



Immigration Advice
and Rights Centre

ANNUAL REPORT 2022/2023

ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Aboriginal peoples across New South Wales on whose lands we work and give particular acknowledgment to the Gadigal people of the Eora Nation, on whose land our office sits. We pay our respects to the Traditional Owners of this Country and to Elders, past and present. In doing so, we recognise our own heritage as migrants to this land and understand the responsibility we have in advocating for change for Aboriginal and Torres Strait Islander peoples and in protecting the land, water and air for future generations. We recognise First Nations peoples' culture, wisdom and connection to this land. We recognise the loss of land and culture, acknowledging the consequences of dispossession and colonisation on First Nations peoples. We acknowledge that sovereignty over this land was never ceded.

THIS LAND ALWAYS WAS AND ALWAYS WILL BE ABORIGINAL LAND.

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PRESIDENT AND CEO/PRINCIPAL SOLICITOR'S REPORT

IARC delivered more than 9,000 services this year to people experiencing vulnerability across Australia, more than any previous year on record. This is a real testament to IARC's commitment to ensuring migrants, refugees and people seeking asylum that need help can find it.

We learned through COVID-19 lockdowns that people struggled to access critical support services in a safe and convenient way. So, this year, we undertook a comprehensive review and overhaul of our systems and processes, looking for ways to make our services more accessible.

This led to the launch of our new website in October 2022, which took a significant amount of time and effort to build. We made strategic updates to make it easier for people to understand what we do and access our services. So far, we have received more than 1,800 enquiries through the new website.

IARC also reinvigorated its volunteer program to ensure enquiries coming through our phones and the website are responded to as soon as possible. A special thanks must go to our new Operations Manager, Jane Turner, and Intake Coordinator, Ryan McCarthy, who are responsible for building and launching the updated volunteer program. By the end of the year IARC recruited and trained more than 20 volunteers. We are incredibly grateful to all our volunteers for their hard work.

Our volunteer program will continue to grow, helping us provide vital services to more people in the future.

The end of COVID-19 lockdowns also meant IARC could see clients in person again. At the same time lockdowns lifted, IARC received additional funding from the NSW Government to assist more women on temporary visas experiencing domestic, family or sexual violence (DFSV). We took this opportunity to launch additional outreach programs at the Women's and Girls' Emergency Centre and Lou's Place, to complement our existing services at Domestic Violence Service Management, so women being helped by these frontline services could also access advice from IARC if they had visa concerns.

This work would not have been possible without funding from the NSW Government. We are hopeful the NSW Government will consider funding similar services in the future so more women experiencing DFSV are empowered to make decisions about their safety.

"This year's outreach programs have been very successful. IARC was able to help more than 160 women experiencing DFSV."

IARC worked hard this year to ensure people in Australia could reunite with loved ones from overseas. Most of this work was done for Afghans who had been evacuated to Australia and been granted permanent residency. We also successfully assisted Australian citizens and permanent residents bring family members from overseas to care for them. Family reunion is an important part of the work we do. IARC believes everyone has the right to stay connected to their families.

There have also been plenty of opportunities for law reform over the past year. The Federal Government announced a comprehensive review into the migration system in September 2022. IARC welcomed this news and the opportunity to provide submissions, appear at inquiries and meet with Federal ministers and senators. IARC has called for robust changes to the migration system to ensure that it is fair, just and accessible and is hopeful to see many changes that reflect this vision in the year ahead.

We are pleased there have already been positive changes implemented within the migration system. In February 2023, the Australian Government made it possible for Temporary Protection visa (TPV) and Safe Haven Enterprise visa (SHEV)

holders to access permanent residency. IARC has been assisting these clients apply for permanent residency and has seen many people, who had been languishing in the Australian community for so long, finally able to call Australia home.

Visa Assist for Migrant Workers, our joint project with Unions NSW, continues to grow in its fourth year of operation. Visa Assist has now provided 2,500 legal services to more than 1,100 migrant workers across Australia. We have also been lobbying the Federal Government for changes to the migration system so migrant workers can speak up without the fear of jeopardising their future in Australia. We are hopeful of seeing positive changes within the next year.

IARC also spent a large part of the year developing its Strategic Plan for 2023 to 2026. This plan will put IARC in a strong position to deliver the best services for our clients and provides strategic direction to ensure IARC continues working hard to reform Australia's migration system.

We are extremely appreciative of the time everyone puts in and know that IARC would not be the fantastic place it is to work without all of you. Thank you!

“Everything we achieved this year was only made possible by the passion, dedication and tireless efforts of the IARC team and Management Committee. At a time when IARC was going through a lot of change they brought stability, resilience and direction to the organisation.”



KATHRYN VIEGAS
President



JOSHUA STRUTT
CEO/Principal Solicitor

ABOUT US

IARC is a community legal centre (CLC). We are a non-profit that helps vulnerable people navigate Australian immigration law by providing free legal advice, information and casework services. Our clients are migrants, refugees and people seeking asylum.

We have 35 years experience in migration law and policy. Our vision is for a fair, just and accessible Australian immigration system.

We provide expert legal services to our clients through three practice areas:

- Immigration and Domestic Violence
- Visas and Citizenship
- Visa Assist for Migrant Workers.

Our team works with people who are experiencing multiple layers of hardship. Many of the clients we assist have experienced trauma and are financially disadvantaged. They also come from culturally and linguistically diverse backgrounds. Some are members of the LGBTQIA+ community.

“IARC is one of few CLCs in the country that focuses on the area of law where immigration and domestic, family or sexual violence (DFSV) intersect. More than half of our clients are victim-survivors of DFSV.”



We provide free expert legal advice and assistance in all areas of migration, refugee and citizenship law.



We lobby for law reforms and policy changes to improve Australia's immigration system so it does not unfairly disadvantage vulnerable people.



We provide community education about complex legal issues to help frontline service workers understand law changes that impact their clients.



We run outreach programs at shelters and support centres to make legal and visa advice more accessible.

