

JANUARY 2025

PROGRESS REPORT

PROTECTION VISA AND APPEALS LEGAL SERVICE

Reducing the backlog in protection visa caseloads
via a sustainable and scalable legal service.

Circle Green 
Community Legal

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- Attachment 1. Client promotional flyer.
- Attachment 2. Migration and Judicial Review training outline.
- Attachment 3. Social Impact Evaluation Framework (summary version).

Acknowledgements

This project was undertaken on unceded Whadjuk Noongar boodja/Country. We acknowledge the Wadjuk Noongar people as the rightful Custodians of this land on which we live and work, we pay our respect to Elders, past and present and recognise their continuing connection to land, sea and community.

We extend our sincere gratitude to the Australian Department of Home Affairs and Federal Attorney-General's Department for funding our work; the State Government of Western Australia, Department of Justice for their ongoing assistance with this important initiative; and the Administrative Review Tribunal and Federal Circuit Family Court of Australia for their continued referrals and participation in this project. We also wish to express our sincere thankyou to the key stakeholders and partners who have been fundamental in supporting service delivery and capacity building. In particular, Estrin Saul Lawyers and Migration Specialists, SCALES Community Legal Centre- specifically Anna Copeland and Professor Mary Anne Kenny, Norton Rose Fullbright, Francis Burt Chambers, specifically Kim Lendich SC, Jesse Winton and Thomas Pontre, Legal Aid WA, and Law Access. Additionally, we thank and extend our appreciation to Shayla Strapps for her participation and insights on the project to date.

Finally, we thank the project and baseline humanitarian teams for their continued professional contribution and dedication to providing high quality service delivery and ensuring the best outcomes are achieved.

CEO's Message

Legal assistance plays a vital role in ensuring that individuals seeking asylum receive due process, allowing them to navigate a complex legal system, properly present their protection claims, and challenge erroneous decisions. It also supports a more efficient and effective justice system.

We have welcomed the opportunity to collaborate with our key sector partners to develop and implement a scalable protection visa legal service. Core to the service is the collection and analysis of a comprehensive data set which is being used to assess efficiency, effectiveness and to inform ongoing service delivery improvements.

In the first 6 months, an average of 3 new clients engaged the service each day, requiring assistance with either initial protection visa applications or appeals. This demonstrates a high demand for our service. A key focus of the project is to use our experience and data set to demonstrate the financial and social benefits to the justice system. We hope that this work will inform and result in ongoing, secure and stable funding for providers of humanitarian legal support.

This interim report provides an update of this important work and reflects the significant work undertaken by our expert and committed Protection Visa Team over the last six months.



Celia Dufall

Chief Executive Officer



Executive Summary

The protection visa system in Australia plays a significant role in ensuring safety and support to individuals fearing persecution. A well-functioning system ensures that all individuals seeking protection have access to fair and timely decision-making processes. The protection visa system in Australia has extensive backlogs, resulting in significant delays in processing and reviewing onshore Protection Visa (PV) applications.

The Administrative Review Tribunal (ART) has an active migration workload of over 50,000 cases, with a backlog of about four years (Law Council of Australia; 2023). According to the Refugee Council of Australia, onshore protection visa applicants wait an average of 2.4 years for a main decision from the Department of Home Affairs, 3.6 years for a merit-based review from the ART, and 5.1 years for court appeals. This means some applicants may wait up to 11 years for a final decision. If no targeted intervention occurs, this situation is likely to lead to more inefficiencies, heightening the vulnerability, poverty, and exploitation of those seeking protection—impeding Australia's ability to effectively manage its migration system (Media Release: Restoring Integrity to Our Protection System; Law Council of Australia; 2023; [Refugee Council of Australia, 2023](#)).

Circle Green Community Legal welcomes the Australian Government's commitment and allocation of \$48 million (nationwide) to strengthen essential legal assistance services, providing critical support throughout the Protection Visa and Appeals process. This investment stages the first step towards reducing decision wait times, improving the overall efficiency and fairness of Australia's onshore protection system. Addressing the backlog is crucial not only for the wellbeing of applicants, but also for the broader interests of Australian society. This report provides an update on key outcomes and outputs achieved by the Protection Visa and Appeals Legal Service between August 2024 and January 2025.

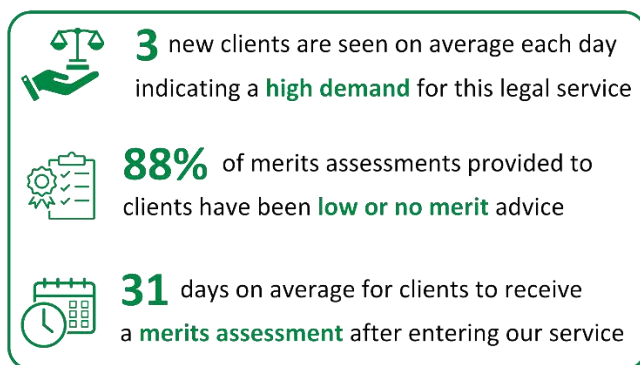
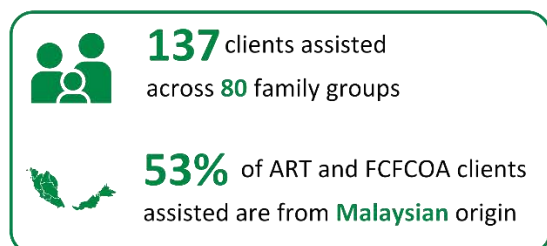
What does our service ensure?

- **Everyone** that engages our service receives comprehensive legal advice.
- **Full legal representation** is provided to matters that are assessed as having merit.
- **An established framework for assessing merit**, quality controlled in accordance with our professional obligations.

Key outcomes of the Protection Visa and Appeals Legal Service in the first 6 months of operation

- Establishing a sustainable and scalable model of service attuned to the causes and risks of the backlog.
- Embedding comprehensive merits assessments as a key service deliverable for all clients accessing the service
- Building the capacity of a new legal team and the broader legal sector in WA on protection claims, merits review and Judicial Review processes
- Setting up an evidence-based service with key data capture points to measure the effectiveness and impact of our service in reducing backlogs in protection visa caseloads
- Collaborating with SCALES, private firm lawyers and barristers, Law Access and Legal Aid WA to strengthen service co-ordination and support outreach and community engagement and legal education goals.

Key statistics for PV and Appeals Legal Service



Key outcomes

August 2024-January 2025

Outcome 1: Reducing the backlog in protection visa caseloads and improving efficiency via a sustainable and scalable model of service targeting key causes and risks

In early 2024, we commenced the design of the Protection Visa and Appeals Legal Service. This service expands the PV initial application service, funded by the Department of Home Affairs, through the provision of legal advice and representation for protection matters at the ART and Federal Circuit and Family Court of Australia (FCFCOA). In the design phase we explored key causes and risks of the protection caseload backlog (Figure 1).

