

Legal Aid NSW thanks the Legal and Constitutional Affairs Legislation Committee for the opportunity to make a submission addressing the Migration Legislation Amendment (Cessation of Visa Labels) Bill 2015.

The Legal Aid Commission of New South Wales (Legal Aid NSW) is an independent statutory body established under the *Legal Aid Commission Act 1979* (NSW) to provide legal assistance to socially and economically disadvantaged people across NSW.

Legal Aid NSW provides information, community legal education, advice, assistance and representation, through a large in-house legal practice and private practitioners. Legal Aid NSW also funds a number of services provided by non-government organisations, including 36 Community Legal Centres (CLCs) and 28 women's domestic violence court advocacy services.

The Government Law team within the Civil Law Division of Legal Aid NSW provides legal services in a number of areas of law. These include advising clients of Legal Aid NSW on some matters concerning issues relating to immigration into Australia.

Legal Aid NSW has now considered the Bill read by the Honourable Andrew Robb MP on 11 November 2015. This response to the Committee is based upon the views of the Government Law team of Legal Aid NSW.

Submission of Legal Aid NSW

Legal Aid NSW often provides legal services to foreign citizens who hold a variety of visas. Often this is where the client has been the subject of a police investigation and faces criminal charges. It may also be where legal services are being provided for a civil law issue, including income support, employment or housing.

Notification of a visa grant is sent by letter from the Department of Immigration, usually by email. The visa grant letters can easily be lost or become damaged over time. A visa grant label contained in the client's passport is a more enduring form of evidence. In particular, Legal Aid NSW is concerned that when arrested by NSW Police, the visa label may be the only tangible record of the client's immigration status in Australia.

Legal Aid NSW appreciates that the grant of a visa to live, work or study in Australia is issued electronically and we would encourage the use of reliable digital alternatives to the hard copy visa labels. However, we also note that clients of Legal Aid NSW faced with

questioning by police as to their immigration status may not have access to an email account or electronic copy of their visa.

Legal Aid NSW would recommend that reliable technology allowing swift confirmation of a person's visa status should be available to relevant agencies. For example, use of this technology by the NSW Police would overcome detention for a prolonged period of time while the immigration position is verified. In addition, the availability of reliable technology to confirm a person's visa status and conditions is also important in areas like employment. Employers already have access to Visa Entitlement Verification Online (VEVO) to check these issues, but if visa labels are no longer an option it is vital that the electronic checking of visa conditions is reliable and quick.

Whilst Legal Aid NSW appreciates that this submission of itself is unlikely to affect the determination of the Inquiry, we hope that this is an observation that may assist the Committee.

If there are any questions arising from this submission please contact Nicholas Ashby, Solicitor, Strategic Planning and Policy, Legal Aid NSW, 323 Castlereagh Street, Sydney, NSW 2000, telephone.

Yours sincerely,

Nicholas Ashby
Senior Solicitor
Legal Policy
Legal Aid NSW

323 Castlereagh Street
Sydney NSW 2000

Phone: (02) 9219 5000
Direct: (02) 4725 4608



