

# TRANSFEEE INFORMATION LEAFLET

**Playfair Visa and Migration Services** has been asked to provide you with advice and assistance on your request to be recognised as a refugee. This leaflet provides information about who we are, and how we can help you seek protection in a Regional Processing Country.

## 1. WHO ARE PLAYFAIR VISA AND MIGRATION SERVICES?

**Playfair Visa and Migration Services** (Playfair) is a medium sized law firm. Since 1998 we have assisted more than 5,000 people seeking protection in Australia. We engage experienced immigration professionals to provide our services.

## 2. DOES PLAYFAIR WORK FOR THE GOVERNMENT?

No. We work for transferees. We do not work for the Government of the Regional Processing Country or Australia. We have been invited by the Governments of the Regional Processing Country to provide you with advice and assistance.

## 3. AM I ELIGIBLE FOR PLAYFAIR'S ASSISTANCE?

Yes. As someone who arrived in Australia before being transferred to a Regional Processing Country you are eligible to receive assistance from Playfair.

## 4. WILL PLAYFAIR CHARGE A FEE FOR HELPING ME?

No. Playfair will not charge you a fee.

## 5. DO I HAVE TO USE PLAYFAIR?

No. You can prepare your own request to receive protection or engage your own representative.

## 6. WHEN WILL PLAYFAIR START HELPING ME?

You must sign the form titled "Instructions". Then we can start to help you.

## 7. WHAT SORT OF HELP WILL PLAYFAIR PROVIDE?

The services that Playfair will provide can be divided into four broad categories:

### Group information sessions

We will hold group information sessions where we will provide general information about:

- what it means to be a refugee;
- the decision-making process in the Regional Processing Country;
- what is expected of you while your case is being considered;
- what you can do to help us present your case;

- the types of assistance we are able to provide you;
- the types of assistance we cannot provide you.

### **Presentation of your protection claims**

One of our representatives will conduct a lengthy interview with you during which they will:

- explain what you need to show in order to qualify for protection;
- answer any questions you have about the decision-making process in the Regional Processing Country;
- help you to complete the required forms. We will take a detailed statement from you about what happened to you in your home country and why you cannot return;
- lodge your request to receive protection with the authorities of the Regional Processing Country;
- attend an interview with the person who will assess whether you qualify for protection;
- advise you about the outcome and other matters relevant to your case.

### **Preparing your case for review**

The decision on your application is a two-stage process. The first stage involves an application to the decision maker. If the decision is negative you can apply for a review by a different person. The person who makes a decision at this second stage is sometimes called a "Reviewer".

We will assist you to present your case to the Reviewer.

If you have to present a case to the Reviewer, we will:

- meet with and explain to you the reasons why the first person made a decision that you are not entitled to protection;
- prepare a statement with you addressing the concerns (so far as you are able) that were raised by the first person who made the decision;
- prepare submissions arguing why you should be recognised as needing protection;
- attend an interview with the Reviewer, if an interview is necessary; and
- advise you about the Reviewer's decision and explain how it affects you.

### **Ongoing assistance**

You will be able to schedule a meeting with a representative after your interview with the decision-maker. At this meeting you can provide further information to the representative.

This representative will have access to all of the information on your file but is unlikely to be the same person who helped you to prepare your statement of claims and attended your interview with the assessor. You can book an appointment to see the representative through the Salvation Army.

This ongoing assistance is being provided by representatives from our office. We would be grateful if you did not book an interview with the representative just to ask whether a decision has been made on your application. As soon as we receive a decision for you we will let you know.

**8. WHAT SORT OF HELP WILL PLAYFAIR NOT PROVIDE?**

We cannot advise you on any appeal to the Courts.

**9. WILL I HAVE THE SAME REPRESENTATIVE THE WHOLE WAY THROUGH MY CASE?**

Playfair has a large team of skilled representatives and it is likely that you will be helped by a number of those people during the process. We ensure that each of our representatives understands your case before they speak to you. Each member of our team will be able to provide you with clear and accurate advice.

**10. DO I HAVE TO PROVIDE DOCUMENTS TO PROVE MY CASE?**

You should provide your representative with any documents or evidence that are relevant to your specific claims.

Documents about your identity, evidence that you belonged to a particular group (eg membership card of a political party), evidence that you or someone close to you has been harmed in your country, or evidence that the authorities in your country (or some other group) are looking for you are examples of documents that are relevant to your case.

Secondary identity documents such as school reports and marriage certificates are often not relevant and the representative may tell you that there is no need to provide these documents with your case.

We have put together a lot of information about the circumstances in your country that we believe will support your protection claims. Please do not provide us with country information unless it is directly relevant to your case.

**11. CAN I PROVIDE DOCUMENTS ON A USB/DVD TO MY REPRESENTATIVE?**

No. You must print out any document you want to submit with your case and give it to the representative. We cannot accept documents on a USB/DVD or that can only be accessed on-line.

**12. WILL AN INTERPRETER ASSIST ME DURING MY CASE?**

An interpreter will be present to assist you during your interview with your representative and the assessor. The role of the interpreter is to tell your representative or the assessor what you say and to tell you what we are saying.

