



Australian Government
Department of Immigration and Citizenship

**IMMIGRATION ADVICE AND APPLICATION ASSISTANCE
SCHEME (IAAAS)**

**Client Information for Offshore Entry Persons requesting Refugee Status
Assessment and/or Independent Merits Review**

What is the IAAAS?

The Australian Government funds the Immigration Advice and Application Assistance Scheme (IAAAS) to provide professional assistance free of charge to the most disadvantaged visa applicants, prospective visa applicants and sponsors and persons seeking asylum, to help with the completion and submission of visa applications, liaison with the Department of Immigration and Citizenship (DIAC) during processing and decision, and to explain immigration procedures. IAAAS services are further explained below. They are designed to help eligible people present their claims for protection to enable an assessment of Australia's obligations under the Refugees Convention.

Access to IAAAS is available to offshore entry persons detained on Christmas Island who are seeking asylum. This assistance is available for the initial Refugee Status Assessment (RSA) as well as any subsequent Independent Merits Review.

IAAAS is not 'legal advice' and many IAAAS agents are not lawyers. They are registered migration agents, who are professional and independent and qualified to give migration advice and assistance with applications.

Who provides the services?

The Australian Government has contracts with a number of agencies throughout Australia to provide application assistance and immigration advice under the IAAAS using registered migration agents and 'officials'. These agencies are known as IAAAS providers.

Under Australian law (the *Migration Act 1958*), only persons registered as migration agents, or persons considered to be "officials" under the Act are able to provide immigration advice and assistance

Are you eligible?

As an offshore entry person (OEP) who has entered Australia at an excised offshore place seeking protection in Australia you are eligible to receive IAAAS services for your RSA or independent merits review.

Your IAAAS provider will seek confirmation from DIAC that you meet the eligibility criteria.

You do not have to pay for the services of an IAAAS provider.

What services are provided?

Your IAAAS provider will:

- explain the services that can be provided to you;
- explain to you the meaning of 'refugee' under the Refugees Convention; and
- prepare, or help prepare, for you a request for a RSA and any subsequent request for Independent Merits Review in a comprehensive, fair and ethical manner in accordance with procedures and timeframes.

Specifically, your IAAAS provider may assist as follows:

- provide assistance with lodging a request for a RSA, any subsequent request for Independent Merits Review and any related supporting documents. The IAAAS provider arranges an interpreter and/or translator as necessary;
- lodge the request(s) on your behalf with DIAC;
- accompany you to any interview you may have with DIAC regarding your RSA request;
- prepare and submit any further information DIAC may require in relation to your RSA request;
- keep you informed of the progress of your RSA request including DIAC's assessment; and
- if applicable, advise you regarding any review opportunities you may have and the implications of an adverse review finding.

Should the outcome of the RSA be that you are not a refugee and you decide to request independent merits review, the IAAAS provider will:

- assist with the completion of a request for independent merits review
- prepare and lodge any supporting documentation;
- accompany you to any interview you may have with an independent reviewer, if you so desire;
- keep you informed of the progress of the review request; and
- advise you of the independent reviewer's recommendation.

Should the outcome of the RSA or the independent merits review be that you are a refugee, the IAAAS provider will also lodge the appropriate visa application on your behalf if you have authorised them to do so, and if the Minister has determined that you may be permitted to apply for an entry visa to Australia.

Complaints

If you are dissatisfied with the services provided by your IAAAS provider, you may complain to DIAC. You should note that any complaint you make, either before or after DIAC has made a finding on your RSA request will NOT affect the decision on whether or not you are granted a visa.

To complain, you should write to:

Director
Client Support & Liaison Section
Services Management Branch
Department of Immigration and Citizenship
PO Box 25
Belconnen ACT 2616

Your letter should include your name, address, the name of your IAAAS agent, the name of your IAAAS agent's employer, and why you are dissatisfied with the service provided.

DIAC will investigate the complaint and, where appropriate, refer the matter to the Migration Agents Registration Authority (MARA) which is responsible for regulating the migration advice industry. The MARA will independently investigate your complaint and, if appropriate, take disciplinary action against the migration agent.

Can you change your IAAAS provider?

Generally, you cannot change your IAAAS provider for another IAAAS provider. In some cases, where a complaint has been substantiated, DIAC may agree to arrange another IAAAS provider for you.

You may cease arrangements with your IAAAS provider at any time and seek assistance from another Registered Migration Agent who is not an IAAAS provider. You will then be responsible for paying the agent's fees, and for making arrangements to meet the agent and provide information.

Must I use an IAAAS provider?

No. It is not compulsory for you to have any assistance in preparing and lodging an RSA request or for requesting a review of an RSA finding. You are free to prepare and lodge your request for RSA or request for Independent Merits Review of your RSA finding on your own, if you prefer.

If you do want IAAAS assistance, DIAC will allocate an IAAAS provider to you. Since IAAAS providers are appropriately registered, experienced, professional, independent and free of charge, it is usually best to accept their help.

ACKNOWLEDGEMENT

Your IAAAS provider is required to explain the contents of this leaflet to you so that you fully understand it. When your IAAAS service provider has properly explained the leaflet and you have read and understood it fully, which may be with the help of an interpreter or through reading the leaflet translated into your preferred language, please sign the statement below to indicate that you understand and acknowledge the contents.

I acknowledge that I have:

- read this client information leaflet in full; or
- had this client information leaflet fully translated to me by an interpreter; and
- understand the nature of the services that will be provided to me under the IAAAS.

I agree that any documents or information I have provided to the IAAAS provider, to help the provider determine that I am eligible for IAAAS services, may be provided to DIAC.

I agree that I have asked the IAAAS provider to provide IAAAS services to me and to represent me as necessary in my dealings with the Department of Immigration and Citizenship.

I agree that I will advise the IAAAS provider when I no longer require their services.

OR

I do not accept IAAAS services. (Please strike out whichever does not apply)

Claimant's signature:

Claimant's full name:

Date:

In the presence of:

IAAAS provider name:

Migration Agent name:

Migration Agent Registration number:

Migration Agent signature:

Date:

Interpreter

Interpreter signature:

Interpreter Name:

Date:

DIAC USE ONLY:

This leaflet, when signed, is to be forwarded to DIAC, placed on the client file and used to record IAAAS provider details as required on the client's ISCE record (ie under 'events' and in the 'client' box). Please direct any queries to CS&LS in Services Management Branch, DIAC, PO Box 25 Belconnen ACT 2616.