1550+
CLIENTS ASSISTED

BY OUR TEAM OF LAWYERS
AND LEGAL VOLUNTEERS

380 WOMEN

EXPERIENCING DFSV
PROVIDED WITH CONFIDENTIAL,
TRAUMA-INFORMED LEGAL
ADVICE AND ASSISTANCE



**40 EXPLOITED
WORKERS**

PROVIDED WITH ADVICE
ON THEIR VISA OPTIONS

9000+
SERVICES PROVIDED

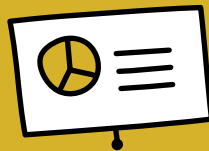
TO MIGRANTS, REFUGEES AND
PEOPLE SEEKING ASYLUM

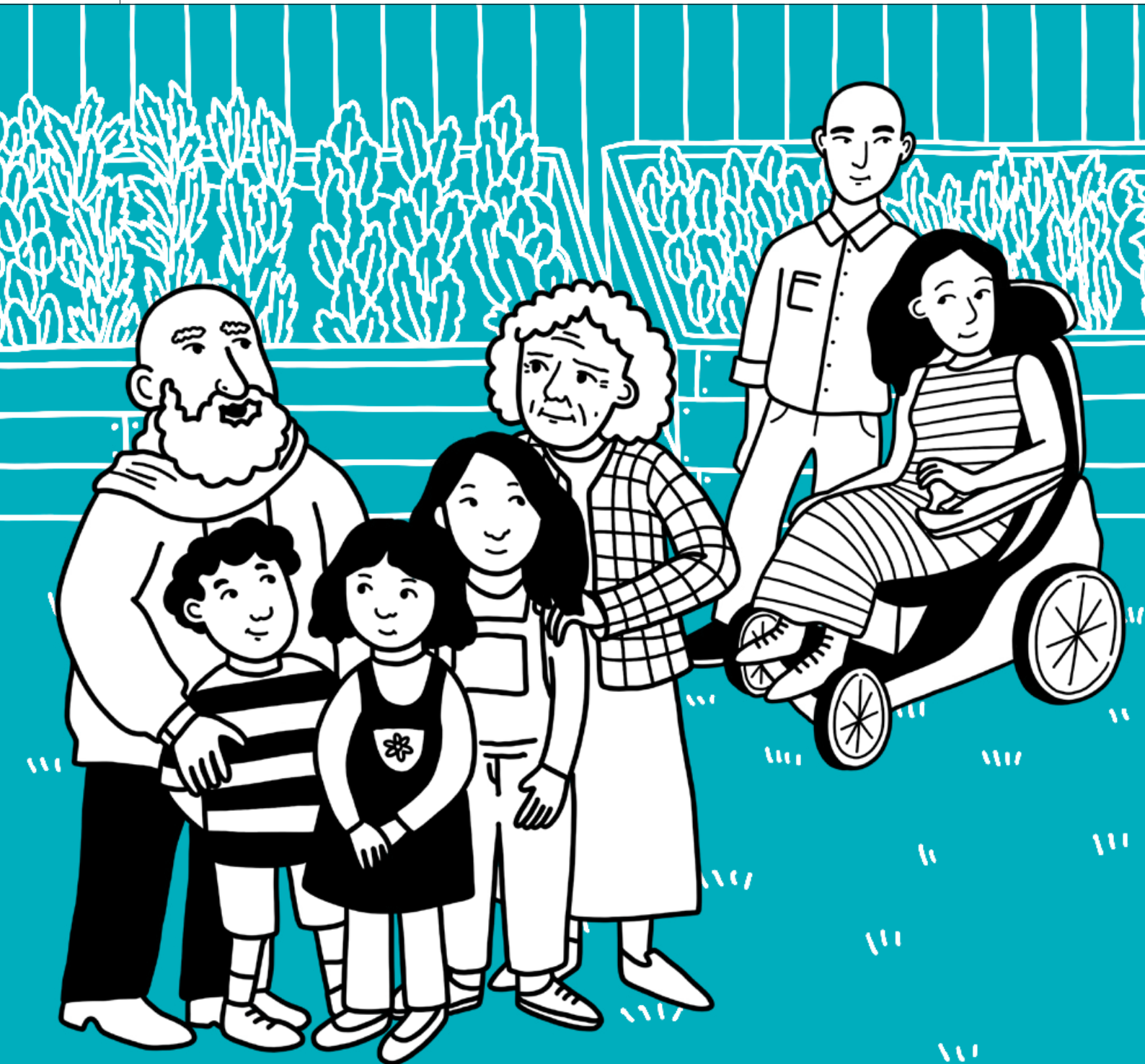
**245
MIGRANT
WORKERS
SUPPORTED**

THROUGH OUR VISA
ASSIST PROGRAM
WITH UNIONS NSW

**38 EDUCATIONAL
SEMINARS**

HELD AT SHELTERS AND SUPPORT
CENTRES TO SHARE LEGAL
KNOWLEDGE WITH FRONTLINE
COMMUNITY WORKERS





REFORMING AUSTRALIA'S IMMIGRATION SYSTEM

IARC will continue advocating for change until Australia's immigration system is fair, just and accessible.



Despite ongoing advocacy, there continues to be significant gaps and inadequacies in Australia's immigration system. About 29.5% of Australia's population is made up of people who were born overseas. Immigration is an area of law that impacts the lives of millions yet critical support services, like IARC, continue to be underfunded and reforms are not being given the urgent attention they require.

“People are dying while policy areas are being neglected.”

Women, children, members of the LGBTQIA+ community, refugees and people seeking asylum are at serious risk of harm while they are being denied basic human rights and access to support services.

The current system is putting people, who are already vulnerable, at risk of more harm including:

- Domestic and family violence
- Sexual assault
- Homelessness
- Workplace exploitation
- Separation from children and families
- Health problems.

Insecure immigration status affects people's ability to access services including housing, social security and health care. It is a barrier for victim-survivors of DFSV seeking help to leave unsafe relationships. It creates opportunities for workplace exploitation. The high costs, long processing times and complex rules contribute to the long-term separation of families, compounding the trauma experienced by migrants who call Australia home.

IARC is committed to leveraging its experience and expertise to influence positive change in Australia's immigration system.

This year we launched a new **strategic plan** with three key objectives for the coming three-year period:

- **WE WILL** extend the reach and impact of our legal practice with a focus on DFSV, migrant worker exploitation, family reunion and health in the immigration context.
- **WE WILL** leverage our expertise to achieve systemic change in the Australian immigration system.
- **WE WILL** build a thriving and sustainable organisation.

By pursuing these objectives IARC is confident it can make a difference in the lives of the millions of migrants who live in Australia.

“Significant reform of our immigration system is needed, guided by the understanding that immigration is not just an instrument of economic policy but something that impacts real people's lives.”

