

175 Viets seek legal aid for case reviews

By Phil Macdonald, Sunday Standard

ABOUT 175 Vietnamese boat people have approached the Legal Aid Department wanting legal aid for a judicial review of their screening decisions.

Legal Aid Department director Patrick Moss said the inquiries had been coming into the office since last summer. But he said the department had not received a flood of applications after last week's landmark High Court ruling to quash a decision denying refugee status to Do Giau, 23.

"I honestly don't know if there will be a flood. People have predicted one, but they have done so after other decisions as well," Moss said.

He also said local people seeking legal aid would not be disadvantaged because of the influx of applications from boat people. "No one will be turned away," he said.

Moss said the 175 did not include the 111 Vietnamese boat people who won their freedom last November after taking the authorities to court claiming they had been illegally detained in Hong-kong. Their case was fought by the Legal Aid Department.

Moss said the Do judicial review - in which Mr Justice Mortimer said Do had not had a "fair deal" when interviewed by an immigration officer - will at least give the government guidelines

on how to conduct the screening process.

"Some people have criticised the decision, but at least now may have some guidelines for what is a very subjective test," he said.

Inquiries for legal aid from the boat people seeking judicial reviews usually comes after rumours are sparked at various camps.

"There was a rumour going around last summer that boats were being built in Cyprus to forcibly take Vietnamese boat people back home. A rush of inquiries to the department followed," Moss said.

Moss defended the boat people's right to seek legal aid.

"We appreciate that these people arrived here illegally, but they are still entitled to protection and the same laws as local citizens. Legal aid is available to anyone who qualifies. It does not matter if they are a citizen or not. Most countries with a legal aid system work the same way."

He said he would not speculate on the cost of a judicial review if most of the boat people who applied were granted legal aid.

"A judicial review is not cheap and it involves an enormous amount of work, but we are given an operating budget and no one who is entitled to legal aid will miss out."