

2023-2024 ANNUAL REPORT

Immigration Advice and Rights Centre



Immigration Advice
and Rights Centre

**EVERYONE
DESERVES
TO BE SAFE
REGARDLESS
OF VISA STATUS.**

Acknowledgement of Country

We acknowledge the Traditional Owners of Country throughout New South Wales and the Gadigal people of the Eora Nation who are the Traditional Custodians of the land in which we work. We acknowledge this land holds structures of law which were practiced for thousands of generations and recognise First Nations peoples' cultures, wisdom and connection to lands throughout Australia. We pay our respects to Elders past and present and acknowledge that sovereignty over this land was never ceded. It always was, and always will be Aboriginal land.

“I still vividly remember feeling homeless and helpless when I was given just 28 days to leave the country. It was not just about returning to danger; it was also incredibly difficult to accept being separated from my 3-year-old child. Your dedication to helping individuals during their most difficult times is truly admirable. Thank you team IARC.”

- Amal, IARC client

Our Impact



1,765+ clients ●

400+ women and children
experiencing domestic
and family violence ●

490+ migrant workers ●

315+ families reunited ●

70+ refugees and people seeking asylum ●

12,000+ services ●

3,575+ legal services ●

1,800+ domestic and family violence-related services ●

40+ exploited workers ●

20+ LGBTQIA+ clients ●

50+ community information sessions ●

Below:

Kristie Mellor and Joshua Strutt (IARC) with Visa Assist partners Mark Morey and Thomas Costa (Unions NSW), advocates, former Immigration Minister Andrew Giles and former Home Affairs Minister Clare O'Neil launching 'Not Just Numbers: A Blueprint for Visa Protections for Temporary Migrant Workers' at Parliament House, Canberra



“We see injustice in our work every day through our clients’ experiences. It drives us to fight for change in systems that are broken and continue to cause unacceptable and significant harm to people in our communities. We stand with our clients in the fight for equality and for a more inclusive and compassionate Australia.”

- Joshua Strutt, CEO & Principal Solicitor

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and CEO & Principal Solicitor
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A Message from our President and CEO & Principal Solicitor

IARC has made significant progress in ensuring that Australia's immigration system is fair, just and accessible for everyone. This year IARC has provided more than 12,000 services to almost 1,800 clients. We have also paved the way for significant law reform which will mean that more victim-survivors of domestic, family and sexual violence can leave unsafe relationships, and more migrant workers can speak out about workplace exploitation.

**In 2023/2024,
IARC assisted
more clients and
delivered more
services than
any other year
on record.**

Women Leaving Violence Service

Our Women Leaving Violence Service has ensured that more than 400 women and children could make informed decisions about their safety. Significant changes to the family violence provisions, which IARC advocated for, have also meant that more victim-survivors can access the evidence they need to be granted permanent residency.

IARC's Pathway to Permanency and Safety Project, funded by the New South Wales (NSW) Government, also allowed IARC to attend regional and remote areas of NSW to ensure access to justice for more women and children experiencing violence. IARC used this funding to deliver workshops to both potential clients and community support workers across NSW so that people know their rights and how to access IARC's services. We know that it is vital for people in regional and rural NSW to have access to legal services. We look forward to making more trips to those areas in the next year.

Visa Assist for Migrant Workers

Visa Assist, a partnership between IARC and Unions NSW, completed its 5th year in 2023/2024. In the past year, Visa Assist delivered more legal services to more migrant workers than any other year to date. It is a testament to the dedication and hard work of the Visa Assist team and demonstrates the clear need for migrant workers to have access to expert and free immigration assistance to enforce their workplace rights.

The Visa Assist service received additional funding to expand into the ACT. The team has also travelled nationally, including to Queensland, Victoria and Tasmania, to ensure that migrant workers in regional areas have access to this service.

Visa Assist has been instrumental in paving the way for legislation that will ensure more migrant workers can leave exploitative workplaces. From July 2024, skilled temporary visa holders will have more time to find new employment if they leave their sponsor. The Australian Government will also launch two new pilot programs next year, including a Workplace Justice visa and protections against visa cancellation which will allow visa holders to bring claims against their employer without fear of jeopardising their future in Australia. We look forward to working with the Australian Government to ensure these pilots are successful.

Refugees and People Seeking Asylum

IARC has been working to ensure refugees and people seeking asylum are able to remain in Australia. Over the past year, our team has assisted more than 70 people to apply for permanent protection in Australia. This includes people on temporary protection visas, who had previously been excluded from permanent visa pathways, and other people seeking asylum with a precarious visa status.

Being a permanent resident means that people have certainty. They can access Australian citizenship and bring their families to Australia to begin their new lives together. IARC is working closely with these clients to ensure this becomes a reality.

Towards the end of the year, IARC received funding from the Australian Government to assist people who had their Protection visa refused or cancelled. It is important that decisions around asylum claims are made correctly, as a wrong decision could mean a person is sent back to a country where they will be harmed. It is also important that people receive advice on all their visa options, so that people can make informed decisions about their lives. IARC looks forward to this project continuing next year and ensuring everyone receives complete and expert advice.

