

#RightTrack Conversations

Recording Transcripts

Recording 1 – Raj's Experience

In my home country I worked as a labourer. Whenever someone needed help like handyman help, I would do work for them. I am married and I have two children. In our country we have got no rights. No rights to be seen as a person. No rights for our religion and no rights to be able to live safely. We were being tortured and this is why I had to leave.

I came to Australia to save my life because I could not survive in my country. When we were rescued by the Australian government from the water, I was given shelter. Now the aim of my life is to get a job and to live by the rules of Australia. I don't have any country to go to and I want to live here safely. My future plan, I do not know whether it is possible or not, I would like to go for automobile workshop and learn about this. I was never allowed to do anything in my country. I want to be able to do something fruitful here, to help the Australian government and the Australian people.

I waited three years to make my application for protection in Australia. I am not sure why I had to wait so long.

When it was my turn I got a letter from the government. I was told to get a lawyer but I did not actually know what to do because there was nothing in the letter about where to get help. It was confusing. No one helped me to get a lawyer. It took me more than two months to find information about where to find a lawyer. I was very scared because if I can't apply what would happen? I was worrying very much and I was scared. I finally found Asylum Seeker Resource Centre and after I got them, I felt better. Whenever my lawyer asked me questions about what happened in my country, I became nervous, sensitive and emotional. Whenever anyone asks why I left my country, I actually don't want to remember all these happenings – when I remember tears come to my eyes because I can see what happened and I am remembering how horrible that situation.

I am still waiting now for the government to call me so that I can tell them about what happened to me. I am hoping for an interview so I can explain.

I am frustrated for the long waiting and the process and the frustration is increasing day by day because I cannot see anything happening in time. Though I am frustrated I am better than I was in my country. I am just waiting. There is nothing else for me to do. My hope was getting a protection visa but still I have not finished this process. I am worried about when I will get a protection visa and I can stay properly. I am always hoping to get a result day by day but my frustration is increasing day by day. I don't know what will happen finally but still I am hoping and waiting. With this frustration how can I plan my future? With this waiting I have no rights and I cannot properly think my future here.

Recording 2 – The Process

My name is Rachel Saravanamuthu, I'm an immigration lawyer in the Asylum Seeker Resource Centre's Human Rights Law Program, a community legal centre that gives legal advice to people seeking asylum.

We're working with people like Raj, who had to wait – many for three, four or even five years – for the Government to allow them to begin the process of applying for asylum. While people were told to wait, the Government changed the rules and introduced a different application process for people who came by sea.

In 2015, the Government started to gradually invite these people to apply, giving them a 60-day deadline to submit their protection visa applications. This is deeply concerning as it means people have had to rush their applications, and as a result risked omitting vital information. On top of this, the Government chose to deny access to funded legal assistance for the majority of people who came by sea, leaving community legal centres, already under significant pressure, as the only option for many.

By early 2017, around half of the people in this group of roughly 24,500 people had been allowed to submit their applications, with the remaining 12,000 still waiting for the Government to let them start the process. Then, suddenly, in May 2017, the remaining people were all given a 1 October deadline to prepare their applications. With such a surge in demand for already-stretched community legal services, no guidance from the Immigration department about how to find a lawyer, and with many people facing language barriers, the chances of people going through the process totally unassisted further increased.

Our concerns do not end here. To describe this new process itself, I'll give you two scenarios.

Best case, if Raj is successful in his application, he will be given a temporary protection visa, of three or five years. On a temporary protection visa, people are unable to apply for family reunion, travel internationally without permission, or go to University unless they can afford to pay the high rates set for international students. These barriers prevent people from getting on with rebuilding their lives in peace. I'll point out that this is only for people who come by sea – for those who come by plane, the Government offers permanent protection visas, which have none of the restrictions I've just mentioned.

The worst case scenario is as follows. If Raj's application is rejected, this new visa application process denies the right to a meaningful review. The review process is generally done only "on the papers", which means the application is looked at a second time generally without any opportunity to add new information. A review process is a key element of our legal system for all decisions which affect people's lives – only people who came by sea and apply for asylum are excluded. Denying a review to Raj and others who came by sea means that our Government is highly likely to deport people who would otherwise be found to be refugees, back to harm.

In my experience, this new process is unfair and inhumane, and below the benchmarks for a democratic society.

Recording 3 – Raj’s Conclusion

What message would you have for the Australian people about this process, and the way it made you feel?

I don't want to tell what message to give the Australian people because I don't have any education and I don't know what to say. No one listened to me so can I request them to listen to us and help us to get our process done early. I would like to get rid of all my tension and anxiety by having my process faster.

What are your dreams for the future?

I hope I can live my life freely without any fear.