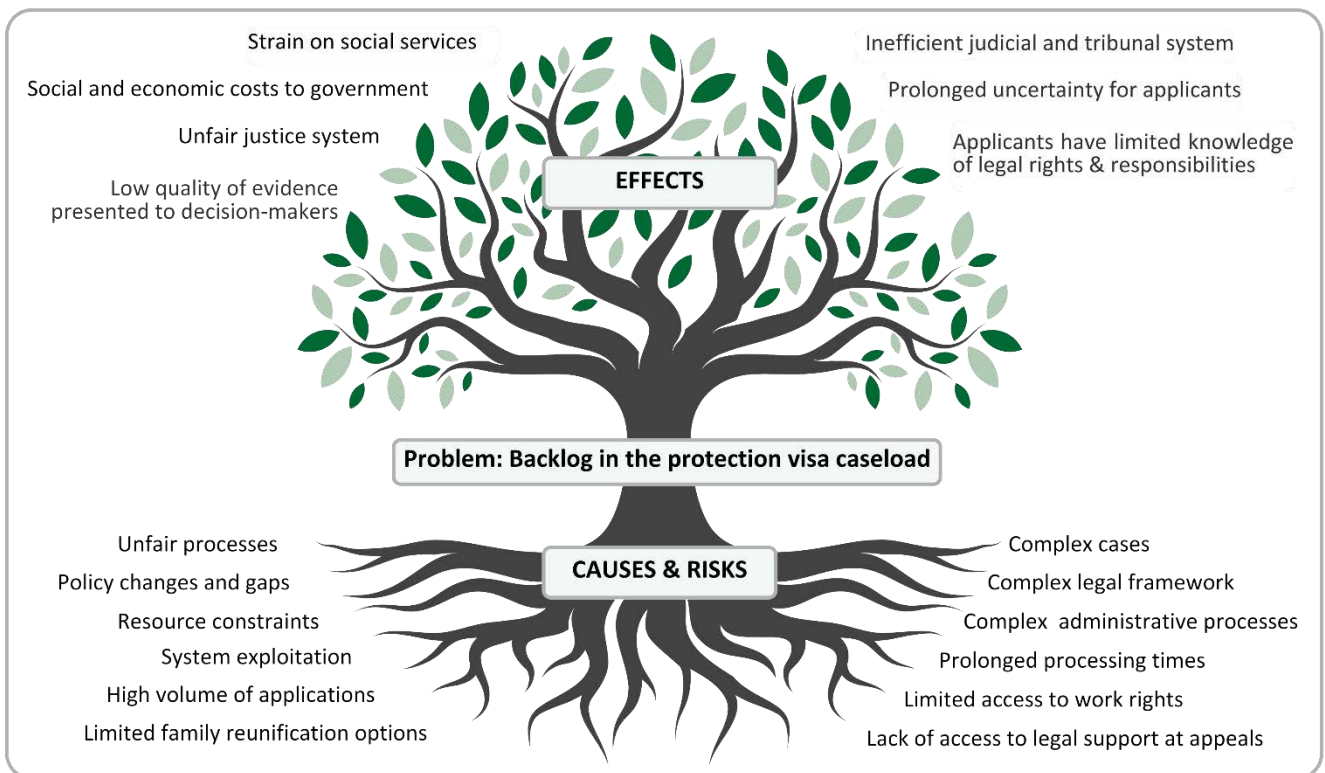


Figure 1. Problem analysis of Protection Visa backlog.

Gaps and limitations in service landscape

In seeking to understand the backlog in protection visa caseloads, it was critical for us to consider the gaps and limitations of existing legal services (Figure 2).

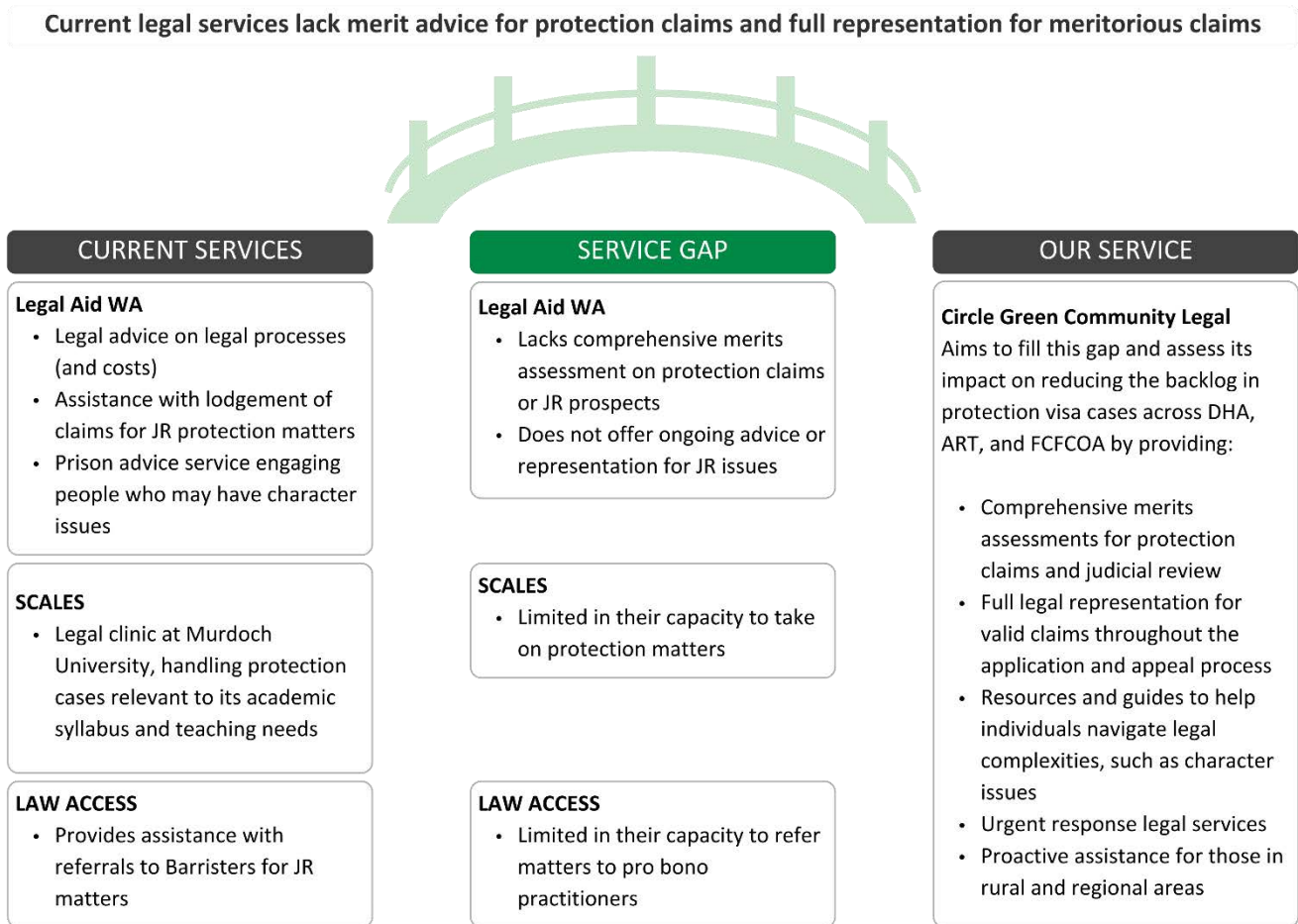


Figure 2. Gaps and limitations of the existing Protection Visa Service landscape.

