



Human
Rights
Law
Centre



National
Justice
Project



Refugee Legal

Information Sheet for People in Detention Considering Legal Action Seeking Release

Short Version

This information sheet outlines key information for people who are currently held in immigration detention.

Recently a number of people have been granted bridging visas and released from immigration detention. Some of these people were transferred to Australia under the Medevac Laws (now repealed). We are also aware that some people released with bridging visas had brought legal proceedings in the courts before being released.

What should I do next?

It is essential for every person considering legal action to obtain qualified legal advice before taking any steps. The main reasons for this are:

- Legal action seeking release of individuals from detention is uncertain and **involves very serious risks, including removal to PNG or Nauru or in some cases, possible forced return to their country of origin.**
- If a person requests to be removed from Australia there is a risk they will be removed to **any** possible country not just the country they request to be removed to.
- People should not request removal from Australia unless they are willing and want to be removed from Australia.
- The chances of success and any potential risks to the person are entirely dependent on each individual's circumstances.
- While the US Resettlement process is entirely separate from the issue of whether a person is in detention or not in Australia, we cannot guarantee that it will not impact in any way on US Resettlement processing.

Providing legal advice about potential action that can be taken is complicated and must be approached carefully. In order to advise people properly, lawyers will need to help the person obtain documents from the Department of Home Affairs and this will often take several months. **Please contact one of the organisations below for free advice and information.**

CONTACT DETAILS FOR OBTAINING FREE LEGAL ADVICE

ASRC: Please call 0478 700 605 between 10.30-12.00 Mondays and Thursdays (for people detained in all states except for NSW)

Refugee Legal: Please call 03 9413 0100 between 10.00-14.00 Wednesdays and Fridays (for people detained in all states except for NSW)

RACS: Telephone advice: Monday – Friday 10am – 1pm or 2pm – 4pm on 02 8355 7227 or by emailing admin@racs.org.au with your name and phone number and we will call you back (for people detained in all states except for Victoria)