OUR PEOPLE

STAFF

Joshua Strutt
CEO/Principal Solicitor

Ali Mojtahedi
Principal Solicitor (left August 2022)

Jane Turner
Operations Manager

Jane King
Finance Officer

Ann Emmanuel
Senior Solicitor

Stephanie Lee
Senior Solicitor

Kristie Mellor
Senior Solicitor

Sarah Akanda
Solicitor

Kate Bookey
Solicitor

Amelia Jones
Solicitor

Ryan McCarthy
Intake Officer

Schirine Yalinejad
Legal Support Officer

Sienna Aguila
Senior Community Engagement
Officer (left August 2022)

Ranuka Tandan
Communications Coordinator

MANAGEMENT COMMITTEE

Kathryn Viegas
President

Rowena Irish
Vice President and Secretary

Lina Tchung
Treasurer

Giulio Katis
Committee Member

David Nguyen
Committee Member

Kittu Randhaw
Committee Member



LEFT: IARC team with volunteers
Liam Aungle and Kristie Evans,
and Chloe Saker and Ying Li Lim
from Norton Rose Fullbright

OUR WORK

We help our clients through three practice areas. Each practice is led by a Senior Solicitor who is an expert in their field and brings a wealth of knowledge and experience in the areas of law they focus on for IARC's clients. They are supported by a team of lawyers and legal volunteers. Together they assisted more than 1,500 people this year.

IMMIGRATION AND DOMESTIC VIOLENCE

Lawyers in our Immigration and Domestic Violence practice work with clients who are experiencing, or at risk of, DFSV. People on temporary visas experience unique forms of DFSV, including threats of visa cancellation, deportation and permanent separation from their Australian citizen children. IARC is one of the only specialist CLCs in the country that is equipped to deal with these complex issues. This year IARC directly assisted 380 women experiencing DFSV.

VISAS AND CITIZENSHIP

IARC's Visas and Citizenship practice provides information, referrals, advice, and representation in the following areas of immigration law: family visas, health-related migration issues, visa cancellations, Australian citizenship, Refugee and Humanitarian visas, Protection visas, and other temporary visas such as Bridging visas and Visitor visas.

VISA ASSIST FOR MIGRANT WORKERS

Our Visa Assist practice operates in partnership with Unions NSW and aims to empower migrant workers to enforce their workplace rights by providing expert immigration advice to union members. Migrant workers are often afraid to speak out about wage theft, harassment, or exploitation in their workplace for fear of having their visa cancelled and being detained or removed from Australia.



ANN EMMANUEL
Senior Solicitor
Immigration and
Domestic Violence

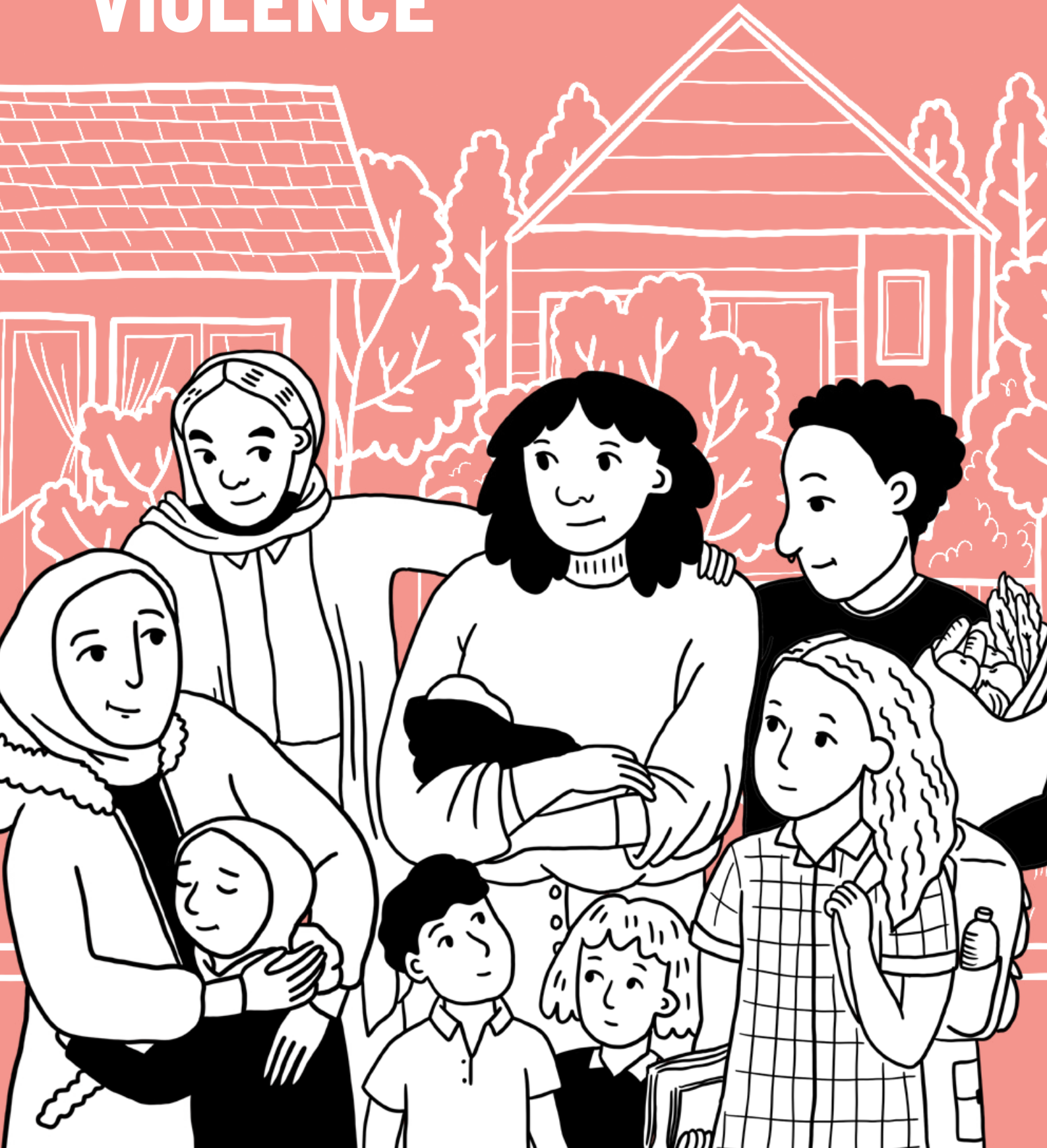


STEPHANIE LEE
Senior Solicitor
Visas and Citizenship



KRISTIE MELLOR
Senior Solicitor
Visa Assist for
Migrant Workers

IMMIGRATION AND DOMESTIC VIOLENCE



IARC helps people on temporary visas experiencing DFSV with immigration or citizenship matters. People on temporary visas are at heightened risk of DFSV because their visa status is often linked to their relationship with a violent partner.