How does a merits assessment service contribute to reducing the backlog?

Providing a merits assessment service is instrumental towards increasing clients understanding of the law and criteria for protection (in addition to the legal process). Without this, clients and the community groups that they come from remain unaware of the legal criteria and how it applies to their situation. This results in several problematic situations, including:

- failing to provide relevant information to decision makers
- missing timeframes for response and
- presenting irrelevant information to decision makers for consideration (requiring decision makers to invest more time and resources in case management).

By focusing on the delivery of comprehensive merits assessments, our service contributes to improving case management efficiency at the ART, ensuring clients are better positioned to make decisions and encouraging the lodgement of meritorious applications.

How does a NO MERITS ADVICE help reduce the backlog?

Our service is monitoring the percentage of clients (engaged with our service) that proceed to lodge an application following an assessment of no merit—to better understand the driving factors influencing the decision to lodge/proceed with an application.

At this time, **we observe that some clients proceed to lodge despite receiving a no/low merit advice** for an initial PV, ART, FCFCOA. In a client survey with 11 respondents, four (45%) opted not to lodge, while five (55%) proceeded to lodge following low/no-merit advice. The primary reason cited was categorised as ‘other’ (additional options include obtaining a bridging visa, changed circumstances, or a preference not to disclose).

We hypothesise that clients with no/low merit advice that proceed to lodge, do so due to a genuine fear of returning to a home country (notwithstanding our assessment of no/low merit).

Our service intervention provides comprehensive merits advice and a service touch point from which this group can continue to obtain one off advice on the legal process and law —positioning clients to have a clearer roadmap of the relevant information to support claims and self-represent. It is a key contributor towards greater efficiency within the Protection Visa framework.

Key benefits of early intervention on merits advice includes:

- Improved quality of applications and evidence provided
- Ongoing and continued engagement with clients with low/no merit throughout the appeal process (including changed circumstances) – building rapport with clients that supports help-seeking
- Clients increase their education on complex legal framework for protection matters

These benefits are expected to lead to:

- Reducing the resources and capacity required by decision makers to assess claims.
- Self-represented applicants guided to engage with the decision-making process, effectively and efficiently.
- A fairer decision-making process

Model of Service—Client Journey

We collaborated with private law firms, barristers, SCALES, Law Access and Legal Aid WA in designing the Protection Visa and Appeals Model of Service (Figure 3).

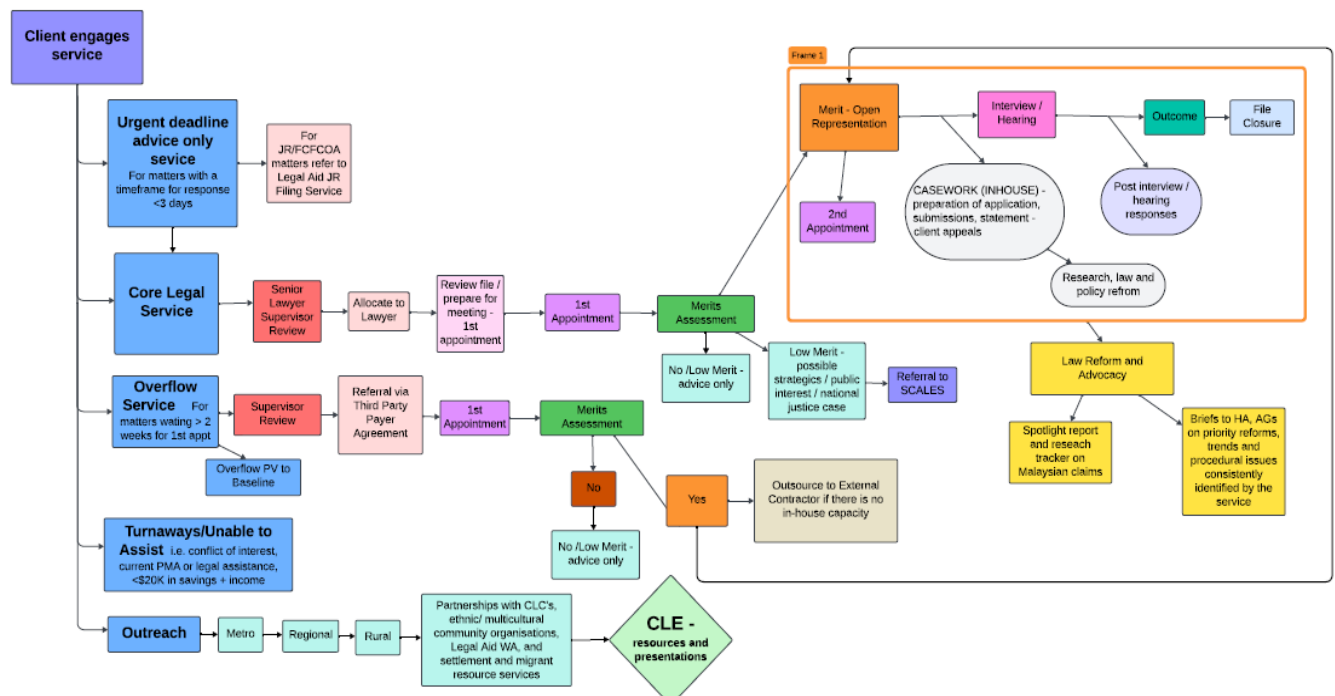


Figure 3. Circle Green's Protection Visa and Appeals Model of Service.

A suite of promotional materials (translated in over 10 languages) about the services have been shared across our networks to expand our reach to clients and increase awareness of our expanded service ([Attachment 1](#) is a copy of the client flyer in English).

