can be problematic, as some clients are very suspicious of their fellow nationals, particularly if they detect in the interpreter a different political, ethnic or religious persuasion. It also slows considerably the process of taking instructions and preparing documents.

DIMA, however, expects applications to be made promptly upon arrival in Australia, and penalises applicants who do not comply in a number of ways. Firstly, those asylum seekers who do not lodge an application within 45 days of arrival are generally refused permission to work during the processing of their applications. While this policy is designed to deter unmeritorious applications, its impact upon genuine applicants can be very harsh. Delay in lodging also gives rise to a presumption that the applicant does not hold a genuine fear of returning to his or her homeland, a presumption which becomes less rebuttable as time elapses. And woe betide the applicant who lodges their application without detailing every aspect of their claims; any subsequent amendment or elaboration will almost certainly be looked upon as suspect, and often as not rejected out of hand as fabrication. There is intense pressure to get the application absolutely right at the outset, and achieving this requires a lot of effort from both practitioner and client.

At the DIMA stage, we:

- prepare and the application together with any relevant supporting documentation;
- make written submissions about the applicant's own case and also the relevant country situation; and
- attend the interview with the case officer.

However, there is no automatic right to an interview and many meritorious applications are summarily rejected. If that happens, we will generally continue to represent clients who wish to appeal to the RRT, where we go through the process of de novo merits review.

observations

This work can be intensely rewarding, bearing in mind what is often at stake, and there is no happier client than a successful refugee applicant. It can also be extremely frustrating when a client you have worked with and come to know well, and whose case you strongly believe in, is rejected on the basis of a spurious credibility assessment which is immune from judicial review.

RRT decisions are reviewable in the Federal Court, subject to restricted administrative review grounds. Under the Migration Act 1958, breaches of procedural fairness, errors of unreasonableness and decisions omitting relevant or admitting irrelevant considerations are not reviewable.

Despite the limited availability of legal aid for judicial review applications, we still have a sizeable Federal Court practice, and even make occasional forays into the High Court. As well as giving our clients another chance, the process of judicial review helps to remind and reassure us that there are still some fetters on the exercise of administrative decision making power.

the refugee and immigration legal centre (RILC)

*by Aurora Kostezky, Ebsworth & Ebsworth**

RILC was established in July 1998. It provides assistance to people in all areas of immigration and refugee law, at all stages of their battles with the Bureaucracy of Immigration, and in appeals to the Migration or Refugee Review Tribunals (MRT/RRT) or the Federal Court.

Like most community-focused organisations, RILC is constantly battling the pressures of poor funding and a lack of resources. During the week, staff attend to clients referred by community organisations and humanitarian associations such as Red Cross. In addition, RILC offers telephone advice from Wednesday to Fridays, often fielding up to 60 calls a week. With at least 15 people coming through the night service each week, staff are faced with the unenviable task of selecting those cases the Centre will take on. Martin Clutterbuck, the Centre's coordinator, says RILC can only afford to assist one person per week. Those who are turned away are either referred to private solicitors because they can afford it, or they are referred to Legal Aid because their case involves "an arguable point of law".

So what sort of cases does RILC deal with? Aside from the myriad MRT, RRT and immigration applications, a common problem is people not "declaring" children or other relatives when they initially come to Australia. For example, refugees from warring countries sometimes presume some of their children are dead, only to be informed years later they are alive and living with relatives. Since these children are often not declared on their parents' entry applications, the Department can be reluctant to believe the refugees' applications to bring out their children.

One case involved an Iraninan woman who had had an illegitimate son, a source of great shame in Iranian society. The boy had been looked after by his grandparents and his existence was not declared when the mother came to Australia. She applied to bring him out but without any proof of parent-child relationship, she faced the brick wall of the Department.

RILC is always looking for people to help out, but you do need to be a registered migration agent to volunteer for the night service.

* *Thanks to Mary Jane Ierodioconou and the staff at RILC.*