Our Immigration and Domestic Violence practice offers confidential, trauma-informed advice and assistance to victim-survivors of DFSV. Like many frontline services supporting these victim-survivors, IARC saw an increase of referrals and enquiries from people who have experienced DFSV over the past 12 months.

Our team worked tirelessly in 2022 and 2023 to deliver direct client services to victim-survivors, as well as sharing information and training with other service providers like support centres and women's shelters.

IARC understands the importance of meeting our clients in safe, accessible spaces whenever possible. This year, our solicitors established and delivered fortnightly outreach clinics through partnerships with Lou's Place and the Women's and Girls' Emergency Centre (WAGEC). Our strong partnership with Domestic Violence Service Management (DVSM) has continued and we provided outreach services to women with children in the DVSM refuges.

Our team has delivered training on significant changes to the Family Violence Provisions for visas to support workers and contributed to key advocacy work for women and LGBTQIA+ people on temporary visas who are experiencing DFSV.

“Our goal through all our work is that visa status should not be a barrier to seeking safety.”

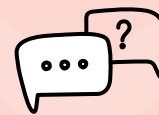


ABOVE: Ann Emmanuel and Kate Bookey with Western Women's Legal Support team

IMMIGRATION AND DOMESTIC VIOLENCE PRACTICE HIGHLIGHTS 22/23



ABOVE: Ann Emmanuel at Lou's Place for IARC's outreach program for victim-survivors of DFSV



950+
legal advice services



400+
legal tasks



18
community legal
education sessions



**2 DFSV TRAINING
SESSIONS**
attended by hundreds
of community workers



7 DFSV CLIENTS
at particular risk provided
with case work services



13 DFSV CLIENTS
assisted to prepare
documents or legal
submissions



50 MEETINGS
attended with politicians,
government agencies,
frontline DFSV services
and peak DFSV bodies

CASE STUDY 1: PARTNER VISA – DFSV – CARER VISA GRANTED

HANNAH

Hannah came to Australia on a Partner visa in 2007. In addition to experiencing ongoing family violence from her ex-partner and father of her children, Hannah had been managing a major depressive disorder since 2008. In October 2021, Hannah and her two young children fled family violence and lived in a refuge.

“Hannah continued struggling to access adequate childcare and mental health support without reaching out to her abusive ex-partner.”

He also prevented her from leaving the country with her Australian children, meaning that Hannah had to seek support from her sister overseas.

In June 2017, Hannah lodged a Carer visa application for her sister with the help of a migration agent from a local church, which was refused four years later by the Department of Home Affairs, citing a lack of further evidence.

During this time, Hannah's support worker linked Hannah with IARC. We worked with

Hannah to understand her vulnerabilities and complex mental health conditions. We provided compassionate and expert legal assistance, helping Hannah to draft client statements, organising meetings with Hannah and her sister to discuss visa criteria, and gathering statements from her sister and elderly father.

“IARC was able to assist Hannah to set aside the Department's initial decision to reject her application without Hannah having to go through the stress of a hearing.”

Carer visa applications typically take four to five years to process. For clients who have urgent and high care needs, that they are otherwise unable to access, the long and ambiguous waiting times can be difficult to bear.

We supported Hannah through this process, assisting her in responding to requests for further information, and drafting a request to waive the second instalment visa fee due to Hannah's difficult financial

circumstances. We drafted multiple communications advocating for Hannah's matter to be processed promptly, as her mental health was being significantly impacted by the long processing times.

In April 2023, Hannah's sister's visa was granted. After months of waiting, Hannah will finally receive the care and support she needs. In Hannah's application statement for the Carer visa, she wrote that she only hoped it would allow for an average life with healthy and happy kids. We hope this is the beginning of a wonderful new life for Hannah and her family.



COMMUNITY LEGAL EDUCATION

After years of advocacy, legislative changes to the Family Violence Provisions for visas were finally introduced this year which make it easier for victim-survivors of DFSV to collect acceptable family violence evidence. This evidence is required for victim-survivors to access permanent residency in Australia. Prior to this, the requirements were often impossible to fulfil. It meant many victim-survivors were forced to stay in unsafe relationships.

IARC delivered a community webinar session about these important changes which was attended by more than 100 people. We also delivered a similar training session through the Women's Legal Service NSW's 'Ask Lois' webinar series.

Our team received many requests for training from frontline DFSV services across NSW this year and delivered bespoke training to services and interagency groups including:

- Shoalcoast Cooperative Legal Services Delivery Program
- Economic Justice Australia
- Liverpool DFSV Interagency group
- Blue Sky Community Services in Coffs Harbour
- Settlement Services International (SSI) NSW's DFV Community of Practice.



LEFT: Kate Bookey and Ann Emmanuel
with ORISCON Dubbo Chairperson
Gargi Ganguly

COMMUNITY ENGAGEMENT

IARC co-chaired meetings of the DVNSW Community of Practice for Women and LGBTQIA+ people on temporary visas experiencing DFSV, including a widely attended session with speakers from the Domestic and Family Violence Support Section of the Department of Home Affairs.

IARC is a member of the executive for the National Advocacy Group on Women on Temporary Visas Experiencing Violence. The advocacy group held workshops to identify the current needs of victim-survivors and, in December 2022, launched the revised *Blueprint for Reform: Removing barriers to safety for victim/survivors of domestic and family violence who are on temporary visas* report.

IARC was invited to speak at the Dubbo Violence Prevention Collective Conference, as DFSV services in the area were noticing an increase of visa holders seeking support.

Our team also met with key stakeholders in the area including:

- State MP Dugald Saunders
- Dubbo Mayor Mathew Dickerson
- Connecting Communities (Dubbo Neighbourhood Centre)
- Western Women's Legal Support Service.



ABOVE: A panel of experts, including Ann Emmanuel, at the Mental Health Foundation Australia's Family Violence and Mental Health Symposium

CASE STUDY 2: PARTNER VISA – DFSV – PERMANENT RESIDENCY GRANTED

FATIMA

Fatima came to Australia on a provisional partner (309) visa in late 2018. She lived in Australia for more than four years. She and her husband had four children together. While in Australia, Fatima experienced various forms of abuse from her husband, including extreme isolation, financial control and physical abuse. Fatima was not allowed to learn English, have contact with family and friends, or learn to drive.

She did not have her own bank account and was not allowed to find work. Her children were all under five years old and her husband refused to put them into day care, which caused further isolation for Fatima and her children.

“Fatima was worried about reporting the abuse to anyone because she was terrified it would impact her visa status or she would be separated from her children who are Australian citizens.”

