

Legal assistance for permanent protection visas

Achieving visa certainty and reducing backlogs – the positive impact of free legal assistance for asylum seekers and refugees

'I have had many sorrows in my life – I lived through multiple wars in Syria and Iraq. I fled to Australia and ended up in immigration detention for a long time.

*Victoria Legal Aid helped me to get my life back and give me back my freedom. At the moment, I feel very happy and free. I am studying English, I am working on my language skills to integrate into the community in a better way. – Mohammad**

What we do

Victoria Legal Aid provides critical legal assistance for people appealing permanent protection visa decisions through both the Administrative Review Tribunal (ART) and the Federal Circuit and Family Court of Australia (FCFCOA).

Through increased funding in the year from July 2024 to June 2025, we assisted a total of **620** unique clients with **2009** legal services, **801** legal advices and **147** representations. In 90 per cent of our matters, we saw positive outcomes including decisions refusing protection visas being overturned and matters remitted to the ART for further review.

At the ART

We recorded successful outcomes in more than **90 per cent** of protection visa reviews, with significant positive feedback from the Tribunal.

'Any Tribunal member who has presided over a matter with an unrepresented applicant would appreciate the work of ... lawyers in presenting the applicant's case so well.' – Tribunal member

Hearings have been shorter and decisions made quickly – the majority were delivered in just over 3 weeks after the final hearing.

We have narrowed issues in dispute, resulting in efficiencies to the system and improving the quality of decision-making, particularly for applicants with disability or in custody.

Early legal advice and assistance supporting clients at the ART also has the potential to reduce the number of judicial review applications in the FCFCOA.

* indicates where names have been changed

In the FCFCOA

*'Our legal assistance has created efficiencies for the court by reducing challenges for unrepresented applicants. More than **60 per cent of our positive outcomes** resulted from the respondent conceding legal error after we filed an amended application and submissions, avoiding the need for a hearing, or judgment.'* – Chelsea Clark, Associate Director, Migration

Through additional funding to increase our judicial review practice, we received over 60 referrals from the FCFCOA of matters identified as having an upcoming 'call-over' hearing or where a matter was to be listed for final hearing within a year.

We were able to support:

- **73 per cent** of applicants with procedural advice about the nature of judicial review and court processes
- **45 per cent** of contactable applicants with full representation.

Our clients

Alongside other legal aid commissions and community legal centres, we are proud to be playing an increased role in providing legal assistance for people appealing permanent protection visas.

Many are survivors of torture or trauma, in immigration detention or fear harm, including because of their gender or sexual identity. Around a third of the people we have assisted at the ART and FCFCOA live with disability, including chronic disease and mental health issues.

Bringing a trauma-informed approach to our work is vital to build trust and support refugees to prepare and present their case comprehensively and clearly.

Nelson's* story

I fled Sri Lanka with my family when I was a small child and then lived in a refugee camp in India.

My family suffered great hardship. My siblings and I had to stop going to school to help our family by working. There was family violence inside my family home growing up as a child.

It was very hard growing up in the refugee camp without any legal status – the situation was desperate. We could not go anywhere without permission. I was in the refugee camp for more than two decades until I fled again, this time to Australia by boat with my wife and young children. We came to Australia to try to give our children a better future. We did not have rights in the refugee camp, the children could not study, we were not safe and so we came in search of freedom.

I was held in immigration detention in Australia for a decade. I was living trapped in four walls and had a lot of stress during this time. It was a very difficult situation being separated from my family.

I was very anxious because I did not know what was going to happen, how long I was going to have to live in detention or if I would be released.

For a long time I did not have a lawyer who could help me understand my rights. I was not sure what I could do or how I could try to get out of detention. I was downhearted without legal representation.

Victoria Legal Aid has helped me a lot. They represented me through the immigration court processes and before the tribunals three times and I now have a permanent visa and am free, because of their help. I am now in the community and living independently with freedom.

I feel that my future will be good. I look forward to working, leading a good life and being a contributing part of the Australian community. It is so important for people to get legal advice and Victoria Legal Aid are helping so many people in such situations in immigration detention.

Learn more about [the work of our Migration team](#).