR VALUES

Social Justice
Expertise
Client-centred
Ethical practice
Inclusive

At a glance

In the financial year 2023-24 RAILS...



Represented 698 clients
Finalised 175 of these matters

Provided **legal advice** on 2,228 occasions
Completed 1,328 **pieces of discrete legal work** for clients who we did not represent



Referred people to appropriate support and legal services on 1,704 occasions

Worked accros 11 **outreach locations** throughout Queensland



Provided 32 **Community Legal Education Sessions** to 547 participants

This was only possible thanks to our team...

37
staff
members



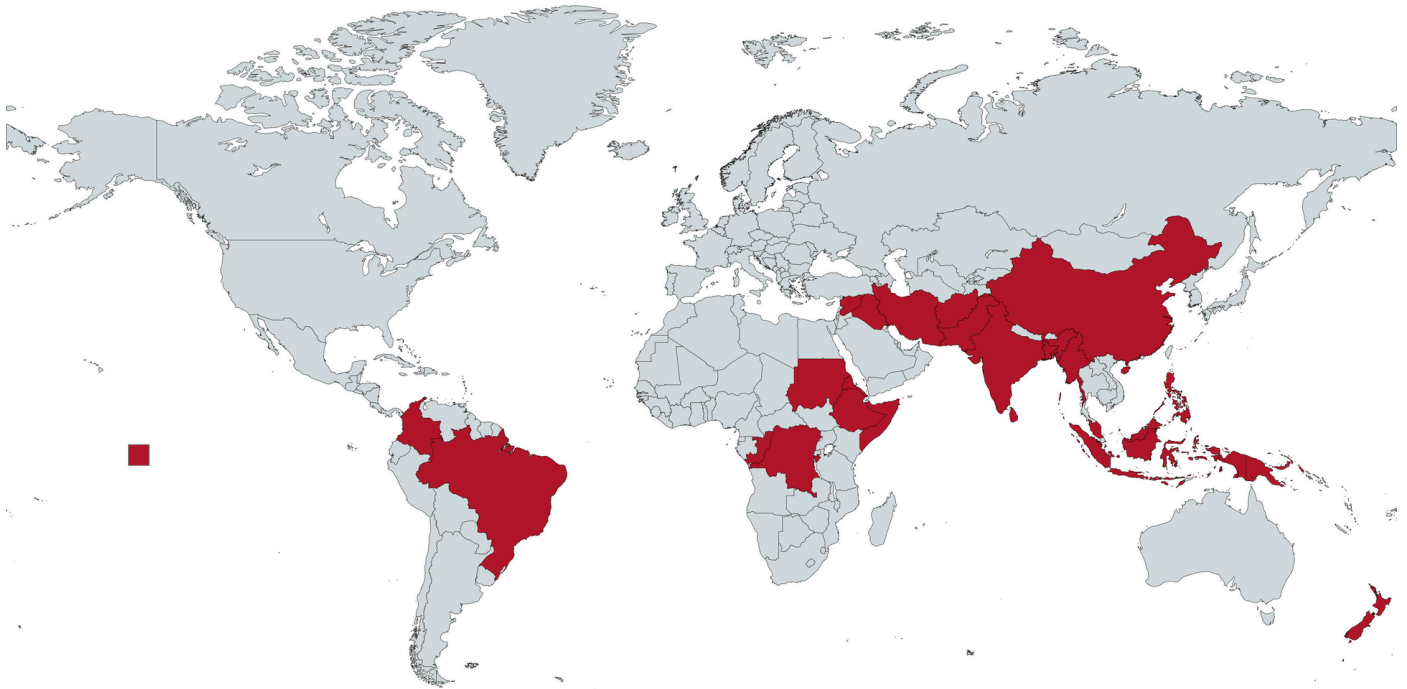
117
volunteers

Who were our clients?

In 2023-24, we helped 2,009 people.

Our clients are **diverse**: they came from 97 different countries and spoke 93 languages.

2023-24 RAILS' Clients Top 25 countries of origin:



- | | | | | |
|---------------------|---------------------------------|-----------------|--------------|-----------------|
| 1. Afghanistan | 6. Sri Lanka | 11. India | 16. Somalia | 21. New Zealand |
| 2. Papua New Guinea | 7. Democratic Republic of Congo | 12. Colombia | 17. Sudan | 22. Brazil |
| 3. Iran | 8. Syria | 13. Ethiopia | 18. China | 23. Congo |
| 4. Iraq | 9. Bangladesh | 14. Eritrea | 19. Vietnam | 24. Burundi |
| 5. Myanmar | 10. Pakistan | 15. Philippines | 20. Malaysia | 25. Indonesia |

Our clients came from: Afghanistan, Argentina, Australia, Bahrain, Bangladesh, Bhutan, Botswana, Brazil, Burundi, Cambodia, Central African Republic, Chile, China, Colombia, Congo, Democratic Republic of, Congo, Republic of, Cuba, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, England, Eritrea, Ethiopia, Fiji, France, Greece, Guinea, Hong Kong, India, Indonesia, Iran, Iraq, Italy, Japan, Jordan, Kazakhstan, Kenya, Korea, Republic of (South), Kuwait, Lebanon, Malaysia, Mexico, Mongolia, Myanmar, Nepal, Netherlands, New Zealand, Nigeria, Pakistan, Palestine, Papua New Guinea, Peru, Philippines, Poland, Reunion, Russian Federation, Rwanda, Samoa, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Sweden, Syria, Taiwan, Tanzania, Thailand, Timor-Leste, Tonga, Turkey, Uganda, Ukraine, United Arab Emirates, United States of America, Uruguay, Vanuatu, Venezuela, Vietnam, Yemen, Zambia and Zimbabwe.

Our clients also **experience multiple layers of disadvantage**:

Almost **89%** of our clients **did not speak English as a first language**

We needed to **use interpreters** to provide almost **42%** of our legal services

88% of our services were provided to **financially disadvantaged people**

Almost **23%** of our services were provided to clients who **had no income whatsoever**

577 of our clients disclosed that they had experienced **family violence**

535 of our clients were **homeless or at risk of homelessness**

306 of our clients had a **disability**

Executive Director's Report

Kylie McGrath, Executive Director and Principal Solicitor

RAILS is absolutely wonderful. Our work makes all the difference to real people's lives. We do vital legal work that is the difference between, for example, an orphaned child living alone in a refugee camp or building a safe life here in Australia being raised by her mother's only surviving sister. It is the difference between those who have endured the conflict in Gaza having to navigate complex legal processes in Australia with or without specialist legal help. It can be the difference between a woman with children living in a violence home feeling that she has no option but to stay with the perpetrator of that violence or that woman feeling that she has the options and security she needs to leave that relationship and secure safety for herself and her family.

The 2023/2024 financial year has been another enormous year for RAILS. We continue to respond to the ever-changing immigration legal needs of our incredible clients.

Overwhelming legal need of asylum seekers who arrived by plane

One of the key themes of 2023/2024 was the almost overwhelming legal need of those who had arrived in Australia by plane and needed to apply for refugee visas to secure their safety from endemic family violence, political persecution and war.

The legal need was particularly high for two key reasons (1) because more people were being compelled by conflict and other circumstances overseas to seek protection in Australia, with the number of protection visa applications onshore doubling since the previous year (2) because the Australian government was seeking to clear a backlog of protection visa applications including through a Pacific Pilot. As many of our clients are fleeing endemic family violence and other circumstances in Papua New Guinea, the Pacific Pilot, in particular, had a huge impact on the immigration legal need in Queensland.

Our Senior Supervising Solicitor, Susan Hogarth, was relentless in her efforts to triage clients, leverage volunteers and pro bono relationships and re-design service models to best meet this need with very limited resources. Throughout much of the year though, each new case was rapidly outpaced further growth in legal need. A huge thanks to Susan and all of our intake team, lawyers and paralegals and Senior Supervising Solicitors who worked tirelessly, under significant pressure, to seek to meet this need.

It was within this context that families started to arrive in Queensland fleeing from the crisis in Gaza and the Middle East. This work was at the core of who RAILS is and what we do. RAILS' Senior Supervising Solicitor, Noel Reeves, shifted his focus to ensure that all those in Queensland impacted by the crisis could receive specialist legal

assistance. We were grateful for funding from Multicultural Affairs Queensland and to work in partnership with community leaders and key stakeholders in relation to this work.

It was with great relief that we finally secured additional funding to seek to meet the needs of plane arriving asylum seekers towards the end of the financial year and were able to commence recruitment of much-needed additional lawyers, initially from our pool of valued and dedicated paralegals and day volunteers.

Long awaited permanent status and progress towards family reunification for boat arriving asylum seekers

This year also saw our continuing work with boat arriving refugees, many of whom we had worked with for over a decade. Our team worked tirelessly to meet a high volume of Requests for Further Information from the Department of Home Affairs, leading to the vast majority of clients finally securing permanent refugee visas after years of uncertainty. From here, with the support of Herbert Smith Freehills and Allens, we assisted our clients to make visa applications to be reunited with their partners and children after over a decade of separation.

Critical work with the Afghan community continues

Throughout the year, we continued to work with children who were air lifted to Australia without their parents directly after the fall of Kabul to the Taliban. All of these children have now had Australian visas granted to their parents and dependent siblings. We thank the Ubuntu Foundation for funding these incredibly important reunifications.

We also continued to work with female Afghan judges throughout the year and thank Zonta Club of Brisbane for funding this work, as well as to represent those Afghans in Australia yet to secure refugee visas.

Family Violence

Our critical work with those who have experienced family violence continued this year. Again, this work is at the core of who RAILS is and what we do. This year, we commenced our legal clinic at the Immigrant Women's Support Service (IWSS). The clinic, held in a female only space, often with an IWSS support worker present, is funded by Legal Aid Queensland and builds on our decades long relationship with IWSS. We continued our NLAP funded work with women who are required by the immigration system to prove their experience of family violence in order to continue with their applications for permanent visas. We also continued in our partnership with Women's Legal Service Queensland within the Women on Temporary Visas Experiencing Violence Pilot. We were heartened that advocacy work by RAILS and

Executive Director's Report

Kylie McGrath, Executive Director and Principal Solicitor

many others in sector has resulted in the family violence provisions being extended to protect more temporary migrants, in addition to other positive developments in this area of immigration law, policy and practice.