Fatima came to the attention of a social worker after presenting at a hospital with significant injuries. The social worker referred Fatima to IARC for immigration advice. They noted serious concerns for

both Fatima and her children.

IARC initially assisted Fatima to update the Department of Home Affairs about her situation and advised her about continuing with her pending application for a partner visa on the basis of relationship cessation provisions. The Department of Home Affairs did not progress the application for several months.

“During this time, Fatima and her children remained homeless and unable to access key support services due to Fatima’s temporary visa status.”

Due to the ongoing delay, the resulting vulnerability Fatima was experiencing and her limited English, IARC offered to represent Fatima. IARC got a copy of the full file to check if there was any reason for the ongoing delay and advocated with the Department of Home Affairs on Fatima’s behalf.

Fatima was granted her permanent visa. She is now able to access longer term support in Australia for herself and her young children, and in time, intends to apply for Australian citizenship to remain safely in Australia with her children.



IMMIGRATION AND DOMESTIC VIOLENCE LAW REFORM HIGHLIGHTS 22/23

July 2022	IARC attended a roundtable with community advocates and the Minister for Immigration, Citizenship and Multicultural Affairs, the Hon. Andrew Giles MP, on the impact of Ministerial Direction 90 (visa refusals and cancellations under s 501) on victim-survivors of family violence.	Alongside other advocates, IARC highlighted many issues with the Direction including that it took away choice from victim-survivors of DFSV and compounded systematic oppressions on those mis-identified by police as perpetrators.
September 2022	IARC provided feedback to the Department of Home Affairs on the evidence required under the Family Violence Provisions.	IARC highlighted the difficulties victim-survivors face in collecting evidence that met the narrow requirements and provided recommended changes to make Family Violence Provisions more accessible.
March 2023	Following submissions from the sector, including IARC, Minister Giles issued a new Legislative Instrument that broadened the requirements for evidence under the Family Violence Provisions.	This change made it easier for victim-survivors to collect acceptable family violence evidence from their support workers and has already had a positive impact for IARC's clients.
Submissions	IARC made a submission on the Crimes Legislation Amendment (Coercive Control) Bill 2022 (NSW). As a result, IARC was invited to sit on the 'Coercive Control (Crimes) - CALD Reference Group,' and has provided feedback on the impact on our clients of the new legislation and input on the implementation processes. Submission to Department of Home Affairs on Specification of Family Violence Evidentiary Requirements feedback form , October 2022	



LEFT: Kate Bookey and Ann Emmanuel with State Member for Dubbo and State Nationals Leader, the Hon Dugald Saunders MP

VISAS AND CITIZENSHIP



Our Visas and Citizenship practice helped more than 1,000 clients in 2022 and 2023 as part of ongoing projects and in response to major changes to the migration system.

These changes include:

- A new permanent Resolution of Status visa for people who arrived by boat and have been living in limbo in Australia for a decade.
- An amendment to the Citizenship Act 2007, allowing New Zealanders to apply for Australian citizenship.

We responded by providing advice and legal representation to migrants and refugees impacted by the changes.

AFGHAN EVACUEES PROJECT

IARC continued to assist Afghan evacuees apply for permanent residency in Australia this year as part of the Afghan Evacuees Project which began at the start of 2022. IARC engaged the assistance of more than 90 pro bono lawyers from law firms, in-house counsel and unions to assist with the volume of work.

The Visas and Citizenship practice also set up the Afghanistan Family Reunion Clinic to prepare visa applications for family members of evacuees, who remained at risk of harm in Afghanistan. IARC partnered with pro bono lawyers to facilitate access to justice for people who had suffered significant hardship and persecution before arriving in Australia.

“We helped our clients reunite with their families and kept their family members safe from persecution in Afghanistan.”

PERMANENT PROTECTION FOR TPV/SHEV HOLDERS

In February 2023, the Federal Government announced refugees who arrived in Australia without a valid visa and hold a Temporary Protection visa (TPV) or a Safe Haven Enterprise visa (SHEV) would become eligible for permanent residency. It marked the end of a decade of insecurity for people entitled to protections under Australian law.

IARC received funding through The Red Cross to provide legal assistance to TPV/SHEV holders across NSW. We attended fortnightly meetings with legal providers and the Department of Home Affairs to stay up-to-date on the latest information and processing times.

CITIZENSHIP FOR NEW ZEALANDERS

In April 2023, the Australian Government announced changes that would give New Zealanders direct access to Australian citizenship. Once citizens, New Zealanders in Australia will have access to social services including Centrelink, the National Disability Insurance Scheme and housing.

In the year ahead, IARC plans to set up a clinic with pro bono partners to assist New Zealanders experiencing insecure housing and homelessness apply for Australian citizenship. We will also deliver seminars to inform the community and take referrals from a number of organisations.

“IARC helped 188 Afghans apply for permanent residency in Australia – almost all of those have now been granted permanent residency.”

VISAS AND CITIZENSHIP PRACTICE HIGHLIGHTS 22/23

“All the clients we were able to help this year were experiencing financial disadvantage and more than 10% were experiencing homelessness.”



ABOVE: Joshua Strutt and Stephanie Lee booking appointments at IARC after speaking to more than 200 community members about the transition from TPVs and SHEVs to permanent visas



2,000+
legal services



1,000+
clients helped through
our government-funded
work



**4 COMMUNITY LEGAL
EDUCATION SESSIONS**
about TPV/SHEV holder
changes attended by
hundreds of people



188 AFGHANS
assisted to apply for
permanent residency
in Australia



**2 COMMUNITY
EDUCATION SESSIONS**
about the immigration
system and IARC



4 ONLINE SEMINARS
about immigration law
as part of a lunchtime
learning series

CASE STUDY 1: TEMPORARY VISA – DFSV AND HEALTH CONCERNS – PERMANENT VISA GRANTED

REMA

Rema fled her home country with her husband in 2012 after being targeted by authorities due to their religious beliefs. They escaped to Australia by boat the same year and were placed into immigration detention.

A few months later they were released and told they had no options available because they arrived in Australia without a valid visa. After many years, they were eventually permitted to apply for a protection visa, but only a temporary one.

It took more than four years for their protection visa application to be assessed by the Department of Home Affairs but they were finally granted a Safe Haven Enterprise visa (SHEV).

Rema was relieved by the Federal Government's announcement in early 2023 offering pathways to permanent residency for people who arrived in Australia by boat. Her need for permanent residency became urgent as she had experienced family violence from a relative and had a daughter with significant physical and mental disabilities.

