



Offshore Protection Visa Caseload Policy

Version number (*complete after content approved*)

Applies to:
Specific responsibility: Staff members and volunteers

Version:	1
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1. INTRODUCTION

TRLS is committed to providing legal support and representation for offshore protection visa applicants through the family reunification legal process set up by the Department of Home Affairs (DHA).

2. PURPOSE AND BACKGROUND

This policy is intended to ensure that TRLS provides clarity on which offshore protection visa legal matters TRLS will provide “full representation” on, and which legal matters TRLS will provide “advice only” on.

Between July 1, 2021, and June 30, 2022 TRLS has been inundated with requests for offshore protection visa application legal support and between this period TRLS has lodged approximately 100 offshore protection visa applications for Tasmanian families, which includes over 500 people as each application has on average includes 5 people.

Each application takes between 25-30 hours of legal work to complete, which includes a detailed statutory declaration and an approximate 30-page legal submission along with the application forms 842 and 681, which have over 100 questions and a large amount of required identity documents and lodgment of the application.

If these clients had to go to private immigration law firms, TRLS estimate that each client would be charged approximately \$8000 in legal fees for each application.

The purpose of this policy to provide guidance for staff, clients and stakeholders on the capacity for TRLS to provide legal support for these applicants now and into the future.

3. SCOPE

This policy applies to all staff and volunteers working on family reunification matters for TRLS.

4. POLICY

Organizational commitment:

From July 1, 2022 TRLS will provide full legal representation, depending on capacity, for offshore protection visa applicants for family members who have a close connection to Tasmania.

For TRLS to provide full representation the application must be proposed by a close family member who is a Tasmanian resident. TRLS reserves the right to assess capacity for family reunification work, and if capacity is reached TRLS will inform the client that TRLS will not be able to provide full representation.

The definition of a close family member under this policy is defined as a member of the immediate family unit of the proposer which includes spouse, mother, child, father, sister or brother or permanent guardian.

If the applicant is proposed by a member of the immediate family who is a Tasmanian resident supported by the 681 application form (mother, spouse, father, child or brother) then TRLS will provide full legal representation (depending on capacity) including lodging the application, collecting required identity documents, drafting a statutory declaration from either the proposer or the applicant or both and drafting a written legal submission for the applicant and liaising with the Department of Home Affairs on behalf of the applicant by “going on the record” for the applicant and submitting a valid 956 form.

Where TRLS will not provide full representation:

To manage this caseload and to be able to continue to provide an ongoing service with our current onshore caseload, there are cases TRLS will provide an “advice only” service in the following circumstances:

- TRLS will not provide “full representation” for an application for a proposer where the service has already provided full representation to the same proposer under the program. TRLS will not provide legal representation for a second application from the same proposer.

- TRLS will provide “full representation” for two proposers in the same household however no more than two in the same household. This would be capped at two applications per Tasmanian family unit household, the limitation being applied on the basis that if the family had financial capacity to support more than two families, then they would be in a position to pay for the migration support required to lodge a third application. Conversely, a household with more than two applications are unlikely to be successful and would not have legal merit.

- Where there is a request for assistance for an application that has been lodged previously then the above principal will also be applicable. TRLS will “go on the record” for applications for immediate family members as stated above (mother, father, child, brother, sister or permanent guardian).

For applicants who are proposed by a family member who is not an immediate family member (outside of mother, spouse, father, sister and brother, for example a cousin) then TRLS will provide an “advice only” service which will include the following:

- One hour one off appointment with a lawyer either face to face, phone or online at a time to be set by TRLS.
- Printing of all required application forms.
- TRLS offshore protection visa guide and factsheet which includes lodgement instructions.
- Email instructions with a list of key documents required for lodgement of application.

Staff working on this caseload do have a discretion to provide “full legal representation” for applicants that are outside the immediate family unit for cases where there is a clear vulnerability concern such as a minor.

This discretion would need to be signed off by one other lawyer in the service before the case could be defined as a “full representation” matter.

4. RESPONSIBILITY

It shall be the responsibility of relevant staff and volunteers to establish and maintain policies and procedures and to bring these procedures into effect.

It shall be the responsibility of the Principal Lawyer to ensure implementation of these policies and procedures.

DOCUMENTATION

Documents related to this Policy	
Related policies	Casework management policy

Reviewing and approving this Policy		
Frequency	Person responsible	Approval
Annual	Chair	Board

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
1			
2			
3			