Voice to Parliament

In terms of our needs as an organisation, we were proud to support the yes campaign to the Voice for Parliament in principle and through practical support this year. Following the outcome of the referendum, we continue to offer our solidarity, grief and deep hope for reconciliation and justice to all First Nations people.

A new home for RAILS

This year it was also clear that we had outgrown our premises and staffing structure and that both needed to be remedied. In November 2023, we moved from our home of many decades in West End to a new office in South Brisbane. This new office gave us the space needed for our growing team and provided a much more accessible and appropriate space for our clients. We are grateful to Queensland Department of Justice and Attorney General for their financial contribution to this move and to MinterEllison for legal assistance in relation to the leasing documentation. We are grateful to our President, Abdul Jarrah, for his strategic vision in relation to this move and to the Management Committee, particularly our Treasurer, Kate McKeon and the Organisational Sub-Committee, for their invaluable strategic and financial input. We are grateful to our staff, particularly the Move Working Group, for engaging so valuably in consultations relating to the move, leading to, for example, the building of focus rooms. We are also grateful for their flexibility and positivity in embracing that change.

We are deeply grateful to our Operations Manager, Cristina Prieto, for leading the move: for being so organised, for having her head around so many different things at once, for completing everything on time, for being so committed to a smooth transition for our clients and our staff and for remaining so calm, attentive and respectful in her communications throughout. Thank you so much also to Erin Allen who went above and beyond in assisting with the logistics of the move.

A new structure for RAILS

From February 2024, we commenced a review of our staffing structure. By this point, RAILS was more than twice the size than 4 years earlier. We needed a more sustainable structure to support our clients and our staff into the future. Again, we are very grateful to our staff who provided really meaningful input into the new structure through our survey as well as through

and brains trust sessions, as well as to our Management Committee, particularly the Steering Committee, who committed much time, expertise and clear thinking to their decision making in relation to this process. In May 2024, we announce the new structure. By 30 June 2024, we confirmed existing staff members Dr Ben Carrick (Practice Management and Risk), Susan Hogarth (Protection) and Neha Vaidyanathan (Family Violence, Refugee Family Reunion, CSP, EAS and Cancellation) as Legal Practice Directors and Cristina Prieto as Operations Manager (now Operations Director).

Thank you

A huge thank you to everyone who has made all of this possible. Thank you to our clients for their trust and for allowing us to be a part of their journeys of persecution, violence, deprivation, courage, resistance and resilience as well as to hear their stories and present them to the legal system and for everything that we learn and gain from that. Thank you to our staff for their expertise, their deep commitment to our clients and our organisation and the values that they bring to RAILS every day. Thank you to all of our volunteers, funders, donors, stakeholders and pro bono partners, without whom none of this would be possible.

Many thanks to the Management Committee for their incredible contribution this year. The Management Committee worked extremely hard to achieve two key strategic objectives this year – the move to the new premises and the review of the staffing structure. In addition, the Committee led the recruitment of a new Executive Director/Principal Solicitor so efficiently and effectively that a 3 week handover has been possible.

Congratulations and farewell

Congratulations to Dr Angus Francis for his appointment as Executive Director/Principal Solicitor. Dr Angus Francis brings a wealth of expertise to the role both in relation to immigration and refugee law, policy and practice and in relation to RAILS, which he has been associated with since 1990 including as a member of the Management Committee since November 2023. I am extremely confident that RAILS is in great hands with Angus at the helm.

It has been an absolute privilege to work at RAILS including as the Executive Director/Principal Solicitor. I have aspired to be the leader than RAILS' clients and staff deserve and hope that I have gone some way towards doing so. I wish Dr Angus Francis, the leadership team at RAILS, RAILS staff and volunteers and the broader sector all the very best in continuing to seek to secure safety for those fleeing violent homes and regimes.

National Legal Assistance Partnership

In the 2023-24 financial year, Commonwealth and Queensland Government funding under the National Legal Assistance Partnership (NLAP) Agreement remained our most significant funding source.

Demand for our legal services was very high. Constant difficult triaging decisions and long waitlists added pressure to RAILS' staff in both our intake and legal teams and created long, anxious waits for clients in need of critical legal advice and assistance. We provided 152% of our overall NLAP deliverables.

Through core generalist immigration NLAP funding, RAILS provides legal advice, task-based assistance and full representation across our protection, family violence, evening advice clinic and other compelling immigration legal practice areas.

Our core generalist immigration funding under the NLAP agreement allows RAILS to focus on the most critical immigration legal needs in the Queensland community which cannot be otherwise met. Through the pandemic years, a higher proportion of our NLAP funded legal services were directed to women experiencing family violence in a partner visa pathway to residency. In the last financial year, RAILS used a significant part of NLAP's core funding to address the legal need from plane-arriving asylum seekers in Australia, which remained very high through the reporting period. This work can be life changing. Australia's migration system is complex and our clients face multiple layers of disadvantage. Those who we assist have survived persecution in their home country due to their ethnicity,

religion, political opinion or, in many cases, their gender and sexual orientation.

Our Evening Advice Sessions (EAS) assisted us meet demand from asylum seekers. Our committed EAS volunteers advised people who had applied for protection and required follow up advice, including applying for work rights, attending biometrics appointments and updating their contact details so they did not miss vital communications from the Department of Home Affairs.

Family violence has remained a very important part of our core work. A substantial amount of the protection visa work that RAILS does is to assist clients who have experienced gender-based violence in their home country. RAILS also regularly assists people from the LGBTIQI community who have experienced gender-based violence in their home country.

During the financial year, RAILS also assisted survivors of family violence outside of protection visa work through NLAP funding, with other income lines also contributing to our work with family violence survivors. Assisting people, mostly women, who are on temporary or permanent visas and have experienced family violence has been part of our core work under NLAP for decades. RAILS advises anyone who has experienced family violence and assesses their possible visa pathways. We aim to provide full representation to financially disadvantaged women who have experienced family violence and have a partner visa pathway to permanent residency.

In 2023-24, RAILS helped 608 people through NLAP funding. Our team...

...represented 309 clients	...finalised 82 representation matters	...provided 797 legal advices	...completed 272 pieces of discrete legal work	...provided 1248 referrals	...provided 696 information services
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Family Violence, Onshore Protection and Family Reunion

Provided 607 legal advices	Completed 251 pieces of discrete legal work	Represented 290 clients	Finalised 72 representation matters
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Permanent Protection at Administrative Appeals Tribunal and Judicial Review

Provided 19 legal advices	Completed 5 pieces of discrete legal work	Represented 7 clients
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Cancellations Practice

Provided 40 legal advices	Completed 16 pieces of discrete legal work	Represented 12 clients	Finalised 10 representation matters
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Evening Advice Sessions

Provided 131 legal advices

National Legal Assistance Partnership

Our Cancellations practice remained small but vital. This practice assists those holding (or who have held) protection visas and refugee and humanitarian visas that have been cancelled or may be cancelled due to identity, integrity or consistency issues. Through the practice, RAILS also assists victim-survivors of family violence where their partner visas may be cancelled. RAILS assists clients to meet their legal obligation to notify the Department if incorrect information was provided, by preparing a holistic explanation of inconsistencies and the client's circumstances and vulnerabilities. This pre-emptive assistance reduces the likelihood of their visa being cancelled.

This work has a profound impact on clients' lives, as the cancellation of their visa leaves them and their dependent family members in a precarious position, uncertain for their future in Australia, the country where they have re-established their lives. We have met demand in referrals for this service.

The 2023-24 financial year was the fourth of the 5-year NLAP agreement. During the 2023-24 financial year, an independent review of the NLAP agreement was conducted by Dr Warren Mundy. The review highlighted inadequacies of the current legal assistance funding package and provided recommendations to be implemented in the new agreement, starting on 1 July 2025.

As we now enter the final year of the 5 year cycle, RAILS and other community legal centres throughout the country remain hopeful about funding security after June 2025 and about the process to re-allocate funds for the new cycle not putting unnecessary pressure in community legal centres throughout Queensland.

The story of Ahmed, one of the people who we helped this year

Ahmed's* permanent residency visa was mandatorily cancelled on account of his criminal offending. He had grown up in Australia and had an Australian citizen child, partner, parents and siblings.

The Department, and subsequently the Administrative Appeals Tribunal (AAT), refused to revoke the visa cancellation because of his very lengthy criminal history caused by drug addiction. The Department formed the view that the best interests of Ahmed's Australian citizen child were outweighed by Ahmed's risk of recidivism and danger to the Australian community. This

is despite Ahmed engaging extensively to maintain his rehabilitation from drug addiction. Ahmed was then placed in immigration detention and faced being deported to Iraq, his country of origin.

Ahmed approached RAILS for assistance to apply for a protection visa based on fear of harm towards him if he were to be deported to Iraq. Ahmed and his family could not afford assistance from a private solicitor. This matter required complex advocacy and it is unlikely that it would have been successful without full representation from RAILS' highly specialized lawyers.

RAILS helped Ahmed lodge an application for a protection visa and helped him provide character statements and supporting evidence to the Department to explain his rehabilitation and treatment to overcome his drug addiction, his remorse at his offending and why he was not a danger to the community. Although the Department found that Ahmed faced a real chance of being imprisoned and mistreated in Iraq on account of his religion as an apostate and membership of the social groups "users of illicit drugs in Iraq", "long absent returnees from the West", and "Iraqi citizens convicted of criminal offences overseas", they ultimately refused the protection visa application on the basis of finding that Ahmed was a danger to the Australian community.