“Rema needed permanent residency for safety and certainty and so her family could access the National Disability Insurance Scheme (NDIS) and housing.”

After applying for permanent residency, Rema and her family were forced to leave their home and move between several crisis accommodation centres. Eventually, Rema was put in contact with IARC which assisted to get Rema and her family's application for permanent residency expedited.

Three weeks later, Rema and her family were granted permanent residency. Rema and her family now have access to accommodation and NDIS support.



CASE STUDY 2: STUDENT VISA – DFSV – NO VISA PATHWAY FOR MOTHER OF AN AUSTRALIAN CHILD

JEANNE

Jeanne arrived in Australia on a Student visa to study engineering at a university. During that time, she met George, an Australian man. They fell in love, Jeanne moved in with him and they had a child together.

From the start of their relationship, George promised they would save for a Partner visa so she could live here permanently with him. Unfortunately, George would often spend the money instead of saving for the Partner visa. He would also come home intoxicated and threaten her and their child.

One night, when George was out, Jeanne left the house with their child seeking safety. She has been living in temporary accommodation since and has not been able to attend university while she is escaping an unsafe relationship.

“Her Student visa is about to expire and she is afraid that she will be deported from Australia and separated from her child.”

The refuge she is staying in put her in contact with IARC for advice. Unfortunately, she did not have any visa options to remain in Australia because the application for a Partner visa was never made and her child is too young to sponsor her for a Parent visa. She is also not eligible for a Temporary Graduate visa as she had stopped studying due to DFSV and could not afford to enrol in another course to be eligible for another Student visa.

Jeanne is now on rolling bridging visas to remain in Australia with her child. IARC is currently lobbying the Federal Government for legislative changes to ensure people, like Jeanne, are not forced into precarious visa situations when they leave abusive relationships. These changes include improved access to Parent visas so parents of Australian children can remain in Australia with their child.



CASE STUDY 3:**PROTECTION VISA – FAMILY REUNION AFTER 10 YEARS – PARTNER AND CARER VISAS GRANTED****ADNAN**

Adnan was brought to Australia in 2011 to give evidence in a criminal case. When it became unsafe for him to return to his home country, he was forced to apply for a protection visa to stay in Australia. The wait was distressing, stretching from months to years.

IARC started helping Adnan in 2014, to progress his protection visa application. After several years of waiting, he was finally granted permanent protection to remain in Australia. However, he was still worried about his family in their home country and wanted to be reunited with them.

In 2016, IARC assisted Adnan to apply for a Partner visa to bring his wife Amani and their son Ibrahim to Australia. However, there were more barriers to overcome. Years earlier, his wife was involved in a car accident that left her paraplegic. Because of her disability and care needs, Amani did not meet the health criteria for a Partner visa.

“IARC fought for a waiver of the health criteria for Amani, given the compelling and compassionate circumstances. We were successful and, at last, Adnan and his wife were reunited in Australia in 2018.”

Unfortunately, their son Ibrahim was not considered to be dependent on his parents and was not granted a visa as part of the application. IARC challenged the decision with the Administrative Appeals Tribunal but was unsuccessful. Adnan’s family was running out of options. It would be too costly to contest the Tribunal’s findings and the wait time of three years was significant.

After arriving in Australia, Amani suffered a stroke that permanently impacted her health. While Adnan started to care for his wife full-time, his age and own health issues meant he urgently needed additional support.

IARC assisted Amani to sponsor Ibrahim for a Carer visa in 2018, to assist in managing her substantial care needs. We also helped Ibrahim apply for a Visitor visa so he could see his parents while he waited for a decision. Unfortunately, it was refused, and an appeal cost around \$1,800 – more than half of Ibrahim’s net worth at the time, including his clothes and belongings. The Tribunal initially refused a fee waiver request but

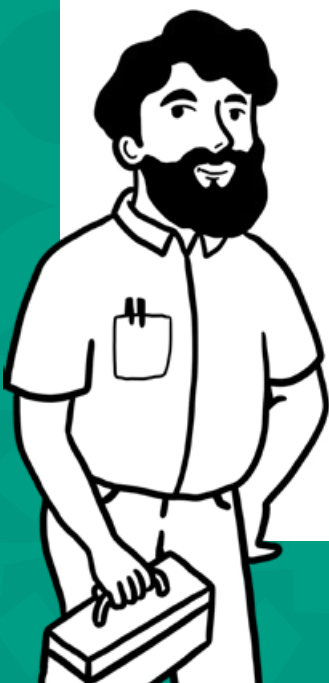
it was eventually granted after IARC escalated the matter.

Meanwhile, in Australia, Adnan experienced workplace exploitation. He was being paid \$4 an hour to collect supermarket trolleys. During a shift, he was randomly assaulted and unable to seek redress as he was not properly employed. His ability to care for his wife was significantly impacted, making it even more vital for his son Ibrahim’s Carer visa to be granted.

Three years later, in 2020, the Tribunal set aside the decision to refuse the Visitor visa and remitted it to the Department of Home Affairs. After another two-year wait, the Department finally granted the Visitor visa. But there was a catch – Ibrahim would have to pay a discretionary \$20,000 bond, much more than the limit of \$15,000 indicated in policy. This amount would be well beyond the financial capacity of many Australians seeking to spend time with their family members, and Adnan had to borrow money to cover the amount requested.

Ibrahim finally arrived in Australia in April 2022, on a temporary visitor visa. The family were finally reunited for the first time in 10 years. With IARC’s support, Adnan and Amani have also been successful in acquiring Australian citizenship.

In May 2023, Ibrahim’s Carer visa was granted at last. In August 2023, Ibrahim arrived in Australia to be permanently reunited with his family.



VISAS AND CITIZENSHIP LAW REFORM HIGHLIGHTS 22/23

September 2022	The Federal Government announced a review into the migration system.	IARC provided a comprehensive submission to related parliamentary inquiries and met with ministers and senators about reforms needed including: <ul style="list-style-type: none"> • Shorter timeframes for processing family visas, including Parent and Carer visas. • Access to permanent family reunion for parents of Australian citizen children. • Removal of non-waivable health criteria from visas. • A significant increase to the humanitarian visa cap.
December 2022	The Attorney-General's Department announced it will abolish the Administrative Appeals Tribunal (AAT) and establish a new federal administrative review body .	Many of IARC's clients who received negative decisions from the Department of Home Affairs struggled to access merits review at the AAT due to complex processes and high costs, only then to wait years to be heard. IARC provided submissions in support of an overhaul of the merits review system to ensure that it is accessible and that people have certainty sooner.
Submissions	Submission to the Attorney-General's Department's Administrative Review Reform: Issues Paper (April 2023), May 2023	



LEFT: Stephanie Lee and Joshua Strutt meeting with Wentworth MP, Allegra Spender

VISA ASSIST FOR MIGRANT WORKERS



It has been a busy year for Visa Assist, as the program continues to grow and we get closer to seeing legislative changes to better protect migrant workers. We have now assisted more than 1,100 clients in four years of the Visa Assist program.