Key components of the Model of Service

- **Legal advice on merits assessments:** provides advice and assistance across initial protection visa applications, appeals to the ART and Judicial Review at the Federal Circuit and Family Court of Australia. More information on how a merits assessment is completed is [outlined below](#).
- **Legal representation:** full legal representation for initial PV and ART applications for matters assessed as having reasonable merit on the protection claim. Full representation for JR matters assessed as having reasonable merit (on the protection claim), for matters that have reasonable prospects for JR.
- **Specialist team for Family Violence and Sexual Orientation and Gender Identity claims:** these roles will lead the development of best practice approaches, guidelines, work processes, law reform and monitor key trends in protection claims across these areas.
- **Tailored service for priority client groups:** as an integral part of addressing the current backlog as it will streamline relevant information and make it easier for decision makers to engage with these claims as well as and contribute towards a fairer decision-making process. A spotlight report on Malaysian jurisprudence (to be published) enables a close examination of how these claims are being assessed, ensuring a fair decision-making process free from bias.
- **Continuous improvement, learning and evaluation:** fundamental to the quality of this service is a data-driven approach to establishing a credible evidence base that informs future service delivery.
- **Holistic service:** timely access to legal advice by ensuring a first appointment within 2 weeks of first engaging with the service, via the overflow service and urgent deadline service for deadlines within 3 days. An onsite social worker forms part of our trauma informed service delivery model.

For a snapshot on service data from August-2024 to January-2025, see Tables 1-9.

Snapshot of service delivery data for first 6 months

Applicants

Table 1. Total number of family groups and clients assisted.

Total applicants	PV Initial	PV Appeals	Total
<ul style="list-style-type: none"> Total number of family groups 	103	80	183
<ul style="list-style-type: none"> Total number of people assisted 	190	137	327

Service Types

Table 2. Services delivered by service types.

Service Delivered	PV Initial	PV Appeals	Total
<ul style="list-style-type: none"> Legal advice 	102	91	193
<ul style="list-style-type: none"> Other/upcoming services 	27	19	46
<ul style="list-style-type: none"> Information 	9	9	18
<ul style="list-style-type: none"> Legal task 	8	13	21
<ul style="list-style-type: none"> Referral 	0	3	3
<ul style="list-style-type: none"> Representation 	Other: 17	Court/Tribunal: 4	21
Total number of services delivered	163	139	302

Merits Assessment

Table 3. Merits assessments-number and average time taken to complete (in days and hours).

Merits	PV Initial	PV Appeals
<ul style="list-style-type: none"> Total number provided 	44	34
<ul style="list-style-type: none"> % of no merit advice provided 	52%	88%
<ul style="list-style-type: none"> Average days from first entering the service 	32 days	31 days
<ul style="list-style-type: none"> Average hours taken for merits assessment 	13 hours	11 hours

Completing a merits assessment involves—a 90 minute new client appointment where detailed instructions are obtained, completion of a merits assessment checklist and the delivery of oral advice to the client in a second client appointment.

Full legal representation is only provided to matters assessed as having merit and includes the provision of statements, forms, submissions, interviews/hearings, post-hearing submissions in a user-friendly format for decision makers (Table 4).

Table 4. Total number of statements, submissions and hearings.

Statements, submissions & hearing	PV Initial	PV Appeals	Total
<ul style="list-style-type: none"> Total number of statements 	8	5	13
<ul style="list-style-type: none"> Number of additional statements 	1	1	2
<ul style="list-style-type: none"> Number of submissions (pre-hearing/interview) 	1	4	5
<ul style="list-style-type: none"> Attendance at hearing/interview 	1	4	5

Turnaways

The total number of people we were 'Unable to Assist' – this is the combined number of information and people referred to alternative service providers. Our service refers to alternative service providers, such as a private law firm, where there is an identified conflict of interest, or an individual has over \$20,000.00 in savings and/or a consistent weekly income (assessed on a case-by-case basis).

Note: the total unanswered calls are included in the Circle Green service data.

Table 5. Total number of turnaways for PV Initial and PV Appeals matters.

Unable to assist	PV Initial	PV Appeals
<ul style="list-style-type: none">Information	9	9
<ul style="list-style-type: none">Alternative service model	0	4
Total	9	13

CASE STUDY 1: PV APPEALS **BACKLOG**

What were the client's circumstances	S* is a young woman from a culturally and linguistically diverse background. She was recently widowed and has two children.
How and when the client came into contact with our organisation	S came into contact with Circle Green Community Legal as she sought assistance and advice on the progress of her appeal at the Administrative Review Tribunal. S presented numerous vulnerabilities during her appointment.
What type of assistance was provided to the client	Circle Green assisted S in contacting the Tribunal to ascertain the current status of her case and update them regarding her husband's passing. We advised her about the protection visa criteria and ART processes. We will provide her with a comprehensive merits assessment of her claim for protection. S was supported by our in-house social worker from the outset. They referred her to appropriate organisations able to support her in obtaining employment to support herself and her young children and as well as gain access to Medicare and other financial support.

CASE STUDY 2: PV APPEALS BACKLOG - Case Study

<p>What were the client's circumstances</p>	<p>M* is a young man who came to Australia after experiencing significant economic difficulties in his home country. He lodged a Protection visa without legal assistance which was refused. He has an ongoing appeal to the ART. While in Australia, M suffered an injury following a workplace incident that has left him unable to work.</p>
<p>How and when the client came into contact with our organisation</p>	<p>M sought assistance from Circle Green Community Legal after receiving an invitation to attend a hearing at the ART. The ART provided M with Circle Green's contact details as a service that may assist people going through the appeals process. He had an initial Urgent Advice Appointment with a Senior Lawyer to advise him on the hearing invitation. He was then allocated to another lawyer for immediate comprehensive advice and to have a merit assessment completed.</p>
<p>What type of assistance was provided to the client</p>	<p>We initially provided advice on the protection visa criteria and the appeals process. A hearing adjournment request was granted and a new hearing date issued allowing further time to take instructions and gather evidence relating to M's injury. After conducting a merits assessment, we offered M full representation for his appeal, on the basis that he would be at risk of persecution due to his injury in his home country. Circle Green liaised with multiple third parties to collect extensive medical records relating to his injury and treatment to support his claim. We assisted M with drafting a new statement and provided pre-hearing submissions within the ART's deadline. Circle Green attended the hearing, and the matter has been remitted.</p>

Country of Origin

We observed that the main country of origin for clients engaging with our service to date has been Malaysia (Table 6). This aligns with Department of Home Affairs data on the backlog for the initial protection visa caseload dated 1 July 2024. The prevalence of Malaysian claims led us to focus on the development of a research tracker on Malaysian claims, including jurisprudence at ART, FCFCOA to better understand how decision makers are assessing these claims. A spotlight report on Malaysian claims and insights for decision makers will be produced.

Table 6. Country of origin for A) PV initial and B) PV appeals matters.