With RAILS's assistance, Ahmed applied for merits review of the protection visa refusal to the AAT. RAILS then provided comprehensive representation for Ahmed at the AAT General Division, which is much more adversarial and formal than the Migration Refugee Division where protection visas are usually reviewed. After extensive legal work by RAILS, including engaging a pro bono barrister to appear at the hearings, the AAT found that Ahmed was not a danger to the community and the case was remitted to the Department. RAILS assisted the Department with updated evidence of Ahmed's ongoing rehabilitation and treatment. Following sustained advocacy by RAILS to the Department, Ahmed was finally granted a protection visa. After having spent four years in immigration detention, Ahmed was reunified with his family, is able to stay in Australia indefinitely so long as he does not reoffend and never has to return to Iraq where his life would have been at risk.

**Details have been changed to protect the client's privacy*

National Legal Assistance Partnership

NLAP Client Survey Results

In May 2024, RAILS surveyed clients assisted through NLAP. The below shows the highlights of the survey results and comments provided by surveyed clients.

'RAILS has been an absolute lifeline to me'

'RAILS is doing a marvelous job. They helped me and a lot of people like me. Thank you so much to RAILS'.

'I am very, very happy with the help of RAILS. They care for my personal problems and helped me contact mental health doctors'

'RAILS has helped me immensely'

'RAILS helped me getting me work and fighting for my case. I am very grateful for the good communication from RAILS, they checked on me even when I was in the hospital. I am very grateful.'

'Staff was very approachable and caring. My lawyer always calls me to check on me'.

100%

of clients said that RAILS staff listened to their problem in a friendly and respectful manner

96%

of clients said that RAILS met their specific cultural or personal needs

96%

of clients said that information and resources they received from the legal centre staff were very useful

96%

of clients said that they would recommend RAILS to other people

96%

of clients said that they felt confident on the ability of the staff to assist them

90%

of clients said that RAILS helped them understand how to deal with their legal problem and gave them options

Permanent Protection

RAILS provides critical legal advice to people who have arrived in Australia by plane and fear being persecuted if they return to their home country. We also provide additional legal assistance to those who we assess as having reasonable prospects of being successful in their application for refugee status. The type of assistance we provide to people seeking asylum depends on their circumstances and claims, as well as our resources.

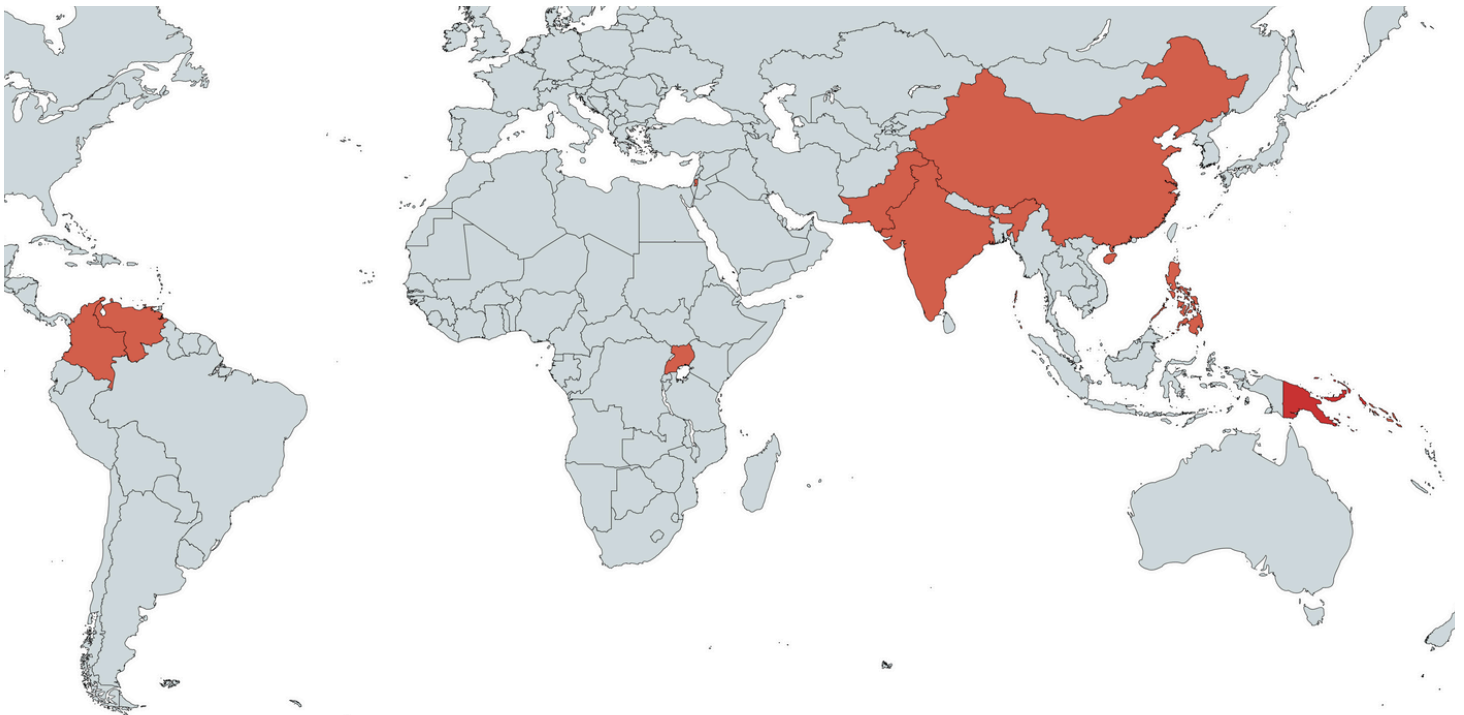
RAILS normally provides clients with legal advice on applying for a protection visa to be recognised as refugees, which involves a long, detailed initial advice covering the criteria for the visa, the process of applying, gathering details of the client's claims for protection and an initial assessment of the prospects of success of the application. The application form and required evidence are detailed and very difficult for a non- English speaking person to complete without legal assistance. Many of our clients require an interpreter, increasing the length of time required to give the advice, which often takes up to two hours. RAILS also advises people who have already applied for a protection visa

and we assist them through different processing stages, including review at the Administrative Appeals Tribunal and judicial review.

People who come to RAILS for assistance often need additional support due to language barriers, lack of systems knowledge, lack of access to technology, mental and physical health conditions and other barriers to navigating the visa application process on their own. RAILS provides additional assistance with tasks such as drafting statutory declarations, completing protection visa application forms, attending interviews or hearings and providing legal submissions.

During the 2023-24 financial year, the demand for protection legal assistance was the highest RAILS has ever seen. This was mainly caused by two factors.

Firstly, we saw more people than ever before in need of lodging initial permanent protection visa applications. Around 50% of our permanent protection clients are from Papua New Guinea, but we also saw nationals of 53 other countries fleeing harrowing conflict and persecution from around the world.



Top 10 countries of origin of RAILS' permanent protection visa clients:

1. Papua New Guinea (50%)
2. Colombia (6%)
3. Palestine (4%)
4. Pakistan (3%)
5. Solomon Islands (2%)
6. India (2%)
7. Philippines (2%)
8. Uganda (2%)
9. Venezuela (2%)
10. China (1%)

Continued

Permanent Protection

2024 has seen the arrival of Palestinian families and individuals from Gaza in Queensland. RAILS is committed to supporting all those fleeing the conflict in the Middle East. We provided information sessions about the visa application process to community members and advised and provided ongoing assistance to impacted individuals and families in relation to visa applications.

Secondly, we saw the impact of a series of measures introduced by the Australian Government to address processing backlogs and the Department and Tribunal levels.

People who had applied for protection visas in Australia used to have to wait up to 3 years to have their applications initially resolved. If they needed to apply for review of a negative decision, it was not rare that this wait time increased by 3 or 4 additional years. In October 2023, the Australian Government announced a package of reforms relating to these delays. These included the introduction of real-time priority processing of protection visa applications to expedite their resolution. One of the first steps taken on the gradual implementation of real-time processing included its application to protection visas lodged by nationals of Pacific countries.

50% of the people who RAILS helps with onshore protection are from Papua New Guinea. The early introduction of real-time-processing for their applications dramatically impacted RAILS at the end of the 2023 and early 2024 calendar year.

RAILS supports the Government's intentions and agrees that a faster, fairer and more efficient protection system will hopefully benefit those who genuinely are in need of Australia's protection. However, as real time processing continued through the

year and expanded to applicants from all countries, RAILS observed that vulnerable asylum seekers have at times missed critical requests from the Department of Home Affairs, including interview requests, in part because of this new system. As a result, we also saw increased legal need from people at review stages of their asylum process. At times, vulnerable asylum seekers missed their opportunity to lodge an application for review of their protection visa decision with the Administrative Appeals Tribunal.

These two factors combined put pressure on RAILS' limited resources to assist asylum seekers with through the permanent protection visa application and process. At times, we had to make the difficult decision of turning people away or providing more limited assistance than we would have provided had we had the resources to do so.

It was with great relief that towards the end of the 2023-24 financial year, our service received much needed funding for the Commonwealth Government. After receiving the funds, RAILS started recruiting new solicitors and intake staff for our team to meet the very high level of legal need. RAILS is committed to providing high quality assistance to people applying for asylum throughout the process including at the Department, Tribunal and court levels. The Government has acknowledged that clearing backlogs of protection visa applications across the system and implementing a fair, fast protection system will take time. RAILS is hopeful that the Australian Government will continue to fund RAILS past June 2025 to continue to meet the immigration legal need in this important work.

Permanent Protection

The story of Maria, one of the people we helped this year

Maria is a woman from the Solomon Islands. She was orphaned at a young age and was forced to live in several verbally and physically abusive households. Maria managed to leave her home country and escape from her life of abuse and domestic slavery. She was afraid for her safety if she was to return to her home country.

Maria first came to RAILS for assistance with her visa status in 2018. We assessed that she could be eligible to be recognised as a refugee by the Government because her life would be at risk if she was to return to the Solomon Islands. If recognised as a refugee, Maria would be allowed to stay in Australia permanently.