We are anticipating further growth in the year ahead, with increased funding meaning that Visa Assist can help more migrant workers than ever before. We also look forward to positive change and reform, as IARC, Unions NSW and other advocates continue to push for better protections and certainty for migrant workers within the immigration system.

Through our Visa Assist program, the IARC team advises on all migration issues, including Skilled, Student, Humanitarian, Family and Visitor visas.

A large portion of our work is helping temporary visa holders navigate the complex pathway to permanent residency and, this year, we were able to assist some long-term clients of the Visa Assist program through the final stages of their permanent residency journeys. Having this kind of security is life changing for many people who have spent years uncertain of their futures in Australia. Lawyers in our Visa Assist practice worked incredibly hard this year to make this possible for their clients now and in the future.

“We have helped clients get permanent residency through skilled visa pathways and helped union members reunite with their families from overseas.”



ABOVE: Ryan McCarthy, Kristie Mellor and Joshua Strutt at Mardi Gras Fair Day

VISA ASSIST FOR MIGRANT WORKERS PRACTICE HIGHLIGHTS 22/23



ABOVE: The IARC team on Wear it Purple Day



275+
referrals received
from unions



385+
legal services



4 SUBMISSIONS
lobbying the government
to better protect migrant
workers



12
community legal
education sessions



14
clients provided with
case work services



CASE STUDY 1: 403 VISA – INJURED AT WORK – PERMANENT VISA GRANTED

KYLE

Kyle arrived in Australia with a Subclass 403 visa to work in fruit picking on a regional farm in Australia. He sustained an injury to one of his eyes at work. He was not provided with suitable safety equipment at the time and the injury resulted in a significant loss of vision.

After several doctor's visits, Kyle was told he could return to work but only to complete, "light duties". Unfortunately, his employer continued to use Kyle for laborious tasks, including lifting 20 kilogram bags of fruit. This exacerbated his eye injury, and he was forced to undergo surgery and ongoing treatment for his eye condition.

Prior to Kyle's arrival in Australia, his employer managed his visa applications to ensure that he had work rights in Australia. Soon after his injury, the employer failed to apply for a further substantive visa on his behalf. They did not

provide him with information about his migration options or encourage him to seek migration law advice.

Kyle eventually became unlawful and was then on a rolling Bridging Visa E (BVE). Kyle was not aware of his visa status or implications of his visa status, as this was all managed by his employer.

The BVE placed Kyle in a difficult position as it prevented him from lodging other substantive visa applications that would enable him to pursue his workers compensation claim and medical treatment in Australia. It also prevented him from returning to his home country to visit his young family. Kyle was unable to return home permanently as his home country does not have appropriate facilities to treat his eye condition.

There were no visa options to allow Kyle to remain in Australia to pursue action against his employer for work health and safety breaches.

"IARC assisted Kyle to apply for Ministerial Intervention, to allow him to remain in Australia to undertake medical treatment, and also to be able to travel to his home country to spend time with his family."

The Minister saw the compelling and compassionate circumstances of the case and Kyle was granted permanent residency.

CASE STUDY 2: PERMANENT SKILLED VISA - HEALTH WAIVER APPLICATION - PERMANENT RESIDENCY GRANTED

MARIA

Maria and her family moved to Australia in 2019, so Maria could pursue a career as a Registered Nurse. When COVID-19 hit in 2020, Maria worked as a Registered Nurse at a busy Sydney hospital. She worked long hours, covering staff shortages throughout the hospital as her team were impacted by both COVID-19 and high rates of burnout. As a frontline worker, Maria put her health at risk to contribute to Australia's COVID response. Maria's husband, David, worked as a disability support worker, providing critical care to Australians with disabilities.

In 2022, Maria and her family applied for permanent residency.

Maria then received a letter from the Department of Home Affairs informing her that her 6-year-old son, Rodrigo, did not meet the health requirement for the visa as he has autism. The costs associated with his medical condition were estimated to be around \$600,000. To meet the health criteria for the visa Maria applied for, the costs associated with any medical condition could not exceed \$51,000.

Maria contacted the NSW Nurses and Midwives' Association (NSWNMA) who referred her to IARC through the Visa Assist program for advice. Visa Assist helped Maria to

successfully request that a health waiver be exercised in her son's case.

“With the help of Visa Assist, Maria was able to demonstrate that there were compelling and compassionate reasons to grant permanent residency to her and her family, despite the costs associated with her son's condition.”

Maria and her family have now been granted permanent residency and are looking forward to their future in Australia.



COMMUNITY LEGAL EDUCATION

Visa Assist continued to provide community legal education to union organisers, union members and other stakeholders across Australia this year.

This has included presentations to NSWNMA members, two presentations to Australian Workers Union (AWU) members in regional Victoria, a presentation to Professionals Australia and a presentation to the SDA Union. The Visa Assist team also travelled Coffs Harbour and Bundaberg for outreach programs with SDA, the Transport Workers Union (TWU) and AWU. This included speaking directly with workers in the agricultural and meatworkers industry – both sectors with a high risk of workplace exploitation.



ABOVE: Sarah Akanda, Ranuka Tandan and Ryan McCarthy at Parramatta Pride

VISA ASSIST FOR MIGRANT WORKERS LAW REFORM HIGHLIGHTS 22/23

September 2022	The Federal Government announced a comprehensive review of Australia's migration system including how the current system impacts migrant workers.	<p>Visa Assist spent the past year advocating for positive changes in the lead up to and in response to this review. The changes we lobbied for included:</p> <ul style="list-style-type: none"> • Clear and certain pathways to permanent residency. • Protections against visa cancellations for exploited migrant workers. • A Workplace Justice visa for those who have been exploited in their workplace and have no viable visa options to remain lawfully in Australia.
November 2022	The Department of Home Affairs announced an inquiry into the role of permanent migration in nation building .	<p>Visa Assist appeared at a number of parliamentary inquiries and attended meetings with ministers, including the Home Affairs Minister and Immigration Minister, to lobby for changes. We are encouraged by the positive reforms to the immigration system so far that some of these submissions will also be considered in creating new law and policy. We will continue to lobby for a fairer system for migrant workers.</p>
Submissions	<p>Submission to the Department of Home Affairs' Discussion Paper: A Migration System for Australia's Future (November 2022), IARC and Unions NSW, December 2022</p> <p>Submissions to the Parliamentary Joint Standing Committee on Migration, Pathway to Nation Building, IARC and Unions NSW, February 2023</p>	

FUNDING

IARC receives funding from the Australian Government, NSW Government and the Public Purpose Fund through the Community Legal Centres Program administered by Legal Aid NSW.