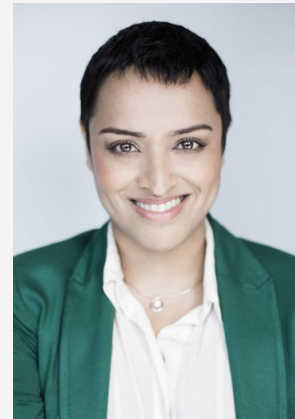
Keeping Families Together

A core part of IARC's work is to ensure that families can stay together. IARC not only achieves this through assisting families with visa applications but also by advocating for substantial changes in the immigration system to make family reunions accessible.

This year we assisted more than 315 families to stay together. This includes refugee families and victim-survivors of domestic and family violence who have Australian citizen children. We also advocated for changes to visa health criteria so that family members with health conditions were not excluded from joining their families in Australia. The Australian Government recently increased the Significant Cost Threshold, following years of campaigning by advocates, including IARC, but there is a lot more that needs to be done to improve the system.

We would like to thank the entire IARC team, Management Committee, volunteers, interns and secondees for all of their hard work and dedication over the past year. We know that IARC could not have had such a successful year without all of you!

We look forward to the next year at IARC and hope to see some further crucial reforms that will drastically change the lives of our clients for the better.



Kathryn Viegas
President



Joshua Strutt
CEO & Principal Solicitor

Who We Are

IARC is a community legal centre (CLC) based in New South Wales (NSW). We are experts in immigration law and advocate to improve human rights in Australia. Our team provides free legal advice to people who are navigating Australia's immigration system including migrants, refugees and people seeking asylum.

Our Vision

An Australian immigration system that is fair, just and accessible.

Our Mission

To provide free, expert legal advice, assistance and education in all areas of migration, refugee and citizenship law and leverage our experience and expertise to influence positive change.

We Believe

Everyone should have the right to:

- Escape domestic, family and sexual violence and remain in Australia.
- Work in safe and fair workplaces.
- Stay in Australia with a disability or medical condition.
- Be reunited or remain with family in Australia.
- Be protected in Australia from war and persecution.

Our Work

IARC is the only CLC in Australia that advises on all types of visas, which means we have the expertise to advise our clients on all options that may be available to them. Our areas of expertise include domestic, family and sexual violence, migrant workers and workplace exploitation, health, family reunion, and refugees and people seeking asylum.

Legal Advice

Our clients are our priority. We provide free legal advice and assistance to people experiencing vulnerability in all areas of migration, refugee and citizenship law. IARC's lawyers provide independent and trauma-informed advice to assist our clients in making informed decisions about their visa matters. We deliver outreach programs at women's refuges, support centres, and partner with fellow community organisations to ensure legal advice is accessible in safe spaces for our clients.

Law Reform & Advocacy

IARC is actively involved in policy development and law reform to achieve our vision of a fair, just, and accessible Australian immigration system. Our practical experience, with clients impacted by Australia's immigration system, provides government and law reformers with invaluable insights into the effects of laws and legal processes.

Education

We have more than 35 years experience in immigration law and policy. Sharing our knowledge of the immigration system with our clients, sector and community is important, particularly when there are changes that impact the communities we assist. Our lawyers share their expertise through information sessions and community engagement programs.

“As the only free legal service in NSW that advises on all immigration, refugee, and citizenship issues, IARC provides a lifeline to some of the most vulnerable people in our community. Our expert and holistic legal support makes it possible for people to escape danger, find safety, and rebuild their future.”

- Kathryn Viegas, President

Immigration and Domestic Violence



Above:
Principal Solicitor Ann Emmanuel (left) and Senior Solicitor Stephanie Lee (right) at Lou's Place and the Women and Girls' Emergency Centre for IARC's Women Leaving Violence Service outreach programs

VISA STATUS SHOULD NEVER BE A BARRIER TO SAFETY FROM VIOLENCE.

Our Work

IARC assists people on temporary visas experiencing domestic, family and sexual violence (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. Many of our clients tell us perpetrators use threats regarding their visa status to control them. They are

concerned their visa status will be negatively affected if they report the violence or leave an unsafe relationship. Many do not have access to the critical services and support necessary to facilitate leaving an unsafe relationship, such as Medicare, Centrelink and housing, due to their visa status.

IARC offers confidential, trauma-informed advice and assistance to victim-survivors

of DFSV. We provide training and education sessions to the community to share information about the rights and support available for victim-survivors. We also partner with key frontline services to advocate for law reforms with the goal of creating changes to the migration system so that visa status is no longer a barrier to seeking safety.

“I was not aware of my rights. I used to just stay quiet and used to cry and worry about what will happen to us in the future.”

- Aneeta, IARC client

Aneeta was supported by a women’s refuge who connected her to IARC. IARC’s Women Leaving Violence Service assisted Aneeta and her child to leave an unsafe relationship and secure permanent residency in Australia by accessing the family violence provisions.

“People are often told by perpetrators that if they report to police, their visa will be cancelled, or they will be deported. It takes a lot of time with caseworkers and specialist legal services to change that belief. You want to give clients the information they need, you want to say it will be okay. But we are not able to say that for everyone, because visa status is still a barrier to seeking safety. IARC will continue advocating for change until visa status is no longer a barrier for people leaving violence.”

- Ann Emmanuel, Principal Solicitor

Women Leaving Violence Service

IARC’s Women Leaving Violence Service (WLVS), led by Principal Solicitor Ann Emmanuel, assisted a record number of clients in 2023/2024 – more than 400 women and children experiencing violence. Demand for DFSV-related legal services was the highest in more than 35 years at IARC. Our WLVS is focussed on assisting women who have experienced, or are at risk of DFSV, and need immigration legal advice and assistance about pathways for leaving violence such as accessing the family violence provisions.