A. PV Initial

Country of Origin	Total #	%
Pakistan	7	7%
Kenya	6	6%
Palestinian Authority	6	6%
Bangladesh	5	5%
China	5	5%
India	5	5%
Ukraine	5	5%
Myanmar	4	4%
Papua New Guinea	4	4%
Turkey	4	4%
Colombia	3	3%
Egypt	3	3%
Iran	3	3%
Israel	3	3%
Bhutan	2	2%
Ethiopia	2	2%
Fiji	2	2%
Lebanon	2	2%
Mauritius	2	2%
Philippines	2	2%
South Africa	2	2%
Zimbabwe	2	2%
Cameroon	1	1%
Congo	1	1%
DR Congo	1	1%
Guinea	1	1%
Iraq	1	1%
Malawi	1	1%
Mexico	1	1%
Morocco	1	1%
Poland	1	1%
Rwanda	1	1%
Singapore	1	1%
Somalia	1	1%
Sri Lanka	1	1%
Tonga	1	1%
Uganda	1	1%
United Kingdom	1	1%
Venezuela	1	1%
Vietnam	1	1%
Zambia	1	1%
Total	98	

B. PV Appeals

Country of Origin	Total #	%
Malaysia	41	53%
Fiji	6	8%
Pakistan	6	8%
China	3	4%
Indonesia	3	4%
Sri Lanka	3	4%
India	2	3%
Nigeria	2	3%
Zimbabwe	2	3%
Brazil	1	1%
Iran	1	1%
Kenya	1	1%
Malawi	1	1%
Mauritius	1	1%
Papua New Guinea	1	1%
Solomon Islands	1	1%
Taiwan	1	1%
Turkey	1	1%
Total	77	

Urgent advice

An Urgent advice service, operating on Tuesdays and Thursdays from 2:00-5:00pm. This service provides one off advice to clients who have an urgent deadline of less than 3 days (see Table 7 and Figure 4). All clients that attend the Urgent Advice Service are booked into the core legal service and obtain advice about more detailed advice/assistance on the merits of their claim.

Table 7. Total number of urgent advice provided.

Urgent advice service	PV Initial	PV Appeals	Total
<ul style="list-style-type: none"> Total number 	4	17	21

A. Reasons for Urgent Advice

<ul style="list-style-type: none"> JR appeal deadline
<ul style="list-style-type: none"> Pre-hearing deadline, removing PMA
<ul style="list-style-type: none"> Advice re JR hearing
<ul style="list-style-type: none"> Visa expiry
<ul style="list-style-type: none"> ART hearing
<ul style="list-style-type: none"> Visitor visa expiry date
<ul style="list-style-type: none"> JR deadline and ART decision
<ul style="list-style-type: none"> JR appeal and 35-day deadline
<ul style="list-style-type: none"> ART hearing
<ul style="list-style-type: none"> ART adjournment refused

B. Client Feedback on Urgent Advice

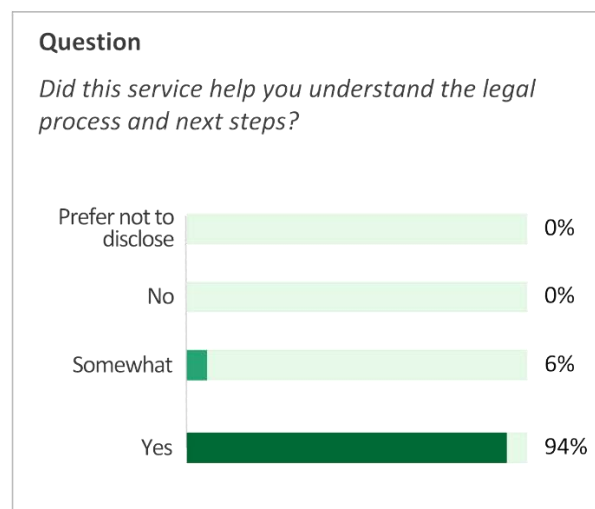


Figure 4. A) Reasons for urgent advice and B) Client feedback on urgent advice service for PV appeals ($n=17$).

CASE STUDY 3- Urgent Advice Service

A* is from a culturally and linguistically diverse background. A came to Australia after experiencing violence in their home country and self-lodged a protection visa. The application was refused, and A lodged an appeal to the ART. A contacted our office seeking advice on the basis they were scheduled to attend a Tribunal hearing in 7 days. Our intake and triage officer provided A with an urgent advice appointment with a senior lawyer that day and booked A in for a first appointment in the core legal service 5 days later. During the urgent advice appointment, we provided A with advice regarding the legal process including the role of the ART. We also assisted A to request an adjournment which would allow us time to seek instructions and provide appropriate legal advice regarding their protection claim. The request was successful, and an adjournment was granted.

By obtaining an adjournment of time, our service proceeded to obtain instructions and complete a comprehensive merits assessment. We assessed A's protection claim as having low merit, and explained how we arrived at this assessment so that they could make informed decisions about whether to proceed with their appeal.

Overflow service

An overflow service has been established to ensure that we continue to meet legal need in, even when our service is at capacity, and ensures that a client is provided with a 'New Client Appointment' within 2 weeks of the date of first engagement with our service. Initial protection visa matters will be overflowed to the Baseline Humanitarian team. A Third-Party Payer Agreement has also been established with select private firm lawyers to receive the overflow of ART and/or FCFCOA matters (Table 9).

Table 8. Alternative service model referrals to baseline service or private firm lawyers.

Alternative service model referrals	PV Initial	PV Appeals
<ul style="list-style-type: none">Total number	5	4

Outreach clinics

Outreach clinics are planned for the South-West, Pilbara, Goldfields, Kimberly and Gascoyne regions based on legal need. More details on the outreach model of service will be provided in future reporting. To inform our work, we are assessing our service data on the total number of clients assisted (to date) from regional and rural locations (Table 10).

Table 9. Total number of clients assisted from rural and regional areas.

Total family groups and location	PV Initial	PV Appeals
<ul style="list-style-type: none">Perth Metro	95 (92%)	73 (91.25%)
<ul style="list-style-type: none">South-West	3 (3%)	0
<ul style="list-style-type: none">Wheatbelt	2 (2%)	2 (3%)
<ul style="list-style-type: none">Goldfield-Esperance	1 (1%)	0
<ul style="list-style-type: none">Great Southern	1 (1%)	0
<ul style="list-style-type: none">Kimberley	1 (1%)	1 (1%)
<ul style="list-style-type: none">Mid-West	0	2 (3%)
<ul style="list-style-type: none">Gascoyne	0	1 (1%)
<ul style="list-style-type: none">Pilbara	0	1 (1%)
Total number of family groups (5-Aug to 16-Jan)	103	80

Outcome 2: Strengthening internal capacity within our legal team and improving work processes to ensure high-quality legal advice and assistance

See Figure 5 for an overview of the service team.



Figure 5. Protection Visa service team.

Work processes

We have established a range of internal work processes to support the expansion of legal services provided from initial protection visa application through to appeals at the ART and FCFCOA. We have increased the legal team's capacity in protection and appeals matters, including a specialised focus on sexual orientation and gender identity and family violence claims.

How is a merits assessment completed?

Our service provides a merits assessment on the protection claim for **each client who engage the service**. This is achieved through the completion of a 1st Appointment (90 mins) where a lawyer takes instructions on the protection claim and considers relevant information, including a refusal decision record (for appeal matters) documents. Lawyers will then undertake a full review and assessment of instructions and relevant information to form an assessment on the merits of a claim, including the prospects of success at the ART and FCFCOA.