RAILS provided Maria with legal advice and assisted her with the protection visa application process. Unfortunately, her application for protection was refused in 2019 because the Department considered that there would be a family group in her home country who could protect her from harm. However, this was not the case. RAILS assisted Maria to appeal this negative decision. After lodging the appeal, Maria was subject to a long and uncertain waiting period of over 5 years until she was invited to progress her matter at the Tribunal.

During this waiting time, Maria built a life in Australia and became pregnant with her son, Micheal.

When Maria was contacted by the Tribunal, she returned to RAILS. RAILS drafted complex legal submissions and assisted Maria with providing a detailed statutory declaration to prepare her for the scheduled hearing. Unfortunately, due to extremely limited capacity, RAILS assistance was limited exclusively to written advocacy as our legal service was unable to appear at the hearing. Maria also requested advice from RAILS about adding her newborn son to her visa application. In cases where the mother is not an Australian citizen, the immigration status of their children can be very complicated. In Maria's case she was prevented from adding her newborn baby to her application. After learning that Michaels father is an Australian citizen, RAILS advised Maria that her child was entitled to Australian citizenship. RAILS helped Maria obtain evidence of her son's citizenship status.

The Tribunal referred extensively to our written submissions in their decision and thankfully decided that Maria was a refugee. RAILS continued to assist Maria when her application was returned to the Department for further processing. In 2024, over 6 years after she first applied for protection in

Australia, Maria was granted a protection visa. RAILS was also able to help Maria obtain the life changing evidence that her child is an Australian citizen.

* Details have been changed to protect the client's privacy

In 2023-24, RAILS assisted 288 people who needed legal help through the process of applying for permanent protection. Our team..

...provided

500

legal advices

...completed

244

pieces of discrete legal work

...finalised

12

representation matters

Family Violence

Australia's migration system is complex. For people, mostly women, who are dealing with the impact of experiencing family violence, navigating the immigration legal system to understand their options is almost impossible without legal assistance. RAILS specialises in this complex area of law.

One-third of migrant and refugee women in Australia have experienced family violence. Of those women, 91% experienced controlling behaviours and 42% experienced physical or sexual violence (Report: Migrant and refugee women in Australia: The safety and security study, Harmony Alliance and Monash University, 2021, pg. 9). As the only specialist refugee and immigration legal service in Queensland, working with migrant and refugee victim-survivors of family violence is a core part of our work.

RAILS provides help to women who are fleeing family violence in their home countries about staying in Australia, so they do not have to return to harm. RAILS also provides services to people on temporary visas, mostly women, who have experienced family violence after arriving in Australia.

RAILS provides advice about the impact that being a victim-survivor of domestic violence may have on their visa status. We also provide ongoing representation to those who have experienced family violence after applying for a partner visa and we assist them to meet the evidentiary requirements to be granted permanent residency after separating from their abusive partners. An overwhelming majority of the people who we help through this area of law are women.

The continuation of the Temporary Visa Holders Experiencing Violence Pilot with Women's Legal Service Queensland (WLSQ) (the Pilot) in the 2023-2024 financial year meant RAILS was able to maintain its increased capacity to assist female survivors of domestic violence with their visa status.

Women on temporary visas fleeing family violence often have legal needs relating to different areas of the law. The overlapping legal issues, added to the cultural, linguistic and systems knowledge barriers they face, puts them in a highly complex situation and in need of expert legal assistance. Through the Pilot, women are provided with immigration legal assistance from a RAILS' lawyer and legal assistance with domestic and family violence, family separation or divorce, parenting and child safety matters from a WLSQ lawyer. This program makes essential legal support more accessible to women who are navigating incredibly challenging situations.

Joint appointments with WLSQ through the Pilot reduced the need for victim-survivors to retell their story to different lawyers, reducing the risk of re-traumatisation.

As a result of the Pilot as well as funding under the National Legal Assistance Partnership (NLAP), all women who met our criteria for ongoing assistance in 2023-2024 were provided with representation. This ensured the fast and efficient processing of their permanent visa applications, allowing them to find stable safety earlier. It meant that vulnerable women on temporary visas were able to access essential services, such as housing, earlier, by becoming permanent residents sooner.

The complexities of their cases would have been compounded if RAILS had not been able to provide full representation.

The 2023-24 financial year saw the commencement of a new three-year agreement between RAILS and Legal Aid Queensland (LAQ) to provide specialist immigration advice and task-based assistance to vulnerable culturally and linguistically diverse clients who have experienced family violence, mostly women. Through this funding, we held a weekly advice clinic at the Immigrant Women's Support Service (IWSS), a specialist service that provides counselling and support to migrant women who have experienced family violence. The clinic has enabled women who are fleeing family violence to receive legal services in a female only space, often with a support worker present.

183 specialist immigration legal services were provided to 118 clients in the 2023-2024 financial year through LAQ funding. All people assisted with LAQ funding had experienced family violence.

This year, the Australian Government confirmed its commitment to expanding the family violence provisions. These provisions provide visa applicants with a pathway to permanent residency even when they separate from their sponsor. Along with other individual and organisational advocates, we used the expertise that we have acquired through decades of working with family violence survivors to support the expansion of this positive legislative change. We were proud to see this announcement, which is a welcomed development for our clients.

Pro bono relationship and staff training

To meet the legal needs of women on temporary visas who have experienced family violence but whose legal matters are not within RAILS' casework guidelines, we

Family Violence

maintained a referral pathway for advice from our pro bono partner MinterEllison. We truly value the immigration expertise and advice that these women can receive outside of our core practice areas. We are also thankful to MinterEllison lawyers who volunteer their time to help women prepare the evidentiary requirements under the family violence provisions. MinterEllison also provided a training session on skilled visa options to RAILS lawyers, which enhanced our team's knowledge of other possible visa options for women experiencing family violence and our ability to identify when it is appropriate to refer to MinterEllison for specialist skilled visa advice.

The story of Ann, one of the family violence survivors we helped this year

When Ann contacted RAILS for legal assistance, she had been living in a women's refuge for three weeks after having fled her home with her two children. They had escaped their home in fear for their safety, after Ann suffered extreme physical violence, financial abuse and controlling behavior perpetrated by the children's father. She had no work or any source of income and relied on the help of friends.

We initially had trouble contacting Ann because she had changed her email and phone number, in fear that her husband had access to them. When we managed to speak with her, she was worried about her husband having access to her immi account, which is the platform that visa applicants use to lodge their visa applications and communicate with the Department of Home Affairs. We helped Ann notify the Department of her circumstances, which meant that they deleted the previous immi account for Ann to create a new one.

Ann also needed help with her visa status. She was terrified that if she was not granted permanent residency, she would need to leave Australia and her

children behind, as she would have needed permission from her husband to take them out of the country.

Ann had applied for a partner visa sponsored by her Australian husband. When someone applies for a partner visa, they normally need to stay with the visa sponsor until their application is resolved. However, the law contains exceptions that apply both when there are children of the relationship and when family violence has occurred.

RAILS' lawyer explained her rights to Ann and gave her information about the type of evidence that she should start gathering. RAILS' lawyer also obtained a letter from the women's refuge stating their professional assessment that Ann had experienced family violence.

On Ann's behalf, we notified the Department about her separation due to family violence and about her intention of relying on the child of the relationship exception to obtain permanent residency. Just a couple of weeks after we notified the Department, Ann contacted us again. She had received a letter from the Department asking her to complete a police check. This is usually a positive sign that an application is getting resolved and the Department is doing final checks before granting the visa. We assisted Ann provide the police check the Department.

Ann was granted her permanent residency visa just one week later. As a permanent resident, she has full working rights and access to welfare payments, which can help her as she starts to rebuild her life. Most importantly, Ann is confident that she will not be separated from her children or have to leave the country where she has lived for 8 years.

**Details have been changed to protect the client's privacy*

In 2023-24, we provided 1,121 legal assistance services to 577 victim-survivors of family violence.

22 %
were homeless or at risk of homelessness
56%
had dependent children

We had to use an interpreter for
42 %
of these legal services

Refugee Family Reunion

When people flee their country to seek asylum, they are often faced with the heartbreaking decision of leaving some members of their families behind. They do this in the hope that they will be able to reunite with their loved ones once they have found refuge, but sadly, this process takes years and puts a great strain on individuals and their families.

This long-term separation can have grave consequences for refugees trying to start their lives in a new country, adding to feelings of guilt and isolation and a lack of emotional support and sense of community.

⁵ RAILS assists refugees in Queensland who want to bring their displaced family members to Australia. During the 2023-24 financial year, the refugee family reunion team consisted of Senior Supervising Solicitor Noel Reeves, Migration Agent Grace Prince, Solicitor Sadia Azizi and paralegal Michelle Hua.

RAILS' refugee family reunion work is primarily funded by the Settlement Transition and Engagement Support (SETS) program of the Commonwealth Department of Home Affairs, which provides support to refugees settling in Australia.

Demand for the SETS-funded program is very high. To meet this demand, we provide services in our Brisbane office, both in person and by telephone, and at outreach clinics throughout Queensland. This is done in collaboration with our partners at various settlement services that support newly settled refugees after their arrival to Australia. During the reporting period, RAILS provided outreach assistance for refugee clients at the following locations:

- Wolloongabba: in partnership with Multicultural Australia
- Logan: in partnership with Settlement Services International

- Goodna: in partnership with Settlement Services International
- Toowoomba: in partnership with Multicultural Australia and CatholicCare
- Townsville: in partnership with Townsville Multicultural Support Group
- Cairns: in partnership with Centacare FNQ

In addition to the SETS funds, RAILS received donations from some generous supporters to fund additional parts of our family reunion work. The Ubuntu Foundation supported Afghan children who were evacuated from Kabul without their parents after the Taliban takeover in August 2021. Thanks to the Foundation's support, RAILS is able to provide them with legal assistance to apply for visas for their parents and siblings to come to Australia. The Zonta Club of Brisbane also donated to RAILS so that we can support Afghan women judges fleeing the Taliban in applying for visas to migrate to Australia permanently.

