

Position Description

Position: Solicitor: Refugee and Human Rights Law

Reports to: Senior Lawyer or Principal Solicitor

Classification: Level 5 under the SCHCADS Award

Location: Based at 214-218 Nicholson St Footscray

Organisational Context

The Asylum Seeker Resource Centre (ASRC) is the largest aid, employment, health and advocacy organisation for people seeking asylum in Australia. The ASRC provides a range of direct services as well as participating in law reform, campaigning and lobbying.

ASRC Human Rights Law Program

The Human Rights Law Program (HRLP) is the ASRC's independent, not for profit Community Legal Centre. We provide free, expert legal advice and representation in relation to protection applications to people seeking asylum who are at risk of persecution and human rights abuses in their home country. The HRLP provides legal services at all stages of the refugee status determination system.

Each Solicitor is responsible for contributing to three areas of the HRLP's program: 'access to justice', high quality casework and systemic change processes. The selection of specific activities from each of the three categories and the weighting assigned to these will be specified in each Solicitor's work plan.

This role provides a unique opportunity not only to contribute to the provision of high quality legal services to people seeking asylum but to also play a part in training and developing the next generation of human rights lawyers in Australia. You will have the chance to work in a team of incredibly committed staff and over 150 volunteers on one of the most contentious and complex human rights issues in Australia.

Specific Duties

1. Access to Justice Services

The HRLP's 'access to justice' services are primarily intake and limited assistance streams supported by volunteers under the supervision of Solicitors. The services which the Solicitor may be assigned a share in supervising include:

- Drop-in legal triage services
- In-house duty lawyer services
- Telephone advice service
- Evening advice and limited assistance clinic

- Gender clinic
- La Trobe university clinic.
- Day time casework team
- Other clinics which may be added as needed to address either thematic or geographic critical unmet needs.

2. High Quality Legal Casework

Each Solicitor will also have the opportunity to perform high quality legal casework. As with the 'access to justice' component, the proportionate weighting of the legal casework component will be specified through each Solicitor's annual work plan. Cases will be assigned by the Principal or Senior Solicitors factoring in the Solicitor's other responsibilities. Caseloads will be based on a calculation of the Solicitor's time available for casework, the average time taken to complete different kinds of matters and ongoing monitoring and support to ensure that Solicitors' caseloads remain manageable.

Each Solicitor will have the opportunity to undertake legal casework at primary, merits review, judicial review and Ministerial requests levels. Solicitors will be provided with training and mentoring to support them in running matters they have less experience in. Solicitors will work in teams to handle complex matters.

All legal cases assigned to the casework service must meet the HRLP's eligibility test which includes elements of means, legal merit, vulnerability and public interest components. The legal matters that may be assigned to Solicitors will include:

- Permanent and temporary protection visa applications, renewals and cancellations at primary, merits review and judicial review levels
- Associated matters such as ITOA decisions
- Bridging visa E applications for those in detention
- Requests for Ministerial intervention , complementary protection claims, UN Committee complaints and
- Any other legal matters as decided by the Principal

3. Contribution to Systemic Change

Each solicitor will have the opportunity to contribute to systemic change to asylum processes through participating in a range of different processes to change laws, policies, support community legal empowerment, innovate legal service models to increase client access to legal representation and engage in targeted advocacy to make asylum processes fairer and lawful. These may relate to asylum processes in Australia and/or the Asia/Pacific region.

The HRLP's 'systemic change' roles which may be assigned to Solicitors may include leading or participating in teams and working with volunteers to undertake:

- Strategic litigation (possible in collaboration with partners) in areas concerning human rights abuses faced by people seeking asylum, immigration detention (conditions, access to medical treatment, release from), offshore processing (conditions, access to medical treatment, protection, durable solutions, lawfulness of offshore processing); Immigration Assessment Authority (lawfulness of processes, practice direction, new information etc); treatment of gender based persecution claims
- Legal research in support of legal casework and strategic litigation
- Participation in ASRC advocacy activities including media appearances, legal advice to asylum seekers considering engaging with the media, compilation of case studies and HRLP data collection for ASRC advocacy activities
- Development and drafting of policy papers and submissions and appearances before

parliamentary inquiry processes, UN treaty shadow reporting processes, UNHCR policy forums, other thematic processes focusing on vulnerable groups of people seeking asylum.

- Community legal empowerment and education programs for clients, community leaders and organisations, members of the public to share updates and information on contemporary developments, and to support engagement of members in legal advocacy.
- Expansion and development of pro bono partnerships with law firms and barristers; to develop strong collaborative approaches to leverage greater support for access to legal representation for people seeking asylum especially in judicial review matters.
- Expansion and strengthening of our gender work through supporting the development of the gender and family violence network and engaging in other external advocacy and scoping us shifting into more family violence-related work for victims who are asylum seekers.
- Full time solicitors will work across all three areas, and Part Time solicitors across two areas.

General Responsibilities

The Solicitor – Refugee and Human Rights Law position will also support the ASRC Program Manager in:

- Rostered duties including supervision and management of paralegal and casework volunteers involved in delivering 'access to justice' services.
- Refugee law practice including provision of advice, limited assistance and full representation casework to clients at all stages of the refugee determination process.
- Preparation for and attendance at Department of Home Affairs, Administrative Appeals Tribunal, Immigration Assessment Authority and court hearings with clients.
- Full and limited assistance file management, ensuring files are managed in accordance with HRLP program policies and procedures.
- Work with the internal ASRC programs to provide clients with support and advice around casework, health, departure and compliance issues.
- Contribute to systemic improvement of asylum processes through participation in a systemic change activity such as building pro bono partnerships and thematic networks, strategic litigation, legal research, legal policy development and advocacy, community legal empowerment and education.

Selection Criteria

Essential:

- Solicitor with current legal practicing certificate and migration agent registration (or eligibility to obtain registration)
- Demonstrated experience and knowledge in refugee law and practice
- Demonstrated competence in advocacy before administrative decision makers and courts
- Exceptional time management skills and demonstrated ability to prioritise tasks in an under-resourced environment
- Ability to train, develop and supervise students and/or volunteers
- Willingness to undertake work offsite in places such as immigration detention centres and partner law firms

Desirable:

- Experience working within a community legal centre
- Experience in working with people from culturally and linguistically diverse backgrounds
- Demonstrated commitment to the principles of social justice
- Current driver's license

Conditions of Employment

Terms and conditions of employment will be based on the Social, Community, Home Care and Disability Services Industry Award 2010 or its successor agreements.

All offers of employment are subject to a satisfactory Criminal History Check and provision of a valid Working with Children Check prior to commencement.