These processes are the bedrock of quality legal expertise and are routinely monitored and evaluated for continuous improvement.

Outcome 3: Strengthening external capacity and building knowledge, skills and capacity in Immigration Law and developing accessible resources and educational materials

Community capacity building

A community legal education strategy is being developed, focusing on reducing the backlog in protection visa caseloads at the ART and FCFCOA through the production of factsheets and resources for clients, legal practitioners and non-legal organisations.

Feedback on training delivered in legal sector

On 25 October 2024, we co-ordinated a CPD event on Migration Law for private firm lawyers and barristers who expressed interest in participating in our overflow service (see Attachment 2 for an overview of the training delivered). Survey feedback from this training show a high satisfaction with the training and the information delivered, with all respondents expressing interest in attending further training (Figure 6).

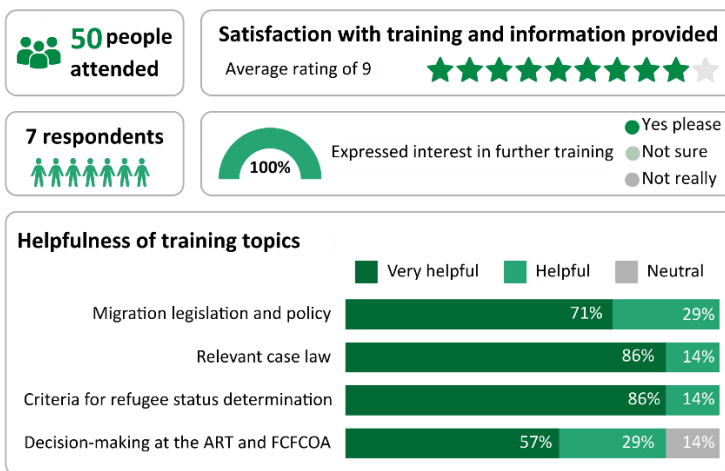


Figure 6. Immigration Law training, survey feedback from Nov-2024.

Outcome 4: Developing a data-driven, evidence-based service delivery model through data collection and continuous monitoring to evaluate and enhance our social impact

Circle Green is committed to delivering best-practice legal advice, education, and advocacy to promote a fair and efficient protection visa system in Australia, ensuring that all individuals seeking protection have access to fair and timely processes. This project is supporting the organisation to embed and measure its social impacts and outcomes to better understand the difference it is making within the protection visa framework (See Attachment 3 for a summary of the Social Impact Framework). The key indicators include:

- Fairness and case management efficiency (to help reduce backlog)
- Excellent services (responsive, data-driven and evidence-based)
- Capacity building (internally and within the legal sector)
- Integrated and coordinated service delivery (legal and non-legal services working together)
- Education and advocacy (resources, policy reform)

A key focus of the project has been the development and implementation of a scalable protection visa legal service that can demonstrate its financial and social benefits to the justice system through evaluation of outcomes and impact and Social Return on Investment (SROI). Comprehensive data on service metrics and time investment is systematically collected and analysed to assess efficiency, effectiveness, and to inform ongoing service delivery improvements. A cost of service will also be calculated to determine the resources necessary for delivery of a scalable and sustainable model of service (Figure 7 outlines the calculation approach).

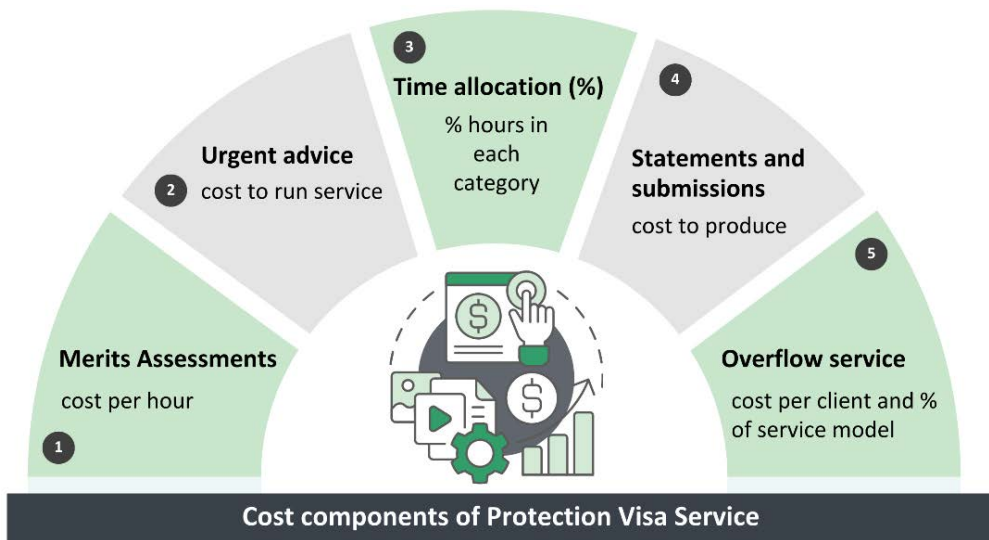


Figure 7. Cost of service calculation approach.

Outcome 5: Strengthening partnerships with key stakeholders in the protection visa framework to promote greater service coordination and collaboration

**** Please note** that there are an additional 27 stakeholder engagements recorded under the Baseline Humanitarian service that also related to the PV and Appeals Legal Service. We have not included these in this service report to ensure we are not double counting through the National Repository in line with the CLCA data consistency guidelines on stakeholder engagement.

We aim to enhance co-ordination and sharing of information with decision-makers and strengthen collaboration within the sector to improve service delivery, contributing to a more efficient and effective PV system. The service has provided an opportunity to broker new networks and partnerships with decision makers, including the ART and FCFCOA. Key goals for this engagement include:

- How we can best support ART priorities and case management
- To identify the nature of our service impact on decision making and protection visa caseloads
- To inform how our service can be adapted/responsive to decision maker priorities
- To explore whether the ART and FCFCOA finds that fewer resources are required (particularly the time of decision-makers) when an applicant is represented by a legal service versus being self-represented?

Conclusion and next steps

As the only community legal centre in WA with expertise in refugee status determination, Circle Green engages with many protection visa applicants experiencing additional barriers including financial, literacy, language and other factors such as family violence or disability, making it even more challenging for them to self-represent protection claims.

The Protection Visa and Appeals Legal service is well-placed to contribute to significantly reduce the legal system's backlog in protection caseloads and provide much-needed support to people navigating Australia's complex legal framework.

Through a proactive capture and analysis of service delivery data (including an examination of data across the end-to-end service delivery spanning initial protection claims through to JR), we look forward to achieving the first evidence base in WA to accurately understand the causes and risks of the backlog and ascertain the social impact of the service, supporting it to continue on an ongoing basis to prevent future backlogs occurring.