IARC also receives funding from Unions NSW to provide legal services through the Visa Assist for Migrant Workers practice.

In 2022-2023, IARC received additional funding from the Australian Government to assist:

- Afghan evacuees in Australia apply for permanent residency.
- TPV/SHEV holders applying for permanent residency.

In 2022-2023 IARC also received additional funding from the NSW Government to boost our capacity to assist women on temporary visas experiencing violence.



ABOVE: Ann Emmanuel winner of the NSW Women's Contribution Award 2023



ABOVE: Kate Bookey at Western Women's Legal Support

PARTNER ORGANISATIONS

IARC is incredibly grateful to the universities who partnered with us this year to provide legal internships for their law students.

We hosted legal interns from the Australian Catholic University, the University of Wollongong, the University of Sydney and Western Sydney University over the last 12 months, who provided invaluable support to IARC staff. The interns assisted our team with client intake, legal research, document preparation and file management, and in return the students were able to experience the application of the law in a real-world setting and learn about migration law and policy in the context of a community legal centre.

IARC is also extremely grateful for our corporate and community partners that have ensured that vulnerable people can have access to timely legal assistance.

- Assured Legal
- AMP Bank
- Australian Manufacturing Workers' Union
- Australian Pro Bono Centre
- Barry Nilsson Lawyers
- Community and Public Sector Union
- Community Legal Centres NSW
- Community Legal Centres Australia
- Gadens
- GLAS Australia
- Macquarie Group
- Maddocks
- Mid North Coast Community Legal Centre
- Nomos Legal
- Norton Rose Fulbright Australia
- South West Sydney Legal Centre
- Supra Legal
- Unions NSW
- Western Sydney Community Legal Centre
- Western Sydney University



LEFT: Chloe Saker and Ying Yi Lim from Norton Rose Fulbright Australia who completed secondments at IARC

VOLUNTEERS

Thank you to all our incredible volunteers who generously gave up their time this year. Your help makes a difference in the lives of the thousands of people we assist every year.

Volunteers make it possible for us to do our work and we could not do nearly as much without your help. With volunteers we can assist more people experiencing DFSV, reunite more families and ensure more vulnerable people can access support services.

- Sina Afsharmehr
- Liam Aungle
- Elina Babu
- Raphaela Baylis-Wang
- Dominique Bergman
- Alex Blokh
- Do Hui (Hugo) Cho
- Marina Crnalic
- Anastasia Egoshina
- Sarah El Hallak
- Kristie Evans
- Kathleen Field
- Lucy Froggatt
- Vivienne Guo
- Nina Keil
- Alex Li
- Skylar (Xiaobin) Li
- Schyler Locke
- Jessica Mackay
- Gabrielle Pollard-Garbett
- Kayla Raouf
- Mpumelelo Van Den Bempt
- Sik Ah (Marissa) Wong
- Liuyuwen (Raven) Yang



LEFT: Volunteers Marissa, Elina and Lucy

FINANCE REPORT

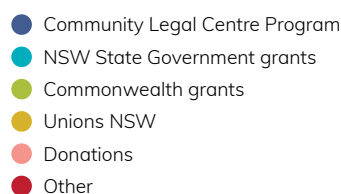
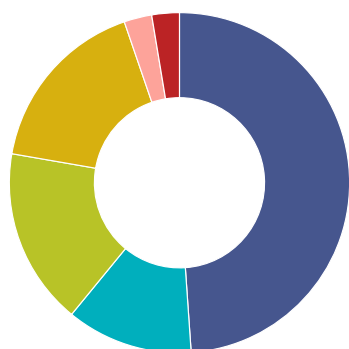


IARC remains in a strong financial position that allows us to work effectively across projects and respond to emerging challenges.

The audited financial result for the 2022-23 financial year was a surplus of \$27,114. At 30 June 2023, we maintained healthy net assets of \$691,807. Our total income was \$1,229,717, reflecting the generous support of

a diverse range of funding bodies and partners. We continue to receive generous in-kind support from our pro bono partners, including secondment of staff, volunteer engagement and donation of facilities.

INCOME SOURCES



Community Legal Centre Program: \$648,657

Includes grants from the joint Commonwealth and NSW CLC Funding Program and the NSW Public Purpose Fund.

NSW State Government grants: \$159,535

Includes State grants for the provision of immigration assistance and advice to victims of domestic, family and sexual violence.

Commonwealth Grants: \$222,882

Includes Commonwealth grants for the provision of immigration assistance and advice.

Unions NSW: \$225,615

Includes funds to support the Visa Assist for Migrant Workers practice

Donations: \$35,012

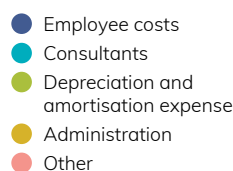
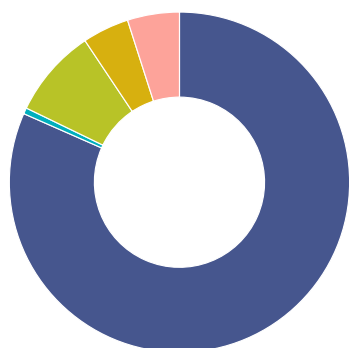
Includes income from donations and fundraising.

Other income: \$34,703

Includes interest income, royalties, and fee for service activities.

Total: \$1,326,406

SERVICE COSTS



Employee costs: \$1,038,448

Includes staff salaries and related employment costs.

Consultancy: \$7,330

Includes the cost of experts assisting with program delivery.

Depreciation and amortisation expense: \$107,617

Includes depreciation of capital items and occupancy costs.

Administration: \$56,399

Operating expenses associated with administration including finance, IT, office costs and telecommunications.

Other: \$62,809

Miscellaneous costs

Total: \$1,272,603

IARC's full financial statements are available on request and at the Australian Charities Register on the Australian Charities and Not-for-Profits Commission website: www.acnc.gov.au.



**HELPING
PEOPLE
NAVIGATE**
| AUSTRALIAN
IMMIGRATION LAW

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