Our Impact

This year, IARC established a DFSV Clinic with pro bono partners, Gadens and Norton Rose Fulbright, to increase IARC’s capacity to assist people who have experienced domestic and family violence. People supported through the clinic have already been granted permanent visas. Our team also successfully represented several clients facing cancellation of their temporary visas due to post-separation abuse, including threats to cancel their visa and allegations made against them to the Department of Home Affairs. IARC prepared submissions and assisted the clients to prepare statements and other evidence to detail their experiences and set out why their visas should not be cancelled.

Pathways to Permanency and Safety Project

This year, IARC's WLVS delivered the Pathways to Permanency and Safety Project, funded by the NSW Department of Communities and Justice. The WLVS team worked with women and children from multicultural communities to raise awareness about DFSV and its intersection with immigration, refugee and citizenship law.

IARC held eight workshops on what DFSV is, what it can look like for our clients, and what people can do if they or someone they know is experiencing DFSV and concerned about their visa status. We delivered training sessions across NSW, including a successful visit to the Mid North Coast, and reached hundreds of people. More than 160 people joined our online workshop.

IARC partnered with WAGEC, Manning Valley Neighbourhood Services, Cumberland Local Council, Cambodian-Australian Welfare Council NSW, the Jesuit Refugee Service and the Harman Foundation to deliver workshops to the community. A person we reached through these sessions was assisted by IARC, in relation to their visa matter, and they and their child have since been granted permanent visas.



Left: Ann Emmanuel presenting a workshop with the Jesuit Refugee Service's Women's Space



Left: Ann Emmanuel and Stephanie Lee presenting a community information session on the Mid North Coast

Below:

Ann Emmanuel and Stephanie Lee meeting with The Hon. Leslie Williams, Member for Port Macquarie, Shadow Minister for Women and Shadow Minister for Prevention of Domestic Violence and Sexual Assault



Advocacy

This year, IARC continued to advocate for changes to the migration system to support victim-survivors through its work with the National Advocacy Group for Women on Temporary Visas Experiencing Violence. IARC was consulted by the Immigration Minister and the Department of Home Affairs regarding amendments to the migration framework to support visa holders experiencing domestic and family violence. IARC and the National Advocacy Group pushed

for these promised reforms to the migration system through media coverage.

We met with the NSW Minister for Women, Jodie Harrison, and Shadow Minister for Women, Leslie Williams, to discuss the needs of women on temporary visas experiencing violence in NSW and advocate for long-term and sustainable funding for specialist DFSV services in NSW.

IARC also continued to provide input and feedback to the NSW

Department of Communities and Justice regarding the implementation of the coercive control offence, through our role on the Culturally and Linguistically Diverse Reference Group. We continued our collaboration with Domestic Violence NSW (DVNSW), through co-convening DVNSW's Community of Practice for temporary visa holders experiencing DFSV and became a member of DVNSW's Migrant and Refugee Advisory Committee.

IARC advocacy supports victim-survivors to access public housing programs

IARC's Women Leaving Violence Service advocates for better access to housing for visa holders experiencing DFSV. This year, IARC joined the Homes NSW consultation forum on housing and people from culturally and linguistically diverse backgrounds. IARC also liaised directly with the NSW Department of Communities and Justice (DCJ) regarding access to housing for permanent Partner visa holders who had experienced family violence.

Our clients, who we had previously assisted to gain permanent residency, had reported they were being refused housing due to their visa status. These clients were found ineligible for housing because they

were considered "sponsored migrants" despite being permanent residents. They were told they could only be included in the household of an eligible client.

IARC provided submissions to DCJ that this policy misapplied migration regulations and essentially required victim-survivors to remain in the household of a perpetrator in order to access housing. IARC provided recommendations that victim-survivors of DFSV should be eligible for social housing without continued reliance on perpetrators. Following this advocacy, there has been an indication that the policy has changed, and our clients have now been eligible for housing.



Left: Ann Emmanuel presenting a workshop with Rachana Bunn from the Cambodian-Australian Welfare Council of NSW

Cassandra's* Story

Cassandra held a temporary Skilled Work Regional (Provisional) (subclass 491) visa as the spouse of Jackson. She and Jackson lived together in regional NSW for several years. Over time, Jackson's behaviour towards Cassandra started to change. He began getting into arguments and becoming abusive towards her. During arguments, he would threaten to cancel her visa when she disagreed with him, which made Cassandra feel as though he controlled her because she was a dependent on his visa to remain in Australia.

Jackson's behaviour escalated and Cassandra began to fear for her safety. She did not feel safe at home. Sometimes she would leave the house for hours at a time to avoid Jackson, even though she had nowhere else to go.

Cassandra managed to leave the relationship and over time built a new life and support network for herself in another regional area. However, Jackson continued to contact Cassandra and threaten to report her to the Department of Home Affairs (DHA) and have her visa cancelled if she did not return to him. These threats scared Cassandra and caused her ongoing anxiety. She felt as though Jackson still had control over her, even after she had left him.

Jackson did carry out his threats and reported to DHA that Cassandra was no longer in a relationship with him. Cassandra then received a Notice of Intention to Consider Cancellation of

her visa from DHA and was given five business days to respond.