Attachments

Attachment 1. Client promotional flyer.

Protection Visas and Appeals Legal Service

Who we are

Circle Green Community Legal is a not-for-profit community legal centre based in Perth. We help with humanitarian, tenancy and workplace legal matters. We are a state-wide specialist immigration legal service.

The humanitarian team help people new to Australia from culturally and linguistically diverse (CaLD) backgrounds, including humanitarian visa holders, asylum seekers, refugees, temporary visa holders experiencing family violence, and people who are otherwise unable to access legal services.



How we can help

Our Protection Visas and Appeals Legal Service provides advice and assistance for initial protection visa applications and appeals to the Administrative Appeals Tribunal and the Federal Court.

We provide legal advice and assistance regarding:

- Applying for a protection visa. Protection visas provide permanent residency in Australia for people who cannot return home due to a risk of serious harm or persecution. Appeals to the Administrative Appeals Tribunal and the Federal Court.
- We also provide one-off advice about initial applications and upcoming time limits.



We can also help connect you to other relevant legal and support services.



Circle Green
Community Legal

Protection Visas and Appeals Legal Service

Who can we help?

- 1 Are you on a visa in Australia and seeking protection from your home country?
- 2 Do you need assistance making an application for onshore protection?
- 3 Have you made an application for protection that has been refused, and do you need advice on your options for appeal?
- 4 Do you have an upcoming interview, court date or hearing date?
- 5 Have you received a notification letter with a time limit to respond?
- 6 Are you considering lodging an appeal at the Administrative Appeals Tribunal or Federal Court?



How to get help

If you answered yes to any of these questions, you may be eligible for our service/s.

Please contact us to find out if our service can help you.

All our services are confidential and free, with access to interpreters as required.



Contact us

- 📞 (08) 6148 3636
- ✉ humanitarian@circlegreen.org.au Ground Floor,
- 📍 445 Hay Street
Perth WA, 6000
Monday to Friday
9:00 am - 4:00 pm
- 🌐 www.circlegreen.org.au/projects/protection-visa/



Circle Green
Community Legal

Migration and Judicial Review training

25 October 2024

1- 4.15pm (with drinks afterwards)

Estrin Saul Lawyers, 370 Murray St, Perth WA 6000

Session 1 – 1 hour

1 CPD point – Substantive law

Professor Mary Anne Kenny

Associate Professor Kenny teaches and researches at Murdoch University in the area of human rights, refugee, and immigration law. She is a legal practitioner and works closely with refugee non-government organisations and refugee communities. Her research interests lie in the intersection of refugee status determination and issues related to mental health.

This session will provide a clear overview of the structure of the relevant legislation, offering insight into how they shape refugee law practice. It will explore the role of the AAT/ART in refugee claims, including its powers and decision-making processes. Additionally, the session will explain the legal definition of a refugee, examining its key elements.

Session 2 – 1 hour

1 CPD point – Substantive law

Jesse Winton and Thomas Pontre

Jesse Winton is a commercial and public law barrister with a wide-ranging litigation practice. He specialises in administrative law, constitutional law, criminal law, and defamation.

Jesse has also appeared as counsel in an extensive range of contested matters, at trial and on appeal. Prior to joining the Bar, Jesse practised at the State Solicitor's Office, where he regularly appeared as counsel in most jurisdictions, including the High Court, Court of Appeal, Supreme Court, Federal Court, District Court, Magistrates Court, Children's Court, Family Court, National Native Title Tribunal, State Administrative Tribunal, Coroner's Court, and Liquor Commission.

Jesse holds a Bachelor of Arts (History/Politics) (Hons) from the University of Notre Dame, a Master of Arts (Strategic Studies) (Hons) from the Australian National University, and a Juris Doctor (Hons) from the University of Melbourne.

Tom Pontré practises in both commercial and public law. Tom's broad experience includes contractual disputes, judicial and merits review, environment and planning, regulatory prosecutions, and coronial inquiries. Tom has trial and appellate advocacy experience, and has appeared in most jurisdictions as sole counsel, including the Court of Appeal, the Supreme, District and Magistrates Courts, and the State Administrative Tribunal. Before joining the bar, Tom was an Assistant State Solicitor in the Litigation Team at the State Solicitor's Office where he conducted a wide-ranging commercial and public litigation practice as both solicitor and counsel. Tom holds a Bachelor of Civil Law from the University of Oxford, and degrees in Arts and Law from the University of Western Australia where he has tutored in commercial and administrative law.

This session will focus on the fundamentals of administrative law practice in Australia, with particular emphasis on jurisdiction and procedural frameworks. Participants will gain an understanding of the legal principles governing the scope of administrative decision-making and the avenues for judicial review. The workshop will also cover key processes, such as how to challenge administrative decisions and navigate the relevant tribunals and courts.

Session 3 – 1 hour

1 CPD point – Substantive law

Associate Professor Anna Copeland

Anna is the Director of Clinical Legal Programs at Murdoch University and operates as both a practitioner and a teacher. Her legal practice is in the area of human rights including refugee and migration law; children's rights; discrimination and economic social and cultural rights such as housing and welfare.

Her teaching interests are in the areas of human rights and clinical legal education. She teaches in the International Program on Human Rights run in Geneva but most of her time is in spent in the Clinical Program we is in collaboration with SCALES Community Legal Centre.

This session will delve into the specifics of Judicial Review migration law in Australia, examining key cases and legal precedents. We will explore significant rulings that have influenced migration policies and the interpretation of migration statutes. The discussion will highlight how these decisions impact current legal practice and offer insights into approaches for handling complex migration matters.