RAILS partners with Multicultural Australia to provide fee-for-service assistance to people sponsoring family members on humanitarian grounds through the Community Support Program (CSP).

What work do we do?

There are two ways refugees can bring relatives to Australia:

1. Humanitarian resettlement program: this program is free and can be applied for by anyone. However, there is a fixed number of people who can be approved each year.
2. Family visa program: this option is expensive and limited to certain types of relatives (declared spouses and children). However, it has a higher degree of success and more appeal avenues.

Refugee Family Reunion services provided

Represented

81

clients

Finalised

21

representation matters

Provided

585

legal advices

Completed

134

pieces of discrete legal work

Refugee Family Reunion

Most RAILS' clients apply for the humanitarian program due to financial considerations. However, some clients choose to apply for both to increase their prospects of success.

At their initial advice appointments, we explain the different visa options and give clients the application forms and a useful checklist to help them commence the process.

As our resources are limited, we can only provide ongoing legal assistance to people with no financial means in cases that have the highest prospects of success. This is usually those who are sponsoring their partner, dependent children or orphan relatives. In these cases, RAILS works with the client through the whole visa application process, providing assistance and support to draft statements, gather evidence and submit their application to the Department of Home Affairs.

Who are our clients?

Our clients are primarily newly arrived refugees living in Queensland, who have been settled within the last 5 years and who want to bring their family to Australia. Many of our clients have families who have fled armed conflict and are living in neighbouring countries. For example, most of our Syrian clients have family who have escaped into Turkey and Lebanon where they are registered with UNHCR as refugees, hoping to be resettled and reunited with their families abroad.

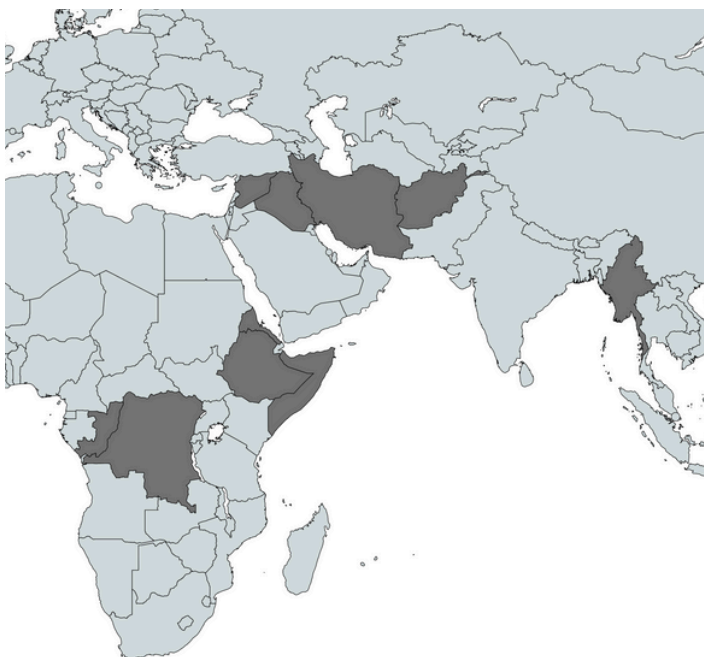
Case Study– The long walk to reunion

Omar* arrived on humanitarian visa via Indonesia* after fleeing Iraq*, leaving behind a wife and two* children who had been able to flee to Turkey* but were still living in precarious circumstances. Omar had many health issues, including being deaf and having an ongoing heart condition.* RAILS assisted Omar with submitting a split-family application in October 2014

The processing of this case was ongoing for ten years, with excessive delays from the processing team overseas and numerous requests for further information and evidence. The situation was complicated due to the fact Omar's family, like himself, were members of a persecuted minority, and unable to acquire some official documentation. During this time, Omar's children were getting older and his wife's health was slowly deteriorating.

After years of processing, RAILS continued to advocate for the family and submitted a Global Feedback Unit complaint about the excessive delay and the impact this was having on the mental health of our client. During the ten years processing time for this matter, a number of different caseworkers at in RAILS worked on the file and in June 2024* they were finally granted. The Omar's wife and children arrived in August 2024* and they are now residing together, for the first time in a decade, at their new home in Logan.

* Details have been changed to protect the client's privacy



Top 10 countries of origin of RAILS' Refugee Family Reunion clients

1. Afghanistan
2. Democratic republic of Congo
3. Iraq
4. Syria
5. Myanmar
6. Eritrea
7. Ethiopia
8. Iran
9. Congo
10. Somalia

90%

of the legal services provided required the **use of interpreters**

Unrepresented Asylum Seeker Project

The Unrepresented Asylum Seeker (UAS) Project was established to assist asylum seekers and refugees who arrived in Australia by boat between approximately 2010 and 2013. Since its inception, the core of the program has been assistance for people who have been recognised as refugees but who, until last year, could only obtain temporary refugee visas because they arrived in the country by sea without a valid visa. In 2019, the program expanded to also assist boat-arrived asylum seekers who had been unsuccessful at attaining refugee status but continued to fear persecution in their countries. In 2021, refugees who had been subject to offshore processing and then medically evacuated to Australia were added to the UAS umbrella.

UAS was staffed this year by Coordinating Lawyer, Ben Carrick, lawyers Emma Fell, Clare Carter, Neha Vaidyanathan (from April 2024), Elle Ko (from April 2024) and Fay Brewer (from June 2024), Legal Support Coordinators Elle Ko (until May 2024), Cameron Christ, and Homa Kosha (from May 2024), as well as paralegals, Erin Allen (until March 2024) and Jessica Truong (April to June 2024).

Conversion of Temporary Refugee Visas to Permanent Visas (Home Affairs funded)

This year, UAS continued to assist refugees on temporary visas with their applications for permanent Resolution of Status (ROS) visas, servicing 275 clients throughout the year. After more than a decade of insecure status, it was rewarding for the UAS team to be able to see the majority of this group receive a visa that would allow them to finally settle in Australia, be reunited with their close family members from overseas and in future, to apply for Australian citizenship. After more than a decade of separation and insecurity, obtaining a permanent visa has been life-changing for these clients.

By the end of the year, a minority of clients were still waiting to be granted permanent visas. The matters that remain are highly complex, so ongoing representation work in this area remains critical. However, with the majority of this cohort successfully transitioned to permanency, the decision was made to no longer maintain UAS as a separate arm of the legal practice from the end of this year. We remain committed to assisting those who came to Australia by boat but without the overarching UAS-umbrella.

Reuniting Families Initiative (Donations funded)

For many of our clients, the grant of a ROS visa meant the prospect of being reunited with their partners and

dependent children who they had been separated from for more than a decade. Many of these families were living in precarious situations in refugee camps or in conditions of persecution and danger. In April 2024, with generous assistance from law firms, Herbert Smith Freehills and Allens, we began helping refugees on ROS visas with partner, child and orphan relative visa applications. Through this Initiative, clients received comprehensive legal advice from RAILS and then volunteers from Allens or Herbert Smith Freehills helped to prepare the visa application, including applicant and sponsor forms, statements from the sponsor and main applicant, supporting evidence, and written submissions. RAILS is immensely grateful to these two firms for their generosity and their support of our work with boat arriving refugees over many years.

In the 2 months that the initiative operated this year, 8 clients received assistance.

Asylum Seekers (ASRA and Donations Funded)

Across Australia, approximately 2,400 asylum seekers who arrived by boat live in the community with highly precarious immigration statuses. Like those described above who have now received permanent visas, this group also arrived in Australia 10-14 years ago. However, they were found not to engage Australia's protection obligations. Crucially, this finding was made in the context of a suite of legal reforms that were designed to make it harder for people to successfully obtain asylum. Although the current government has largely dismantled that system now, this group continues to experience the consequences of having had their refugee claims assessed within it. They remain shut out of the visa system, unable to apply for substantive visas unless the Immigration Minister personally intervenes to allow them to do so.

As the legal arm of the Asylum Seeker and Refugee Assistance (ASRA) Consortium, RAILS provided assistance to this group based on a 'welfare model' throughout the year. This primarily focuses on helping them to retain their 'lawful' immigration status so they can access employment and services. Bridging visas may be granted to them for periods typically varying from 2 weeks through to 6 months.

Throughout the year, we regularly assisted 65 asylum seekers to renew their bridging visas prior to expiry. Not infrequently, clients require a Ministerial bar lift before they can apply for a further bridging visa and a further 18 clients were assisted with this through the year.

Unrepresented Asylum Seeker Project

This program was staffed by a 4 day per week Legal Support Coordinator and lawyer 1 day per week. The Legal Support Coordinator met with clients in the ASRA hubs at Indooroopilly, Logan and Gatton and provided 3,062 paralegal tasks such as helping clients update their contact details with Home Affairs, access copies of their files and decisions, referring them to support organisations, helping them draft correspondence and communicate with other agencies.

In addition, in donations-funded work, RAILS assisted 6 clients with strong protection claims to request Ministerial Intervention to allow them to apply for a protection visa a second time.

Refugees Transferred from Offshore Detention (ASRA and donations funded)

People who were subject to Offshore Processing in Nauru or Papua New Guinea between 2014 and 2022 were later medically evacuated to Australia with serious physical and mental health conditions. Many of these people have now been accepted for resettlement in the USA, Canada or New Zealand. However, approximately 1,000 remain in Australia. Although virtually all have been accepted as refugees, the Government’s position continues to be that this group should pursue resettlement in a country other than Australia. They live in the community on bridging visas, which need to be renewed every 6 months. Under ASRA, RAILS assisted 130 clients in this situation to renew their bridging visas every 6 months.

In addition, with donated funds, RAILS assisted two clients with exceptionally complex medical needs to request Ministerial Intervention to allow them to remain in Australia.