Cassandra felt extremely worried and upset. She went to her local Migrant Resource Centre for support, who then referred her to IARC for specialist immigration advice. IARC promptly took on Cassandra's matter. IARC assisted Cassandra to prepare a Statutory Declaration regarding her situation and the circumstances that led to the breakdown of her relationship. This involved several appointments with Cassandra, both in person and over the phone, to allow her the space to safely disclose her experiences of family violence. IARC also provided guidance for friends and professionals wishing to provide support letters and prepared a submission to DHA detailing why it was consistent with departmental policy not to cancel her visa. IARC was able to assist Cassandra to respond to DHA's notice within the tight timeframe. IARC then advocated with the Domestic and Family Violence Support Section within DHA to expedite the matter.

Within a month of receiving the notice from DHA, Cassandra received a decision that they would not cancel her visa. As a result, Cassandra has been able to remain in Australia with the support network she has built around herself, continue her studies and pursue her path to becoming a permanent resident in her own right.

*Name changed.

Outreach Programs

Our WLVS continued to deliver fortnightly outreach programs at women's refuges including Lou's Place and the Women and Girls' Emergency Centre (WAGEC) where IARC's lawyers met with victim-survivors in-person to make immigration legal advice accessible in safe places for women leaving violence.

Our partnerships with these key frontline services have allowed IARC to deliver holistic support in close collaboration with case workers. Case workers have brought clients to see IARC's lawyers through the outreach program, and in turn, IARC has been able to guide case workers to prepare strong support letters required for non-judicial evidence of family violence. IARC has also worked with case workers to assist clients to apply for work rights on bridging visas or for citizenship, to help facilitate pathways out of crisis accommodation.



Left:
Ann Emmanuel with Sara Muzamil from the Jesuit Refugee Service's Finding Safety Project



Left:
Senior Solicitor Kate Bookey recording a training video with Legal Aid NSW about coercive control in diverse communities

Visa Assist for Migrant Workers



Kristie Mellor (IARC), Mark Morey (Unions NSW), Thomas Costa (Unions NSW), Isabel Salinas (Unions NSW) and Joshua Strutt (IARC) advocating for positive changes to the immigration system for migrant workers at Parliament House, Canberra

SAFETY AND EQUALITY FOR ALL WORKERS.

Our Work

Visa Assist is a partnership between Unions NSW and IARC dedicated to assisting migrant workers to enforce their rights in the workplace. The Visa Assist team provides free legal advice and assistance directly to migrant workers, advocates for positive changes in the immigration system and delivers community information sessions to ensure people on visas are aware of their rights.

Migrant workers in Australia are 40% more likely to face workplace exploitation.

Many are reluctant to speak out about workplace issues because they rightly fear it might jeopardise their visa and future in Australia.

Before Visa Assist, migrant workers did not have access to a service that could provide free, high-quality and confidential

legal advice and assistance on all visa-related issues. This left migrant workers in the dark about their rights and how to enforce them and more vulnerable to exploitation. Through Visa Assist, more migrant workers can access pathways to safety and justice.

Below:

Mark Morey (Unions NSW), Isabel Salinas (Unions NSW), Kristie Mellor (IARC), Joshua Strutt (IARC), Thomas Costa (Unions NSW) and advocates launching 'Not Just Numbers: A Blueprint for Visa Protections for Temporary Migrant Workers' at Parliament House, Canberra



“Migrant workers have told us they need certainty to speak up. They need to know they are not risking their future, or their family’s future, in Australia.”

- Joshua Strutt, CEO & Principal Solicitor

Six women granted permanent residency after being threatened and forced to work in slavery-like conditions in Australia

In 2014, six women were sponsored on Temporary Work (Skilled) visas (subclass 457) from South-East Asia as massage therapists. When they arrived in Australia, they were subject to slavery-like conditions by their employer.

They were forced to sleep on the floor in their sponsor's accommodation, all in the same room. They worked 6 days a week for over 12 hours each day. They were restricted from leaving the home and from forming any relationships. They were told what they could eat and drink, and even forced to eat from dog bowls. They were also grossly underpaid and were forced to pay back unreasonable "costs" to their employer from their already low wages.

If the women breached any rules set by their sponsor, they were threatened that their families would be killed, their visas would be cancelled, and they would be removed from Australia.

They were eventually sponsored for permanent residency by their employer. After which, they managed to escape and seek help from the Salvation Army and eventually join a union. The employer's visa nomination was refused by the Department of Home Affairs (in part due to their treatment of workers). This in turn meant that the women's permanent residency applications were also refused at the department stage and on appeal at the Administrative Appeals Tribunal. This refusal meant that the six women were unable to apply for almost all other visas while in Australia.

All of the women were referred to IARC through the Visa Assist service. IARC appealed for ministerial intervention, and eventually all six women were granted permanent residency in 2023.

Our Impact

Visa Assist has completed its fifth year, which has been its busiest and most successful year yet. We received more referrals and provided more legal assistance to union members than any other year to date. We also secured significant wins for long-term Visa Assist clients, including permanent residency for six women held in slavery-like conditions in Australia (see client story on page 21) and a PALM worker who was blinded on a farm in Australia (see Kyle's Story on page 23).

Advocacy

This year the Visa Assist team travelled to Canberra regularly to meet with ministers and senators to advocate for changes to the immigration system that would drastically improve the lives and working conditions for migrant workers across Australia. This advocacy led to the Australian Government developing the framework for:

- **The Workplace Justice visa:** allowing temporary visa holders to remain in Australia to bring an action against their employer relating to workplace exploitation.
- **Cancellation protections:** ensuring temporary visa holders do not have their visa cancelled where they have been exploited and breached their work-related visa conditions.
- **Portability of work entitlements:** allowing temporary visa holders to more easily leave exploitative workplaces and obtain new employment.

