

SUBMISSION OF SPIRASI IN RELATION TO THE DEVELOPMENT OF THE LEGAL AID BOARD'S CORPORATE PLAN

As SPIRASI provides services to asylum seekers and refugees, our contribution is made with specific reference to the Refugee Legal Services.

1. Asylum Clients with Literacy Problems

Written questionnaires, available in 24 different languages, are provided by the Office of the Refugee Applications Commissioner (ORAC) to asylum seekers for completion as an integral part of the refugee determination process. Under current arrangements, illiterate asylum seekers are not considered to fall under the category of 'vulnerable' people. Consequently, they are not afforded individualised assistance by the Refugee Legal Service in completing this questionnaire. In practice, an asylum applicant with literacy problems has to take the initiative and identify somebody to offer the required assistance. This has serious implications for the integrity of the process. One reason for this is that the person who 'de facto' most often assists an illiterate applicant is another asylum seeker. Another reason is that an illiterate applicant has no objective way of knowing what's written down on his/her behalf and remains unable to review the accuracy of the document before an ORAC Interview. Our view is that this situation is not only procedurally unsatisfactory but morally and legally unsound. It is our recommendation that the Refugee Legal Service be resourced to provide the required individualised assistance for asylum seekers with literacy problems, perhaps through the RLS Outreach Service, on the basis that they constitute an identifiable 'vulnerable' sub-group.

2. Consultation with RLS Clients at the Appeals Stage

The time made available and quality of the service provided to RLS clients in preparation for an Oral Hearing at the Appeals stage could be improved. A quality standard might be that all clients be provided with at least one meeting either with their solicitor or barrister, prior to their oral hearing date.

Although it is RLS policy to consult with clients to complete a written appeal, several instances have been identified, through the SPIRASI Health Information service, in which this was not the case. It is our recommendation that a solicitor should always consult their client prior to submitting a written appeal.

3. Country of Origin Information

Country of origin information supplied by asylum seekers in relation to their asylum application needs to be scrutinized and confirmed by a client's legal representative. It is our recommendation that research done by the legal representative on country of origin information should employ independent sources in addition to those used by the Department of Justice, Equality and Law Reform.

29th July 2005