PROTECTION VISA AND
APPEALS LEGAL SERVICE

SOCIAL IMPACT EVALUATION FRAMEWORK

2024-25

Acronyms and abbreviations

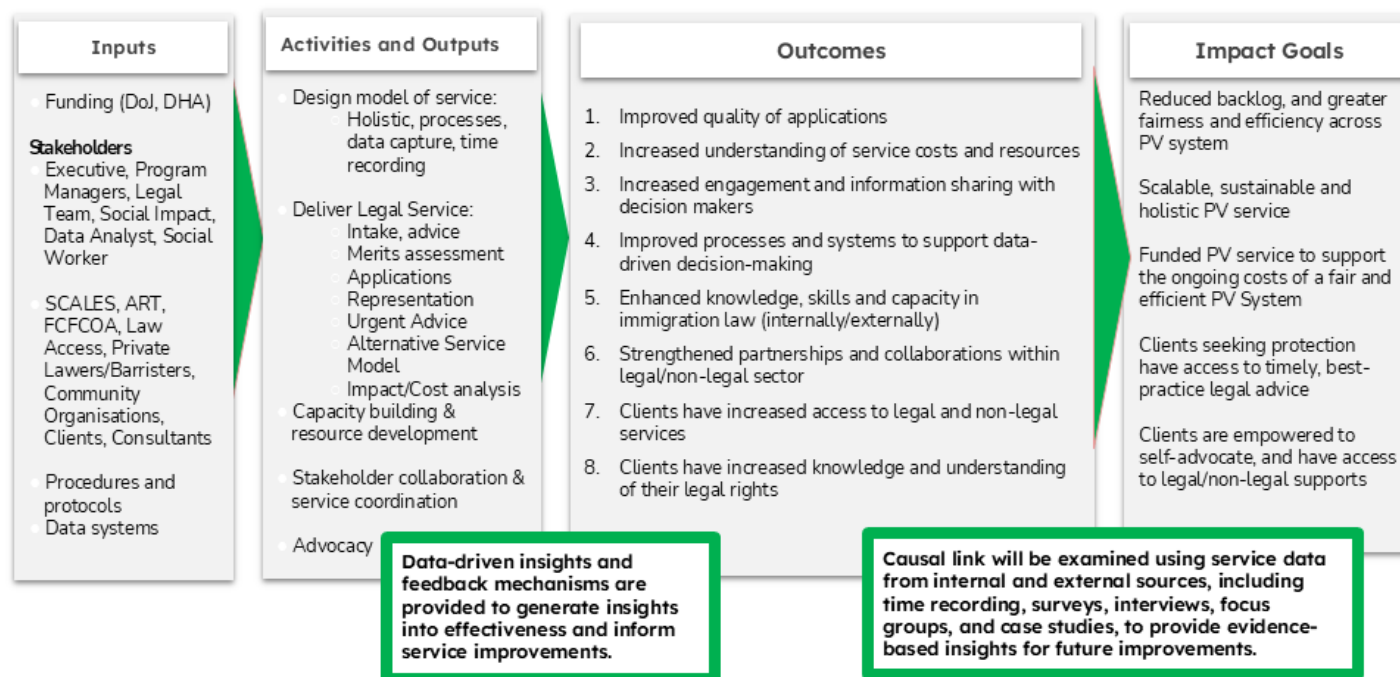
AAT	Administrative Appeals Tribunal
AHRC	Australian Human Rights Commission
ART	Administrative Review Tribunal
CLC	Community Legal Centres
CLE	Community Legal Education
CT	Communications Team
DA	Data Analyst
DHA	Department of Home Affairs
DoJ	Department of Justice
ELT	Executive Leadership Team
FCFCOA	Federal Circuit and Family Court of Australia
MP	Member of Parliament
PM	Program Manager
PDS	Project Delivery Staff
PL	Principal Lawyer
PV	Protection Visa
SL	Senior Lawyer
SCALES	Southern Communities Advocacy Legal and Education Service Inc.
SROI	Social Return on Investment

Goals and objectives

The goals and objectives of the PV Project are to:

1. Reduce the protection visa backlog and improve efficiency within the PV migration system.
2. Seek long-term funding for a sustainable legal service (client-centered and trauma-informed).
3. Provide best-practice legal advice and representation throughout the PV journey.
4. Strengthen internal and external capacity within the legal sector and develop accessible resources and educational materials.
5. Strengthen partnerships with key stakeholders in the legal and non-legal sector to promote greater service coordination and collaboration within with Protection Visa system.
6. Advocate for systemic change and policy reform to address inefficiencies and unfairness.

Program logic



Evaluation purpose

The evaluation is intended to provide accountability to the State Government of WA, Department of Justice (and Federal Department of Home Affairs) while also facilitating strategic learning and continuous improvement. Over the one-year initiative, the evaluation will focus on the following:

- | | |
|---|---|
| i. Process evaluation | • program fidelity and implementation design. |
| ii. Outcome (impact) evaluation | • intended intermediate and long-term outcomes. |
| iii. Social Return on Investment (SROI) | • measurable avoided costs and positive SROI. |

Evaluation approach

The evaluation will adopt a mixed-methods approach, combining quantitative data analysis, qualitative interviews, and stakeholder feedback to provide a comprehensive understanding of the program's performance. It will prioritise alignment with the projects core goals objectives, ensuring findings are relevant, actionable, and representative of diverse perspectives.

Key Evaluation questions, data collection and management

The table below identifies the key evaluation questions and indicators for analyses and reporting **during the project lifecycle, up until September 2025**. The table highlights priority focus areas derived from the Program Logic. A more detailed and comprehensive version of this table is available in the full Social Impact Framework document.

Domain	Evaluation question	Performance Indicators
IMPACT	1. To what extent has the project contributed to reducing the backlog of protection visa cases at ART and FCFCOA?	<ul style="list-style-type: none"> Reduction in backlog Evidence of improvements in fairness and efficiency Feedback from DHA, ART, FCFCOA and DoJ
	2. How has the project contributed to greater fairness and efficiency within the PV system?	<ul style="list-style-type: none"> Policy and law reform briefs Casework examples
	3. What measurable avoided costs can be attributed to the PV legal service model, and how do these contribute to a positive Social Return on Investment (SROI)?	<ul style="list-style-type: none"> TBD Avoided cost for decision makers (DHA/Courts/ART) Cost-benefit analysis
	4. To what extent is the service delivery model sustainable and scalable and to what extent has project accurately obtained a cost of service?	<ul style="list-style-type: none"> Cost of service Service gap Staff metrics Collaborative partnerships
EFFECTIVENESS	5. To what extent did clients gain a better understanding of their legal rights & responsibilities, including the merits of their case and options available to them?	<ul style="list-style-type: none"> Client feedback Internal reports
	6. To what extent has the project strengthened internal and external capacity and relationships in the legal sector to support PV service delivery?	<ul style="list-style-type: none"> Internal capacity team feedback External capacity stakeholder feedback Relationships established
	7. To what extent was there increased information sharing, strengthened cross-sector coordination and collaboration across government, legal and non-legal networks?	<ul style="list-style-type: none"> Evidence of collaborative efforts, meetings, shared projects and initiatives Factsheets/resources developed and shared
EFFICIENCY	8. To what extent was the program implemented as intended?	<ul style="list-style-type: none"> Actual vs. planned activities

Data collection timeline

Activity	Data Source	Responsible	2024			2025				
			Jul-Aug	Sep-Oct	Nov-Dec	Jan-Feb	Mar-Apr	May-Jun	Jul-Aug	Sep
INTERNAL										
Service metrics	Action step	SIA/DA	☒	☒	☒	☒	☒	☒	☒	☒
Client surveys	Action step	Lawyers/ Paralegal								
Interviews	Circle Green (CG)	SIA				☒	☒	☒		
Case studies	CG Complex Case	PM/SL				☒		☒		
Focus group	GC Lawyers/Team	SIA/ Consultant						☒		
EXTERNAL										
Survey	Legal Sector	SIA			☒	TBD	TBD	TBD	TBD	
Survey	ART FCFCOA (TBD) DHA	SIA/ Consultant				☒		☒		
Interview	DoJ	SIA/PM					☒		☒	