Not Just Numbers: A Blueprint of Visa Protections for Temporary Migrant Workers

This year IARC launched an important report with information about the treatment of migrant workers in Australia alongside co-authors Unions NSW, Human Rights Law Centre, Migrant Justice Institute, Migrant Workers Centre and, most importantly, workers.

The report shared horrific stories of exploitation experienced by migrant workers on different visas.

It detailed their experiences at work – including slavery-like conditions, wage theft, unsafe conditions, sexual harassment, threats and bullying.

IARC played an important role in developing the recommendations for legislative change in this report, with input from our clients, to ensure any resulting law reform would lead to positive outcomes for migrant workers.

Kyle's* Story

Kyle felt trapped and enslaved working in Australia. He says without Visa Assist he would not be where he is today.

Kyle came to Australia in search of a better life for his young family. He arrived on a temporary work visa in 2019 under the PALM scheme to work in fruit picking on a regional farm. Kyle says he and his coworkers were mistreated. For many, including Kyle, the conditions of their visa required them to stay with their employer who had sponsored them.

"We felt liked we were trapped or enslaved. Regardless of how they treated us we couldn't do anything at all. We were treated with disrespect, but we didn't have a choice. I had to put my head down and just work," Kyle said.

Kyle was injured at his workplace in an accident. He had not been provided with suitable safety equipment at the time. Kyle was stapling together boxes with a staple gun when a staple ended up lodged in his eye. Doctors advised Kyle he could return to work but only to complete light duties and to avoid dust and dirt.

He was forced to continue doing difficult tasks, including lifting 20-kilogram bags of fruit. He was given safety goggles, but they made his eye injury worse. It left him with partial vision loss in one of his eyes and he had to undergo multiple surgeries.

"After my first operation I realised that my employer was trying to send me back home and that's when I felt really scared," Kyle said.

"I was sad and angry at the time. I thought of the reason why I came here, to try and help and support my family back home," he said.

Prior to Kyle's arrival in Australia, his employer managed his visa applications. After his injury, they were supposed to apply for another visa on his behalf, but the application was never made. Eventually Kyle discovered he was unlawful. It meant he had no visa options to remain in Australia to pursue action against his employer for work health and safety breaches.

Kyle was connected to Visa Assist by his union. The Visa Assist team, and a community activist, spent two years advocating on his behalf and worked tirelessly to secure Kyle a ministerial intervention because of the compelling circumstances of his situation. He was granted permanent residency in 2023. It allowed him to remain in Australia for medical treatment and sponsor his family to travel to Australia to be with him.

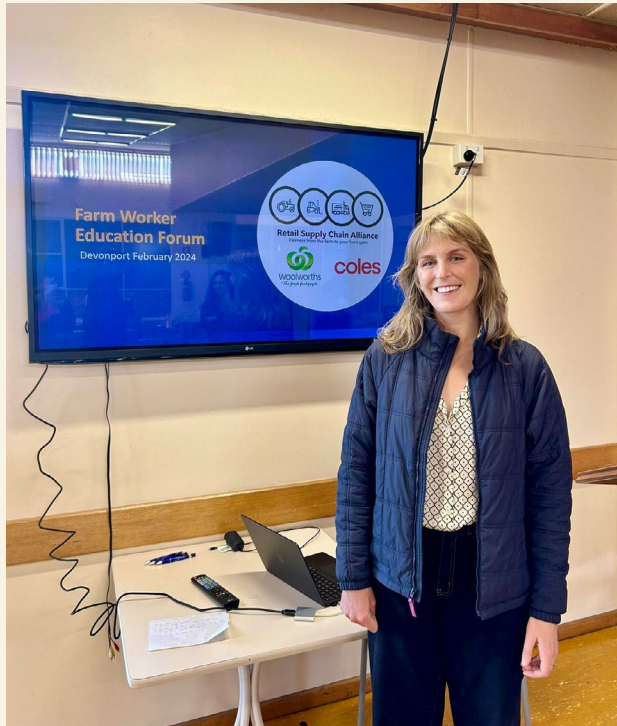
"I feel like a massive burden has been lifted from my shoulders. I feel a freedom now that I never had when I was working under the visa I came to Australia on," Kyle said.

"I have no words to express how grateful I am to my lawyer and the Visa Assist team for their help and work they put in. I am extremely grateful and glad that I could be connected to Visa Assist. Without Visa Assist and my advocate, Leilani*, I would be in a totally different situation."

*Name changed.

Educating the Community on Workplace Rights

The Visa Assist team continued its successful community education program this year, travelling to regional and rural areas across Australia including Bundaberg, Coffs Harbour, Mildura and Davenport. We collaborated with unions in Queensland, New South Wales, Victoria and Tasmania to speak to hundreds of migrant workers and community support workers about migrant worker rights in the workplace, changing employers, navigating workplace issues and the importance of getting professional legal advice. Community education is vital to ensuring migrant workers can exercise their workplace rights. The Visa Assist team will continue to deliver information sessions around Australia in the next year.



