

# 13. Families from culturally and linguistically diverse backgrounds



Families from culturally and linguistically diverse (CALD) backgrounds face additional pressures to other families when dealing with the criminal justice system.

For instance, language barrier contributes to lack of understanding of the court and correctional systems. Families may also find the Australian correctional system somewhat different from what they have experienced in the past. Corrective Services (CSNSW) provides a range of services to support families from CALD backgrounds.

## Access to language services

CSNSW provides inmates and their families and friends who have limited or no

English access to telephone and face-to-face and Auslan interpreter services free of charge.

CSNSW also employs staff who are fluent in more than one language and available to provide on-the-spot simple interpreter services to CALD people. This service is available in most locations in CSNSW.



CSNSW offers a range of information in languages other than English. This information is available to the public in community languages at: [www.correctiveservices.justice.nsw.gov.au](http://www.correctiveservices.justice.nsw.gov.au)

## Deportation from Australia for committing a crime

Permanent residents who are not Australian citizens may be deported (ordered to return to their country of citizenship) if, within 10 years of entry into Australia they have been convicted of a crime for which they have been sentenced to imprisonment for one year or longer. In some circumstances, the Department of Home Affairs may cancel the residence visa of a permanent resident who has been convicted of serious offences and has served a custodial sentence, even if they have lived in Australia for much longer than 10 years.

Inmates are not usually informed

of the Department's plans for deportation until shortly before their release from prison.

Generally, only those who have been convicted of serious offences are deported. Serious crimes include crime of violence, offences involving injury or corruption of young people, sex offences, and trafficking or distribution of drugs.

If a permanent resident in Australia is deported because of committing a crime, they will probably be permanently banned from returning to Australia.

## The Department of Home Affairs

The Department considers the following matters before making the decision to deport someone:

- > details of the offence(s);
- > extent of rehabilitation of the offender;
- > prospect of repeated criminal offences (recidivism);
- > risk to the community if the person reoffends in Australia;
- > families ties, and/or
- > obligations of the Australian Government under the Convention Relating to the Status of Refugees.

When an inmate has been given a deportation order, they can appeal to the Administrative Appeals Tribunal (AAT). The Tribunal can, if it believes that a wrong decision has been made, reverse the deportation order.

Once advised by the Department of Home Affairs of their intention to deport them, inmates can contact Prisoners Legal Services (PLS) as a matter of urgency to ascertain whether there are grounds to appeal such a decision.

PLS solicitors visit most prisons in NSW and are available via audio video link (AVL).

Inmates can contact Legal Aid directly by dialing **11#** on the prison CADL (phone system-free of charge) and ask for PLS solicitor.

Inmates can also ask the prison's Services and Programs Officer (SAPO) or the wing officer to record their name in the Legal Aid book for appointment with the PLS solicitor.

## Revoking citizenship

A citizen by application can have their citizenship taken away if they are found to have committed a serious criminal offence prior to gaining citizenship. Australian citizenship can be revoked if:

- > they have been convicted of making a false statement or representation in relation to their application to become an Australian citizen;
- > they have been convicted of a serious criminal offence at any time prior to becoming a citizen involving a sentence of 12 months or more;
- > their approval to become an Australian citizen was gained as a result of migration-related fraud;

- > their approval to become an Australian citizen was gained as a result of third-party fraud, for example, fraudulent conduct by a migration agent in the citizenship application;
- > it would be contrary to the public interest for the citizen to
- > remain an Australian citizen. An Australian citizen by birth cannot have their Australian citizenship revoked. Similarly, a person conferred citizenship, after fully

disclosing all relevant factors, cannot have their Australian citizenship revoked.

People who have their citizenship revoked can be removed from Australia.

## Children

Children under the age of 18 may also have their citizenship revoked unless the other responsible parent is an Australian citizen or the child would become stateless.

## Need help with an immigration matter?

### The Immigration Advice and Rights Centre (IARC)



IARC provides free information and advice to help vulnerable people navigate Australian migration law. Information in community languages can be downloaded at [www.iarc.asn.au](http://www.iarc.asn.au) or by contacting the IARC (Tuesdays and Thursdays) on **(02) 823 0799**.

### Legal Aid NSW

Legal Aid provides a specialist immigration service. The service includes; free legal advice, assistance and representation about refugee law and other



immigration matters.

For assistance, contact Legal Aid to book an appointment on **(02) 9212 57 90**.

Appointments to see a Legal Aid lawyer for immigration advice can be made at:

- > Liverpool Migrant Resource Centre (Monday mornings) **9601 3788**
- > Sydney West Multicultural Services, Blacktown (Friday mornings) **9621 6633**
- > Fairfield Legal Aid office (Tuesday mornings) **9727 3777**
- > Auburn Diversity Services (Wednesday mornings) **9649 6955**
- > Bankstown Legal Aid office (Thursday afternoons) **9707 4555**

## Community Restorative Centre (CRC)

Feeling isolated and in need of support, families can access CRC services by contacting **9288 8700**.



Families that require and interpreter service can contact **131 450** to communicate with CRC, government agencies and not-for-profit organisation. This service is free of charge.