It is important that we understand everything you are telling us. When communicating through an interpreter please break up parts of your story into small parts. It can be very difficult for an interpreter to interpret large amounts of information and there is a risk that the interpreter will not interpret something if you provide them with too much information.

The interpreter is not involved in making the decision on your case and must keep everything they learn about you confidential.

### **13. PARTICIPATING IN THE INTERVIEW**

During the interviews with your representative and the assessor you will be asked a lot of questions.

It is very important that if you cannot understand any of the questions that we are asking you that you ask us to explain the question. Do not attempt to respond to a question that you do not understand. Once you are comfortable that you have understood the question you should think about your answer.

You should then provide a direct answer to any question that is put to you. It is important that you do not provide unnecessary information when answering a question.

### **14. WHAT LAW APPLIES TO MY CASE?**

Your case will be decided under the law of the Regional Processing Country where you are located. Australian law does not apply in your case.

### **15. WHAT IS A REFUGEE?**

In international law a refugee is a person who:

*"owing to [a] well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country".*

### **16. WHERE WILL I BE SETTLED IF I AM FOUND TO BE ENTITLED TO PROTECTION?**

We understand that if you are found to be a refugee you will be resettled in the Regional Processing Country or in a different resettlement country. We also understand that there are no plans for you to be resettled in Australia.

### **17. HOW LONG WILL IT TAKE FOR A DECISION TO BE MADE ON MY CASE?**

We do not know and have no control over how long it will take for a decision to be made either at the first or the second stage of your application. This is a matter for the Government of the Regional Processing Country

You should not worry if your case is taking a bit longer to finalise than another person's case. Each case is different and some are more complex than others. It does not necessarily mean that your case is going to be refused just because it might be taking longer to finalise.

### **18. WHO IS RESPONSIBLE FOR MAKING A DECISION IN MY CASE?**

The Government of the Regional Processing Country (including any Reviewer) is responsible for deciding your case. The Australian government will not be deciding your case and has no influence over the outcome.

You may be interviewed by someone from Australia for the purpose of assessing whether you are entitled to protection. This person is helping the Government of the Regional Processing Country to finalise your case and is not acting on behalf of the Australian government. It does not mean that you are being considered for resettlement in Australia.

**19. WHAT IF I PROVIDE FALSE OR MISLEADING INFORMATION IN MY CASE?**

- You must always provide honest information to your representative or to the assessor, about any prior criminal convictions or outstanding criminal matters. Providing false information: may lead to your application being refused;
- may make you ineligible to be resettled in certain countries; and
- will also almost certainly result in delays in finalising your case.

**20. CAN PLAYFAIR WRITE MY CASE FOR ME?**

We will help you formulate your claims in a coherent form but we will rely only on the information you give us. We will not add any information or tell you what to say.

**21. IT IS VERY IMPORTANT THAT YOU LOOK AFTER YOURSELF**

It is very difficult for us to help you if we cannot communicate with you. Staying healthy will give you the best chance to communicate effectively with your representative. You should approach the health care providers if you are at all concerned about your health.

**22. WHAT WILL HAPPEN IF I COMMIT CRIMINAL OR ANTI-SOCIAL BEHAVIOUR?**

The Government of the Regional Processing Country may refuse your request to receive protection if you commit any criminal or disruptive behaviour. Being involved in criminal or disruptive behaviour will almost certainly cause a significant delay in you receiving a decision in your matter.

## INSTRUCTIONS

By accepting the assistance of Playfair Visa and Migration Services I agree to the following:

1. I ask Playfair Visa and Migration Services (Playfair) to provide me with advice on the prospects of receiving protection and to prepare an application or request to the Government of the Regional Processing Country to be recognised as someone who is entitled to protection.
2. I acknowledge that either:
  - a. a representative from Playfair has explained the contents of the documents titled “Transferee information leaflet” and “Instructions” to me with the assistance of an interpreter, or
  - b. if I decide not to use an interpreter, I have understood this leaflet.
3. Playfair may cease assisting me if I:
  - a. provide false information to a representative of Playfair;
  - b. fail to provide instructions to Playfair within a reasonable period;
  - c. fail to accept advice given by Playfair;
  - d. engage another representative to provide me with advice or assistance;
  - e. do anything that results in Playfair having a conflict of interest; or
  - f. otherwise indicate that Playfair do not have my confidence

After that Playfair will not provide me with any further assistance.

4. I can ask Playfair to stop helping me at any time and if I do Playfair will not provide me with any further assistance.
5. I understand that if Playfair ceases to assist me or I ask them to stop helping me I will be completely responsible for my application and it will be up to me to prove that I am entitled to protection.
6. I authorise Playfair to destroy any document of mine in their possession two years after they have ceased acting for me or as otherwise permitted by law.
7. I authorise Playfair to commence the second stage of the application process – the review stage - if I receive a negative decision when the first stage is completed. Playfair does not need to confirm these instructions again.
8. I understand that Playfair will not commence any Court proceedings arising from any negative decision even if I have the right to do this, and Playfair will not be providing me with any advice about this.

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| Name      |  | BOAT ID |
| Signature |  |         |
| Date      |  |         |