The Immigration Kit: A practical guide to Australia's immigration law (4th edn)

The Immigration Advice and Rights Centre (IARC) has produced a thorough, clearly written and user friendly manual of immigration law and procedures. This is not a textbook about immigration law. It is a practical manual that is intended for use by practitioners in the field. Reference to case law is kept to a minimum. The Kit is an excellent companion to the Butterworths Immigration Law Service. However, it should be read in conjunction with the legislation. Immigration law has become incredibly complex and this guide should be of great assistance to both legally and non-legally qualified migration advisers. The consequences of mistakes in this area can be dire for practitioners. In the reviewer's experience, departmental officers tend to base their decisions on what the legislation actually says. Practitioners should be cautioned against uncritically accepting decisions based on the PAMS or the MIS.

In addition, it would have been desirable for the Kit to give more emphasis to the need for applicants or advisers not to engage in 'off the record' discussions with a departmental officer. Departmental officers have an over-riding obligation to ensure that the Migration Act is not breached. Their usual practice is to make a record of all discussions with applicants or advisers and to act on that information. Furthermore, there should also have been more emphasis on the necessity of not making inconsistent statements to the Department in relation to either the same application or different applications. These are easily cross-referenced and adverse inferences can be (and usually will be) drawn against an applicant. It would have been desirable for the Kit to contain a more extensive coverage of offences under the Migration Act.

The user-friendly nature of the Kit has led to over-simplification in some sections. For example, the chapter concerning applications for protection visas (refugee status) in Australia implies that the Refugee Review Tribunal will hold a hearing in every case. While this occurs in relation to most review applications which should hopefully make a significant contribution to raising the standard of practice in the migration law field — an essential text for all immigration practitioners.

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Conclusion

It is to be hoped that the future of the ALRC as a national, independent and permanent body is assured. The view expressed in 1973 by Lionel Murphy that 'people wherever they live in Australia should be subject to the same law' may never be completely realised. Nevertheless, the ALRC has contributed greatly over its 20 years to a national agenda for law reform.

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References


The major drawback with the Kit is that it has gone from a looseleaf service to bound form. No explanation is given for this unfortunate change which significantly lessens the durability of the Kit as a practice manual because immigration legislation is frequently amended. The Kit is current until March 1995 but there have been changes to the legislation since that date. A looseleaf service would be preferable as it can be kept up to date. The Refugee Advice and Casework Service produces an excellent looseleaf Refugee Manual which is regularly updated.

Overall, the Kit is an excellent publication which should hopefully make a significant contribution to raising the standard of practice in the migration law field — an essential text for all immigration practitioners.