The story of Haidar, one of the people we helped this year

Haidar* arrived in Australia in 2011. He had an initial refugee assessment while he was in detention in 2012 and then in 2017 was invited to apply for a temporary refugee visa. He was already experiencing mental health problems then and was receiving treatment. His application was refused with the decision-maker not believing that he was telling the truth about what had happened to him. RAILS helped him to apply to the Administrative Appeals Tribunal for a review of that decision but long wait times for a hearing meant that his case was not progressed for several years. He became acutely unwell, attempted suicide several times and was diagnosed with severe mental illness.

In 2021, a mental health nurse brought him to see a RAILS lawyer at an ASRA hub and we agreed to help him with his review application. We successfully advocated for the AAT to make adjustments to the usual hearing procedures to allow him to participate effectively and presented new claims in relation to his risk of significant harm in his home country. The AAT found that he was owed protection obligations, and he was granted a 5 year refugee visa.

When the laws changed in 2023, RAILS assisted him to apply for a permanent ROS visa and Home Affairs prioritised it due to his ill-health. After his ROS visa was granted in August 2023, RAILS assisted his wife and two children to apply for Partner visas so they could be reunited with him in Australia. Their visas were granted in July 2024, and they arrived in Brisbane shortly after.

**Details have been changed to protect the client's privacy.*

In 2023-24, RAILS helped 514 boat arriving refugees and asylum seekers
165

clients were **homeless** or at risk of homelessness.

43%

of our clients had a **disability**

Conversion to Permanent Visas - Commonwealth funded

Provided	Completed	Represented	Finalised
271	113	106	55
legal advices	pieces of discrete legal work	clients	representation matters

ASRA - State funded

Provided	Completed	Provided non-legal support in
127	661	1428
legal advices	pieces of discrete legal work	occasions

Community Legal Education

Our legal education program responds to need and is developed collaboratively with communities and practitioners, using best practice adult learning principles. It aims to be inclusive, engaging and effective. RAILS' Education program was staffed this year by Robert Lachowicz and Ben Carrick (from October 2023).

Professional Development

Our CPD program ensures that RAILS staff, volunteers and the wider profession around our core areas of work. Our webinars have national reach and are recorded for viewing on-demand.

Our CPD program builds knowledge and skills of staff, volunteers and the wider profession around our core areas of work. Our webinars have national reach and are recorded for viewing on-demand.

We continued our annual CPD collaboration with St Vincent De Paul's Migration Advice Service, holding three in-person seminars at Woodridge around professional standards, working with culturally diverse clients and onshore protection.

Our CPD program builds knowledge and skills of staff, volunteers and the wider profession around our core areas of work. Our webinars have national reach and are recorded for viewing on-demand.

Thanks to private practitioners and RAILS lawyers who give their time and expertise to prepare and present the seminars.

Community Education

We presented in-person legal education sessions in

Brisbane to various refugee-background communities around humanitarian and general visas, citizenship, Australian legal system, human rights and conflict resolution. We gave online training to refugee sector workers around various visas and citizenship law.

The 'Family Peace-Building' family violence prevention collaboration has continued to grow. We co-design and hold workshops and communities of practice with refugee and migrant community leaders and settlement cultural support workers to build knowledge, skills and connection. The project also includes 'Good Life Learning' family violence training to adult English students at TAFE and input into policy reform. This partnership with Multicultural Australia, South Community Hub and sector experts builds on many years of RAILS' community education work around family law and culture.

We continued our innovative 'Law Rap' project using music to connect and dialogue with youth about law. Through this project, we create law message music with community and make short videos for social media. We are partnering with Queensland African Communities Council and the Queensland Human Rights Commission on this phase of the project, focusing on discrimination and racism education. Funding support comes from Legal Aid Queensland's Community Legal Education Collaboration Fund.

Resources

We developed fact sheets about visa options, onshore protection, family visas, humanitarian visas, skilled visas for aged-care workers, family violence, work rights and a Citizenship Help Kit.

Community Legal Education in numbers:

547 people attended	372 community workers and legal sector professionals attended	14 education resources, including:
32 community education activities, including:	16 professional development sessions	10 factsheets 2 videos 1 TAFE Teachers' Manual 1 help-kit
16 Family Peace Building Sessions for 251 participants		
4 Law Rap Drum Circle Sessions for 29 participants		

Pro Bono Partner Profile: Barry Nilsson Lawyers

RAILS has worked in partnership with Barry Nilsson Lawyers since 2021. Through their support to RAILS' Unrepresented Asylum Seeker (UAS) Project, they have played a significant role in the legal journey of many refugees who faced significant disadvantage, hardship and uncertainty because of their temporary status as boat-arriving refugees and who are today enjoying permanent residence and being reunited with their family members.

From 2021 to 2023, Barry Nilsson lawyers and graduates volunteered each week in UAS' Tuesday evening clinic, where they helped clients renew their temporary refugee visas. This long-running clinic assisted almost 700 individuals and families with this vital task – work that could not have been done with the support of law firms. Barry Nilsson joined the clinic at a time when the number of refugee visas expiring in Queensland was surging fourfold and their commitment and dedication allowed us to assist vulnerable refugees who were unable to afford to pay for assistance. Without that help, clients would have been unable to renew their visas, placing them at risk of long-term and potentially, indefinite detention.

After the Taliban took power in Afghanistan in 2021, Afghan refugees on temporary visas found themselves in a desperate situation. Although they had been in Australia for almost a decade, their temporary status meant they were unable to sponsor their close family members, many of whom remained in Afghanistan in female-headed households. When the Labor government was elected in 2022 with a promise to convert temporary refugee visas to permanent ones, Barry Nilsson volunteers helped RAILS to prepare partner visa applications for Afghans on temporary refugee visas. Although the applications could not be lodged until the government made good on its promise to give our clients permanent visas, this assistance meant that the applications were ready to be lodged immediately when those permanent visas were granted.

This, in turn, ensured the partner visas would be granted far sooner than they would have been otherwise – critical because of the acute dangers faced by sole women with children in Afghanistan.

Barry Nilsson volunteers again demonstrated their flexibility and willingness to adapt to RAILS' changing needs for pro bono support in February 2023 when the government announced plans to move people from temporary refugee visas to permanent ones. This gave rise to a sudden need to conduct information sessions throughout greater Brisbane to give people accurate information and dispel false rumours that were circulating. With only a few days' notice, Barry Nilsson provided volunteers to assist at the sessions: talking to clients, helping them update their contact details, fill out referral forms, and understand the changes.

In 2022, the firm reached out to RAILS to see if there was other support they could provide and two graduate secondees joined the UAS team for 6 months each during 2023. These enthusiastic graduates worked closely with a UAS lawyer on work that we would have been unable to do without that assistance. We were able to represent clients at the Administrative Appeals Tribunal due to the submissions drafted by the secondees, and 100% of those matters resulted in successful outcomes for our clients. Later, secondees worked on submissions to the Minister on behalf of clients, asking for the refugee claims of LGBTQ asylum seekers be reconsidered. As the volume of RAILS' work with temporary refugees began to reduce through 2023 and 2024, Barry Nilsson secondees shifted to working with clients applying for permanent Protection Visas.

The firm has contributed 966 hours of pro bono support to RAILS and its clients, a figure that equates to \$227,708. We sincerely thank Barry Nilsson for this invaluable contribution and our ongoing partnership. They have helped hundreds of people in Queensland find peace, safety and reunion with their loved ones.

Treasurer's Report

Kate McKeon, Treasurer

I am pleased to present the Treasurer's Report for the financial year ended 30 June 2024.

The 2024 year was successful from a financial perspective. We recorded an operating surplus of \$139,762, representing a healthy turnaround from the previous year, which reported a loss of \$11,047. The surplus is much higher than budgeted expectations and mainly represents interest income, fee for service generated and student clinic revenues that are normally applied to fill service gaps. This treatment was made possible due to unexpected grant income received towards the end of the financial year to support people applying for permanent refugee status onshore at the Department, Tribunal and court levels. This year's unusually high surplus supports our long-term strategic goal of putting RAILS in a more stable financial position when circumstances permit, enabling the organisation to remain sustainable through inevitable political cycles and economic downturns.

Total revenue of \$3,148,625 grew 4% compared to last year's record high, primarily due to significant grant income in support of onshore protection visa application services. This new funding stream helped offset the impact of the cessation of the Afghan response programme last year on overall funding levels.

Grants from federal and state governments continued to represent the largest source of the organisation's revenue. I want to acknowledge our funding partners' financial contributions to essential programs and invaluable client services.

Donations of \$123,807 were gratefully deployed to support the high service demand and ensure the most vulnerable and disadvantaged in our community have access to essential legal services. We greatly appreciate the support of individual donors and organisations, which enables us to respond more flexibly to changing demands to assist migrants and refugees outside of the limitations of current funding programs.

Total annual expenses were \$3,008,863, with the main expenditure categories being employee entitlements and Other operating costs. Although revenue increased marginally, total wage entitlements decreased slightly from the previous year, mainly due to increased funding only being secured late in the financial year. RAILS' move to new premises this year resulted in "make good" costs for the previous location and various moving expenses, contributing to higher "Other Operating Costs" than last year.

A 5-year commercial lease underpins the move to new

premises. This has resulted in more obvious 'Right of Use' accounting impacts than previous years. This treatment, reflected on the Balance Sheet and property and depreciation expenses, is a standard accounting practice for long-term leases and it records the financial commitment of the lease over its term.

RAILS's retained surplus in the Balance Sheet of \$1 million includes an Operating Reserve of \$669,000, which would support the organisation's day-to-day operations for a limited period in the event of a critical funding loss.

RAILS is in a sound financial position and has a solid current ratio of 1.5 (2023: 2.1), which indicates its ability to pay debts as they become due. Independent auditors Haywards have audited the accounts. Once again, RAILS received a clean and clear audit.

This year saw continued improvements to financial and business practices. Critical priorities for 2024 were achieved, including financial analysis to support the new premises and organisational re-design, a formal Financial Risk Assessment, and alignment of Long Service Leave policy, practices and legislative requirements.

