



**ethnic  
communities'  
council of  
victoria**

**Patron**

The Right Hon Malcolm Fraser AC, CH,  
former Prime Minister of Australia

ECCV Submission  
to the  
Migration Review Tribunal/Refugee Review Tribunal  
on  
MRT/RRT Service Charter Review  
August 2013

About ECCV

1. The Ethnic Communities' Council of Victoria (ECCV) is the statewide peak advocacy body representing ethno-specific agencies and multicultural organisations. For more than 35 years ECCV has remained the principal liaison point between culturally and linguistically diverse (CALD) communities, government and the wider community in Victoria. ECCV advocates and lobbies all levels of government in areas such as human rights, access and equity, racism, discrimination, employment, education, health and justice.
2. As a member of the Victorian MRT/RRT Community Stakeholder Liaison Group, ECCV welcomes the opportunity to provide input to the Service Charter Review. ECCV congratulates the Tribunal on a transparent, friendly and plain English Charter.

Dignity and Respect

3. People seeking a review of their visa status in Australia often experience emotional and lifestyle difficulties at the time of application. ECCV applauds the Tribunal on its commitment in the Service Charter to a courteous, respectful and dignified service around the review of applications.

Limited English

4. Many applicants to the Tribunal have varying levels of English proficiency and may be overwhelmed by professional review processes. ECCV appreciates the focus in the aims on the Service Charter on using language that is clear and easily understood. In addition ECCV values the clear and simple outline of steps the Tribunal needs to take in the Charter's aims.
5. Many people applying for migration and refugee status have little or no English and are not aware of their rights in Australia. ECCV supports the clear outline of rights in the Charter. In particular ECCV welcomes the statement about the right to an interpreter for hearings.

Speedy acknowledgment

6. People applying for a change in visa status often live in a state of uncertainty and confusion about their future. ECCV welcomes the statement that applications will be acknowledged for review 'in writing within two days.'

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Face-to-face option

7. Some people seeking a change of visa status in Australia find dealings with official procedures daunting and intimidating. ECCV therefore applauds the option in the Charter to attend the office in person without an appointment especially to make an inquiry. Some people from countries of origin that are less democratic have a degree of suspicion when dealing with authorities. ECCV therefore welcomes the clear and simple statement in the Charter that applicants are able to attend in person to make an enquiry without an appointment and are able to lodge their applications in person.

Complaints processes

8. ECCV does not expect applicants to make complaints to the Tribunal when there is fair and respectful treatment of people. Nevertheless many applicants from different countries of origin, with different forms of government, are unaccustomed to the official right to make complaints to an authority. ECCV therefore welcomes the clear statement that applicants have the right to complain, to have their complaint handled fairly and quickly, and more importantly, have the right to make an appeal.
9. In addition ECCV welcomes the clear explanation that, in the unlikely event that a complaint is not resolved a person has the right to take their complaint to the ombudsman. ECCV particularly welcomes the clear contact information provided about the Commonwealth Ombudsman in the Charter's section on 'complaints, compliments and suggestions.'

Hearings

10. ECCV has community feedback that one of the most daunting stages in the migration or refugee review process is the possibility of having to attend a hearing. A panel hearing in a foreign country is perceived as a frightening experience for many people especially for young people and women. For some the prospect of attending alone is overwhelming. ECCV believes the section in the Charter about rights around hearings is too brief. It only explains that the applicant will be notified of the time and place of hearing. ECCV believes that the Charter should include a basic statement that an applicant has the right to bring a support person to the hearing.

**Recommendation:**

1. The Service Charter would be improved by including a statement about the applicant's right to bring a support person to a hearing.

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