Left:
Senior Solicitor Kristie Mellor in Tasmania for a community forum for farm workers to talk about migrant worker rights in the workplace



Left:
CEO & Principal Solicitor Joshua Strutt at a press conference for Visa Assist at Parliament House, Canberra

490+ migrant workers assisted in 2023/2024



Left: CEO & Principal Solicitor Joshua Strutt speaking at the launch of Visa Assist in the ACT

Keeping Families Together

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Paralegal Sina Afsharmehr and
Administrative Officer Nina Keil
at the IARC office in Sydney

2023-2024 Annual Report



EVERY FAMILY DESERVES SAFETY AND THE RIGHT TO STAY TOGETHER.

Our Work

IARC assists people who have been separated, or are at risk of being separated, from their families. The visa system can be complex which makes it difficult for people to bring family to Australia. Often the type of visa a person can apply for will depend on the situation of the family member in Australia, the family member outside Australia and the nature of their relationship.

In the past year, IARC has assisted more than 315 families to successfully navigate this process and bring their loved ones to Australia.

The family visa system is prohibitive and contributes to keeping families apart. This can be due to the limited visa options available to certain family members, the prohibitive costs

and certain visa criteria (i.e. health criteria) ruling family members out. IARC has advocated for significant reform in this area to ensure families can stay together. While change in this area has been slow, IARC has welcomed recent reforms to health criteria for visas to ensure more family members with health conditions and living with disabilities can stay in Australia.

Maria's* Story

Maria and her family moved to Australia in 2019, so Maria could pursue a career as a registered nurse. When the Covid-19 pandemic hit, Maria worked as a registered nurse at a busy Sydney hospital. She worked long hours, covering staff shortages as her team was 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 pandemic response. Maria's husband, David*, also worked as a disability support worker, providing critical care to Australians living with disabilities.

In 2022, Maria and her family applied for permanent residency. She 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 because he has autism. The potential costs associated with his diagnosis

were estimated by the Australian Government 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 was referred to IARC for advice.

The IARC team helped Maria to successfully request that a health waiver be exercised in her son's case. With the assistance of her IARC lawyer, Maria was able to demonstrate there were compelling and compassionate reasons to grant permanent residency to her and her family, despite the estimated 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.

*Names changed.

315+ families reunited in 2023/2024



Above:
Administrative Officer Malina Grube
and CEO & Principal Solicitor Joshua
Strutt at the IARC office in Sydney

Refugees and People Seeking Asylum

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2023-2024 Annual Report



Over 70,000 people live in Australia illegally, experts say many are vulnerable to exploitation.
Image: ABC News

SAFETY AND FREEDOM FROM HARM ARE FUNDAMENTAL HUMAN RIGHTS.

Our Work

IARC has been assisting refugees and people seeking asylum in Australia for decades. We understand that refugees and people seeking asylum face unique challenges in Australia, including having to navigate an immigration system

with a range of complexities, uncertainty and years of waiting. We also understand that the consequences of a Protection visa refusal can mean people face dire consequences including the prospect of being returned to a country where they face harm.

This year, IARC ensured more than 70 people seeking asylum can remain in Australia in safety and started working on an important project - addressing the backlog of Protection visa appeals.



Left:
Solicitor Ivana
Cugalj and Solicitor
Marica Ratnam
from IARC's Reviews
Project team

Reviews Project

This year, IARC received funding from the Australian Government to provide advice and assistance to people who have received a Protection visa refusal or cancellation from the Department of Home Affairs. The appeals process can be confusing and is further complicated by time limits. The appeal system has also become congested, with long waiting times for the Administrative Review Tribunal (formerly Administrative Appeals

Tribunal) and the Federal Circuit and Family Court of Australia (FCFCOA).

IARC is part of a national initiative to address this backlog of visa appeals. Our Reviews Project team offers free legal services to assist people to navigate this process. We provide independent and confidential legal advice and assistance to ensure everyone has access to a fair review process. IARC also offers resources and information

sessions to community support workers and organisations who assist refugees and people seeking asylum. In the year ahead, members of the Reviews Project team will travel to regional and rural areas as part of an outreach program for people who need assistance with Protection visas. IARC is advocating for funding for this project to be renewed so our dedicated team can continue its important work.

“I felt greater than I can describe when I heard that I had been granted permanent residency. It means stability and a bright future for me. I am very grateful for all of the help that IARC has provided to me, especially my lawyer, thank you very much for all of the hard work that you did on my case.”

- Mohammad, IARC client

Shan's* story

Shan came to Australia on a Student visa. He found it harder to adapt and fit in than he expected. He struggled and retreated to his bedroom, eventually withdrawing from his studies. When the Australian Government was notified Shan had not been attending enough classes, his Student visa was cancelled, and he was told to leave the country.

Shan describes his chance to live in Australia as a "golden opportunity" that he "wasted". He feared he would be seriously harmed if he returned to his home country, so he decided to stay.

After several years living unlawfully, Shan was pulled over for a minor traffic offence. That is when police discovered his visa status, and he was placed in immigration detention.

After Shan was released in 2018, he applied for a Protection visa. He was granted a Bridging visa while he waited for the outcome but was not granted work rights which meant he was not allowed to legally earn an income. He was also not eligible to access social services like welfare payments, Medicare or housing support. This significantly contributed to Shan's desperate situation.

With no income or access to social services, Shan slept in his car, did cash jobs and collected cans to survive. A few times, when he had no money, he left a fuel station without paying. In winter, he needed the fuel to keep his car heater running.