The financial position for the coming year is already predicted to be strong due to the continuance of funding to address on-shore protection visa backlogs and additional NLAP funding to improve staff conditions. It is important to stress that the income levels over the past two years and for 2025 are unprecedented in the history of RAILS and, to a large proportion, represent Government grants for specific one-off programmes. The challenge ahead will be balancing the inevitable reduction in funding levels with the significant pressure on costs from the very high client demand, which will still exist.

I wish to acknowledge the Finance Subcommittee for their outstanding work and note the change in membership this year. In particular, thanks to Peter See, who stepped down at the last AGM, for his expertise and wise guidance on various financial issues. Our newest member, Gayan Mendis, has already been a great support, as has Kelly Morrow's continued participation. Thank you both for your thoughtful advice and contribution.

To our Executive Director and Finance and Operations team – thank you sincerely for your dedication and hard work throughout 2024. Your commitment and efforts have again supported the organisation very well through another dynamic year.

Acknowledgment of funders

National Legal Assistance Partnership – combined State and Commonwealth Government funding

RAILS receives funding through the National Legal Assistance Partnership (NLAP), encompassed within the National Strategic Framework for Legal Assistance. RAILS' NLAP funding agreement commenced on 1 July 2020 and will expire on 30 June 2025.

In 2023, RAILS received one-off NLAP State funding to support RAILS' move into new premises.

In 2024, RAILS received one-off NLAP Commonwealth funding to provide legal assistance to those having their protection visa decisions reviewed at the Administrative Appeals Tribunal level and appealing those decisions to the Courts.

Settlement Engagement and Transition Support – Commonwealth Department of Home Affairs

RAILS receives funding from the Department of Home Affairs to provide legal assistance to humanitarian visa holders to sponsor their family to reunite with them in Australia, and to provide enhanced Domestic and Family Violence support to this client group.

Legal Support to Temporary Protection and Safe Haven Enterprise Visa holders- Commonwealth Government through Australian Red Cross

To provide critical legal assistance to support holders of a Temporary Protection (subclass 785) visa (TPV) or a Safe Haven Enterprise (subclass 790) visa (SHEV) to navigate a pathway to a permanent visa.

Legal Support for Women on Temporary Visas Experiencing Family Violence - Womens' Legal Service Queensland (WLSQ)

As part of a pilot program funded by the Commonwealth Department of Social Services, RAILS renewed our partnership by WLSQ to provide immigration legal assistance to this vulnerable group.

Asylum Seeker and Refugee Assistance (ASRA) program, managed by Communitify and funded by Multicultural Affairs Queensland

For the provision of funds to employ a Legal Support Coordinator and a part-time lawyer to provide legal and non-legal assistance to those accessing ASRA hubs and for the provision of funds to assist those impacted by the crisis in the Middle East to apply for protection in Australia.

Legal Aid Queensland

For the provision of funding to provide immigration legal assistance to victim-survivors of family violence and to support RAILS' Community Legal Education program.

Griffith University and University of Queensland

For their collaboration with RAILS to host students for clinic placements. This gives students experience in working in a legal service, as well as learning about professional responsibilities, while they provide valuable assistance to RAILS' staff.

RAILS also thanks the trusts and foundations that have supported our work. We thank the **Religious of Queensland and Presentations Sisters** for their long- term support for our vulnerable clients. We thank **the Ubuntu Foundation** for their generous support of our work with Afghan minors in Australia separated from their parents. We thank **the Zonta Club of Brisbane** for their generous support of Afghan women judges fleeing the Taliban.

RAILS thanks the **generous individuals and organisations who have donated to us** and supported our efforts to fundraise publicly.

Management Committee members

Abdul Jarrah, President

Abdul is a senior executive with extensive experience in leading mining and construction businesses, both nationally and internationally, and ensuring strong and accountable governance in organizations. He is currently a Commercial Director with one of Australia's leading construction companies.

Abdul holds a Bachelor of Science (Civil Engineering) from George Washington University and a Master of Science (Civil Engineering) from the University of Maryland. He also holds a Juris Doctor from the University of Maryland and a Graduate Diploma in Applied Law from the University of Queensland.

He is admitted as Attorney-at-Law to the Bars of Maryland and Washington DC in the US. He is also admitted as a Solicitor of the Supreme Court of Queensland.

Abdul previously served on the Board of the Queensland Resources Council and NSW Minerals Council Executive Committee. He joined RAILS' Management Committee in November 2021 and has been its President since November 2022.

Kate McKeon, Treasurer

Kate has a Bachelor of Business (Accounting) degree and Post Graduate qualifications in Information Technology. She was a qualified Chartered Accountant and has over 25 years of experience covering all aspects of finance and administration, project management and business analysis. She has previously worked in finance roles for KPMG, Australian Red Cross and International Red Cross.

Kate has more recently operated her own consulting company focusing on financial feasibility and business transformation. Her clients have been diverse across multiple sectors including Government, Higher Education, Social Impact Organisations, ASX and Global companies. She joined RAILS' Management Committee as the Treasurer in June 2022.

Kelly Morrow, Secretary

Kelly previously practised in both state and federal personal injuries law before moving into the community legal sector in 2023. Kelly has volunteered with Law Right (formerly QPILCH), VoRTCS, the Indooroopilly Uniting Church Visa Application Program and at RAILS as a law student and volunteer lawyer. She joined RAILS' Management Committee in November 2021 and became secretary in November 2023.

Dr Angus Francis, Member

Dr Angus Francis has over 30 years' experience representing refugees. He represents clients across Australia and overseas before the Department of Home Affairs and on appeal to the Administrative Appeals Tribunal, the Immigration Assessment Authority, the Federal Circuit and Family Court, and the Federal Court of Australia.

Prior to commencing his own practice, Dr Francis was Principal Solicitor at RAILS, where he was awarded the Australian Lawyers Alliance Queensland Civil Justice Award for his work representing refugees. He is listed by the 2022 Doyle's Guide to the Australian Legal Profession as one of Queensland's leading immigration lawyers.

Dr Francis was awarded a PhD from the Australian National University for his thesis examining refugee status determination from a comparative perspective and is the author of two books and numerous journal articles and book chapters in the area. He has established and delivered undergraduate and postgraduate courses and student legal clinics in immigration and refugee law at Griffith Law School, Queensland University of Technology, and Charles Darwin University.

He became a member of RAILS' Management Committee in November 2023.

Management Committee members

Hiwa Zandi, Member

Hiwa is a practicing lawyer specialising in commercial litigation and migration matters. Hiwa has worked for the International Organisation for Migration in a consultancy position to coordinate the asylum seeker Voluntary Return Program in Manus and Nauru. Hiwa is currently the Managing Director of a Brisbane based boutique law firm, Madina Lawyers and its associated migration firm Migrating to Australia Consultancy.

Hiwa's association with RAILS goes back more than 10 years, when he initially worked as a voluntary legal clerk between 2004 and 2006. He has been a member of RAILS' Management Committee since 2016.

Gayan Mendis, Member

Gayan is an experienced finance professional who has honed his craft as an accountant, spanning various roles across both public practice and the commercial industry sectors. Gayan graduated in 2008 with Bachelor of Business (majors in Professional Accounting and Management) from the Queensland University of Technology (QUT). Thereafter Gayan worked at the big 4 accounting firm KPMG where he qualified as a Chartered Accountant (CA) and provided a range of professional accounting services to for-profit and not-for-profit clients on a national and global scale. Following his time with KPMG, Gayan transitioned into the commercial finance industry sector with a move to Queensland Investment Corporation (QIC), an alternative fund/investment manager headquartered in the city of Brisbane, Australia. He worked across various roles at QIC and is currently the General Manager Finance, Investments, leading a team that delivers investment finance and operational expertise to execute strategic objectives at an enterprise, business unit and investment mandate level.

Gayan was awarded the Queensland Young Chartered Accountant of the year in 2021 and serves as a member of the Queensland Corporate Panel for the Chartered Accountants Australia and New Zealand (CA ANZ). He joined the RAILS' Management Committee in November 2023.

Narelle Sutherland, Member

Narelle is an experienced grant and policy program manager. She has more than 30 years of experience in community legal centres, domestic violence, and housing support organisations and state government agencies. Narelle currently coordinates grant programs for First Nations land management. She has volunteered on a number of non-government management boards and as a settlement support worker with recently arrived refugees. She has qualifications in Social Work, Arts (Sociology) and policy analysis.

Narelle joined RAILS' Management Committee in November 2020.

Lorraine Hill, Member

Lorraine Hill is a practising solicitor with an extensive background in refugee and administrative law. Lorraine has a deep understanding of refugee and immigration law having worked as a representative for asylum seekers in Australia and offshore; and has undertaken decision making roles with the Department of Immigration and Administrative Appeals Tribunal. Lorraine has a long standing association with RAILS as the founding solicitor for RAILS' Unrepresented Asylum Seekers (UAS) project, which continues today.

Lorraine resigned from RAILS' Management Committee in the 2024-25 financial year due to being appointed as a member to the Administrative Reviews Tribunal.

Matt Black, Member

Matt is a barrister in private practice. He has a particular focus on Administrative law, which includes migration and citizenship proceedings. Since about 2013, Matt has regularly provided pro bono representation in judicial review proceedings involving protection visas and related issues. In 2015, he was awarded the Australian Lawyers Alliance Civil Justice Award for pro bono work on a significant migration law case.

Matt has been a member of RAILS' Management Committee since November 2018.

Volunteer testimonies

Asmaa Mohamed, social work placement student

Completing my placement at RAILS has been an incredibly rewarding and transformative experience. I have always been passionate about social justice and supporting marginalised communities. RAILS gave me a unique opportunity to bring these values to life by working with immigrant and refugee populations, often encountering individuals from diverse backgrounds who have experienced significant challenges, including systemic barriers.