Shan was referred to IARC for advice on progressing his Protection visa. IARC worked with Shan to apply for work rights while he was waiting for the outcome. Despite the compelling circumstances of his case, the applications were repeatedly refused. This meant he was forced to continue his life in limbo with no income.

He remained homeless, relying on family for ad hoc financial support and committing minor stealing offences to survive. This impacted his Protection visa application. The IARC team made submissions to the Department of Home Affairs on Shan's behalf, explaining the offences he committed were minor and necessary to survive and that he was under financial duress because his visa conditions meant he was not able to work for more than five years.

In 2024, six years after he applied for his Protection visa, and as a result of the IARC team's submissions, Shan was finally granted permanent residency in Australia. Shan was relieved and grateful for the result after living in limbo without an income or access to social services for so long. He can finally live and work in Australia permanently without fear of being sent back to his home country where he feared for his life.

*Name changed

70+ refugees and people seeking asylum assisted in 2023/2024



Left:
Principal Solicitor Ali Mojtahedi
and Senior Solicitor Kate Bookey
on a regional outreach trip in
Leeton for the Reviews Project

Our Team



Joshua Strutt
CEO & Principal
Solicitor



Dannel Pereira
Senior Solicitor



Amelia Jones
Solicitor



Ann Emmanuel
Principal Solicitor



Sarah Akanda
Solicitor



Ryan McCarthy
Solicitor



Ali Mojtahedi
Principal Solicitor



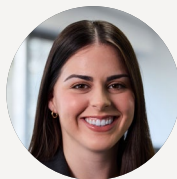
Gopika
Ayyappan Aryad
Solicitor



Marica Ratnam
Solicitor



Kate Bookey
Senior Solicitor



Ivana Cugalj
Solicitor



Schirine Yalinejad
Solicitor



Stephanie Lee
Senior Solicitor



Kate Forster
Solicitor



Sina Afsharmehr
Paralegal



Kristie Mellor
Senior Solicitor



Gabrielle
Pollard-Garbett
Solicitor



Sristi Stalin
Paralegal



Isabelle Thomson
Intake Coordinator



Jane Turner
Operations
Manager

Jane King
Business Manager



Marcella De Torres
Administrative
Officer



Sarah Sinclair
Communications
Manager

Management Committee

Kathryn Viegas
President

Lina Tchung
Treasurer

Rowena Irish
Vice President & Secretary

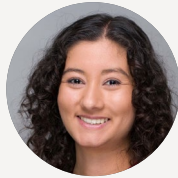
Giulio Katis
Committee Member

David Nguyen
Committee Member

Kittu Randhawa
Committee Member



Malina Grube
Administrative
Officer



Ranuka Tandan
Communications
Coordinator



Nina Keil
Administrative
Officer



Angela Tillott
Practice
Manager

Our Pro Bono Partners

Pro bono assistance from law firms is essential to IARC's work. During the 2023/2024 financial year, our partner law firms contributed hours of pro bono legal services, helping us to assist victim-survivors of domestic and family violence and vulnerable New Zealand citizens living in Australia. The extensive work done in collaboration with our team ensured more people could find pathways to safety and access to justice. We are deeply appreciative of this support and extend our heartfelt thanks to all the pro bono lawyers who joined us in our record-breaking efforts this year.

Norton Rose Fulbright and Gadens

IARC's DFSV clinic is a collaboration between IARC and pro bono legal partners at Norton Rose Fulbright and Gadens. Together we provide free and confidential immigration assistance to women and members of the LGBTQIA+ community escaping domestic, family, and sexual violence.

IARC's team worked with our pro bono partners at Gadens and Norton Rose Fulbright in 2023 to lay the groundwork for the clinic, with the goal of increasing IARC's capacity to assist women and members of the LGBTQIA+ community who have applied for Partner visas in Australia and have had violence perpetrated against them by their sponsoring partner. This financial year, the clinic assisted IARC's clients to prepare evidence necessary to rely on the family violence provisions to continue with their permanent visa applications without their sponsoring partner.

As part of the clinic, IARC developed training and resources for volunteer lawyers on the legislative framework behind the family violence provisions, working with interpreters and delivering a trauma-informed service. In July 2023, the clinic began accepting referrals. Pro bono lawyers from Norton Rose Fulbright and Gadens assisted 35 clients with 40 discrete matters within the financial year. Twelve clients, supported through the clinic, were granted permanent visas this year as a result of the collaboration.

Maddocks

Following the Australian Government's announcement of a direct pathway to citizenship for New Zealand citizens living in Australia, IARC organised a dedicated legal clinic with our pro bono partner Maddocks to assist vulnerable or disadvantaged New Zealanders to apply for citizenship. Maddocks lawyers from across the Sydney and Melbourne offices supported our New Zealand clinic, assisting IARC clients with the preparation of forms to support their citizenship applications.

“With the pro bono assistance of Maddocks, we have been able to assist women escaping domestic violence, people with disabilities and people experiencing homelessness to apply for Australian citizenship. This project has provided a direct pathway out of homelessness, as Australian citizens have access to a range of social services which are not available to New Zealand citizens. Through this project, women have been able to seek safe housing with their children, and people living with disabilities have been able to access the services that allow them to live with dignity in Australia.”

- Stephanie Lee, Senior Solicitor

Our Volunteers

40

2023-2024 Annual Report

Our impact this year was made possible thanks to the incredible support of more than 40 dedicated and passionate volunteers who generously donated their time. We want to express our deepest gratitude to everyone who volunteered at IARC. Every hour you spent with us meant we could assist more people and provide more legal services. Volunteers are the first point of contact for many of our clients, and your compassion and hard work made a difference this year. We could not have done it without you!

40+ volunteers

4,200+ hours donated

3,470+ enquiries our
volunteers assisted with



Above:
Volunteer, Juan, on his last day at IARC.

“A key highlight of my experience has been assisting clients from diverse backgrounds, whose stories reflect remarkable courage and resilience. Without a doubt, my time at IARC has reinforced my commitment to fostering diversity and inclusion in the legal profession.”

- **Juan Facundo Majul Fajardo,**
IARC Volunteer

Our Intern Program

This year, IARC continued important partnerships with universities including the University of Wollongong, Western Sydney University, Macquarie University, UNSW Sydney and the University of Sydney for our internship program. IARC's interns work

alongside our team for four to twelve weeks, which allows them to work on legal tasks, research and participate in the client intake process. Many of our interns come back to volunteer with us, and we are grateful for the continuing support we receive from our partner universities who connect

us with our hard-working and dedicated interns. Interns play an important role at IARC, allowing us to reach more clients and take on more work. We are incredibly thankful for the time and effort every intern dedicates to working alongside us and being an integral part of our team.

“I loved my internship at IARC. Having the opportunity to observe the wonderful solicitors provide guidance to people in vulnerable circumstances and learning how immigration law works in practice cemented my aspirations to be a lawyer.”

- Isabelle Brady, IARC Intern



Above:
One of IARC's dedicated interns, Isabelle Brady, at IARC

Our 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. We also receive funding from Unions NSW to provide legal services through our Visa Assist service.

In the 2023/2024 financial year, IARC received additional funding from the Australian Government to assist:

- People who have had their Protection visa refused or cancelled by the Department of Home Affairs.
- TPV/SHEV holders applying for permanent residency.

The NSW Government provided funding to IARC to deliver our Pathways to Permanency and Safety Project.

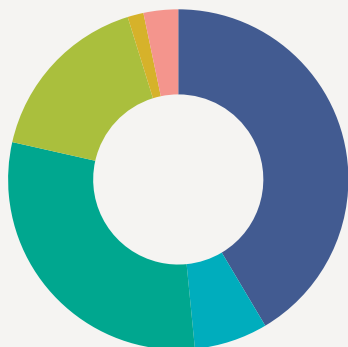


Above: Solicitor Gabrielle Pollard-Garbett, Solicitor Ryan McCarthy, Principal Solicitor Ali Mojtahedi, CEO & Principal Solicitor Joshua Strutt and Practice Manager Angela Tillott at the South-West Sydney Legal Fair

Our Finances

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 2023/2024 financial year was a deficit of \$34,191. At 30 June 2024, we maintained healthy net assets of \$657,617. Our

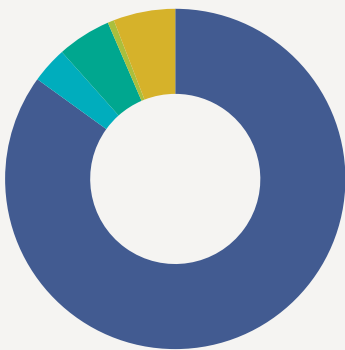
total income was \$1,632,439, reflecting the generous support of a diverse range of funding bodies and partners. We continue to receive generous in-kind support from our pro bono partners, including secondment of staff, volunteer engagement and donation of facilities.



- Community Legal Centre Program
- NSW State Government grants
- Commonwealth grants
- Unions NSW
- Donations
- Other

Income Sources

Community Legal Centre Program:	\$676,752
Includes grants from the joint Commonwealth and NSW CLC Funding Program and the NSW Public Purpose Fund.	
NSW State Government grants:	\$113,930
Includes State Government grants for the provision of community education and advice on immigration law and domestic, family and sexual violence.	
Commonwealth grants:	\$491,204
Includes Commonwealth grants for the provision of immigration assistance and advice.	
Unions NSW:	\$272,137
Includes funds to support the Visa Assist for Migrant Workers project	
Donations:	\$24,779
Includes income from donations and fundraising.	
Other income:	\$53,637
Includes interest income, royalties, and fee for service activities.	
Total:	\$1,632,439



- Employee expenses
- Computer and IT expenses
- Depreciation and amortisation expenses
- Client disbursements
- Operating expenses

Service Costs

Employee expenses: Includes staff salaries and related employment costs.	\$1,415,963
Computer and IT expenses: Includes the cost of experts assisting with program delivery.	\$57,276
Depreciation and amortisation expenses: Includes depreciation of capital items and occupancy costs.	\$85,371
Client disbursements: Operating expenses associated with administration including finance, IT, office costs and telecommunications.	\$10,030
Operating expenses: Miscellaneous costs	\$97,990
Total:	\$1,666,630

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

DONATE TO IARC TODAY AND MAKE A DIFFERENCE.

Demand for IARC's services is higher than ever and we need your help to keep doing the important work we do for our clients. To support our work and join us in making Australia's immigration system better, make a donation at iarc.org.au. You can also contact us at info@iarc.org.au or (02) 8234 0700. IARC is a registered Australian charity. All donations of \$2 or more are tax deductible.



Immigration Advice
and Rights Centre