One of the aspects that stood out to me during my placement was the kindness and compassion demonstrated by the people who work at RAILS. Each team member is not only deeply knowledgeable but also genuinely empathetic toward clients, treating everyone with dignity and respect. This supportive atmosphere allowed me to grow both professionally and personally, as I felt encouraged to contribute fully, knowing I was surrounded by people who shared my commitment to helping others.

During my time here, I had various experiences that enhanced my understanding of legal processes and how they impact vulnerable communities, reinforcing my belief in the importance of accessible legal services. My role allowed me to apply my strengths in empathy, integrity, and respect, ensuring that each client felt heard and supported, while also adhering to professionalism.

The placement also strengthened my practical skills and deepened my understanding of community interdependence, integrity, and the importance of tailored, culturally sensitive support. I am incredibly grateful for my time at RAILS, which has given me a profound sense of purpose and an even greater drive to advocate for justice, equality, and support for those navigating complex systems and challenges.

Nicole Harvey, day legal volunteer

I started my career in government and worked for many years in immigration and refugee settlement. While I enjoyed many aspects of that role, I also saw plenty of disadvantage and often wished there was more I could do to help. After leaving the public service due to health issues, I began volunteering with RAILS in 2023. I initially didn't know what to expect, but I was hoping to use my experience to contribute something meaningful back to the community. Over a year later, I have continued to volunteer.

I have been lucky enough to work closely with two caring and passionate RAILS' solicitors. They have made me feel welcome and well-supported, giving me interesting and engaging work. RAILS has excellent supports for its volunteers and working there has been a very satisfying experience. I always feel energised, well-utilised and appreciated for my time there. I am also so pleased to have made a small difference to the outcomes of some of RAILS' clients. So many people would benefit from legal support and guidance when navigating Australia's complex immigration system, and RAILS' clients are often in the direst of circumstances. Without the help of volunteers, RAILS would be far more limited in the assistance they can offer. I feel proud to have contributed positively and supported an organisation which does such important work.

Elara Crook, legal clinic student and day legal volunteer

When I applied for the Clinical Legal Education course through my university, RAILS was the clinic at the top of my list.

My reasons were both personal and professional. In 2020, stranded outside of Australia during the pandemic, I experienced a glimpse of how vulnerable it feels to sit in an immigration office awaiting an outcome. When I later studied immigration and refugee law at university, I came to understand that what I felt that one day I spent in visa limbo is the lived experience of thousands of people in Australia today. I found the study of immigration law engaging, although I often felt an impotent frustration reading court cases and tribunal decisions.

As I entered the final year of my law degree, I was uncertain that legal practice was for me. I leapt at the opportunity to observe and learn from practitioners in a field I felt strongly about.

During my days at RAILS, I felt professionally stimulated and valued for my work. RAILS helps the most vulnerable of clients, therefore the content is often challenging as well as confronting. The people who work there are empathetic and supportive to each other as well as clients. When I felt frustrated with the law there was always somebody to lend an ear and offer me hope or advice. My supervisor, Latif Murtazawee, was especially adept at balancing his empathy towards living in limbo with effective legal help.

It is still unclear whether legal practice is the path for me. What is clear to me is that I want to be as competent, passionate and empathetic as the people at RAILS.

2023-24 Staff members

Kylie McGrath – Executive Director and Principal Solicitor
Susan Hogarth – Senior Supervising Solicitor
Noel Reeves – Senior Supervising Solicitor
Cristina Prieto Salvador – Operations Manager
Robert Lachowicz – Education Coordinator
Mei Wang – Finance Officer

Lawyers and Migration agents

Abby Jiang – Solicitor
Bernie Carrick – Unrepresented Asylum Seekers Program Coordinating Solicitor
Clare Carter – Solicitor
Elle Ko – ASRA Legal Support Coordinator, also Solicitor from April 2024
Emily Humphreys – Solicitor
Emma Fell – Solicitor
Evelyn Sinclair - Solicitor
Fay Brewer - Solicitor
Grace Prince – Migration Agent
Joanna Cull – Senior Supervising Solicitor
Latif Murtazawee - Solicitor
Lara Conlan – Solicitor
Mu Shwe – Solicitor
Neha Vaidyanathan – Solicitor
Sadia Azizi – Solicitor
Stacey Parker – Pro Bono Coordinator and Solicitor
Tim Madigan – Solicitor

Support Staff

Asmaa Mohamed - Administration and Intake Officer
Camilo Galeano – Senior Intake Officer
Eleanor Printy - Volunteers and Engagement Coordinator
Emily Doyle - Administration and Intake Officer
Erin Allen – Executive Assistant
Grace O’Shannessy – Administration and Intake Officer
Hiba Kheir Beik - Administration and Intake Officer
Homa Kosha - ASRA Legal Support Coordinator
Jessica Truong - Paralegal
Kell Andersen – Administration and Intake Officer
Kirsten Cribb – Paralegal
Maritsa Adams - Administration and Intake Officer
Meera Nair - Administration and Intake Officer
Michelle Hua – Paralegal

Thank you!

Our committed, skilled and resilient team of pro bono law firms and barristers, volunteer lawyers and migration agents, secondees, day and evening volunteers and clinic and placement students made an invaluable contribution throughout the year, which meant that more people in Queensland were able to access justice.

Our UAS reuniting families program is supported by pro bono volunteer lawyers from Allens and Herbert Smith Freehills. We thank them for the contribution of their time and expertise to this compelling area of work.

We deeply thank MinterEllison for providing significant legal assistance to clients who have experienced family violence and to refugees seeking family reunion; for their pro bono review of lease agreements; the donation of equipment and the provision of legal assistance with human resources matters throughout this period. Their continued partnership is deeply valued.

We are very grateful to Barry Nilsson Lawyers for the secondment of two lawyers, Flynn Harch and Tadayya Mujdrlica, to assist clients seeking asylum in Australia.

We thank Corrs Chambers Westgarth for their pro bono review of our legal agreements.

We also thank Allens, Barry Nilsson Lawyers and Herbert Smith Freehills for their financial support.

RAILS is grateful for the hard work and dedication of pro bono barristers, lawyers and migration agents including Angel Aleksov, Chadwick Wong, Chris Honnery, Emma Hoiberg, Gabriel Perry, Marc McKechnie and William Hall of counsel for providing pro bono opinions and acting as pro bono counsel for clients with judicial review proceedings.

We also thank:

Continuing Professional Development presenters

Laura John, from Human Rights Law Centre
Cassandra Benjamin and Galen Jaffurs, from Refugee Legal
Ros Dunne and Elham Rezaei, from Queensland Program of Assistance for Survivors of Torture and Trauma (QPASTT)
Stafford Shepard, from Queensland Law Society
Shane Budden SC
Gretel Emerson, from RACS
Tessa Maybery and Natalie Young, from Victoria Legal Aid
Senior Member Dr Bridget Cullen and Member Kate Chapple, from the Administrative Appeals Tribunal

Evening Advice Session volunteer advisors

Amelia Sturton
Anna Gunning Stevenson
Bianca Chisari
Darryl Sean McNeill
Emma Robinson
Hui Li
Jennifer Samuta
Peter Lee
Rachael Molnar
Roya Majd
Sastha Sanjaya A.

Day Legal and Administrative volunteers

Ally Lee-Knauer
Angelique Christopher
Anjali Ashara
Anna Whip
Atputha Rahavan
Charlie Cooper
Dianne Rufus
Elena James
Ella Veit-Prince
Ella Griffiths
Ethan Green
Farhan Khudir
Fatema Nazari
Fay Brewer

Thank you!

Gabriel Fenech
Gina (Hie Bing) Tong
Grace O'Shannessy
Homa Kosha
Jasmin Graves
Jay Mark
Jeremy Kye
Khristianne Naffah
Lavanniya Ganesh
Linda McBride
Luis
Maria Fe Benavente
Marilia Vianna
Maritsa Adams
Melissa Meier
Micheline Haddad
Michelle Hua
Mirai Saman
Nadia Gutta
Nandish Singh
Nicole Harvey
Rebecca Kelly
Rose Ukin
Ruth Delaney
Sarah Baade
Soojung Jang
Sophie James
Sophie McManus
Therese Henderson
Tyler Ah Boo
William Rivers
Wilmi Corallo

UQ clinic students

UQ - Semester 2, 2023

Afia Khan
Alexandra Belonogov
Ee (Joyce) Syuen Ding
Gia Saldanha
Huong (Mary) Do
Jacob Betts
Leonie Higgins
Lillian Tanna
Maeve Lu
Nicola Eadie
Paul O'Brien
Seunghyun (JIN) Jin
Sionbhan Lyons

UQ - Semester 1, 2024

Alfred Brownwell
Annabelle Smith
Charlotte Roche
Elara Crook
Eliza Lusic
Isabel Soodjaithum
Isabella Altoft
Isabella Pugliese
Kano Nawagawa
Kathy Luong
Yu Long (Leon) Qing

Griffith clinic students

Griffith - Semester 2, 2023

Aldrianna Manalansan
Joevilyn Bacolcol
Nazif Safdari
Ta-Chun Chou
Terry Tao
Thandolwethu Gwaunza

Griffith - Semester 1, 2024

Amin Nikzad Nikzad
Anisha Chowdhury Chowdhury
Daisy Mein-Smith Mein-Smith
Kibaek Kim Kim
Mi Vo Vo
Ryan McGuire McGuire

Practical Legal Training students

Chiara McGinty
Christopher Lowis
Jessica Wu
Maurice Mabiriizi
Shefali Atwal
Sophie Farnsworth

Social work placement students

Asmaa Mohamed
Ruby McGrath

Pro bono volunteer lawyers and migration agents

Angus Francis
Marg LeSueur

Herbert Smith Freehills

Andella Amin
Elisa Wong
Kai Allison
Victoria Roth

MinterEllison

Jillian McAuliffe
Paris Collins
Abhishek Rishi
Edward Hooper
Callum McCarthy
Edward Hooper
Anna McBean
Napoleon Vera
Tamira Harrington
Simon Batten



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Legal Service

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