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A PASSION FOR CHANGE

NSW Young Lawyers' 2015 Young Lawyer of the Year is **Besmellah Rezaee**, 29. He arrived in Australia with his family at the age of 18 with limited English, after fleeing Afghanistan when he was 11. In 2012, he was a finalist for Young Australian of the Year in South Australia. In 2014, he received the inaugural John Gibson AM Award for the Young Migration Lawyer of the Year from the Law Council of Australia, recognising "the quality of his work nationally and internationally, his articles on human rights, migration and refugee law, and his considerable pro bono work". **JULIE MCCROSSIN** reports on a young man's advocacy for his community, asylum seekers onshore and offshore, and the rule of law.

Besmellah Razaee comes from a Hazara Shiite Muslim family and he speaks six languages – Dari, Persian, Urdu, Hazaragi, Pushto and English. When he answers my questions about his legal career and the impact of his years as a refugee on his career choices, every word of his response is carefully chosen and delivered with a measured tone and pace.

“I work with Playfair Visa and Migration Services as a supervising solicitor and also the head of legal training,” he says.

“My key duties are running legal outreach for regional NSW, regional Victoria, regional South Australia, and, to an extent, Queensland and Tasmania. We have legal outreach to the Northern Territory that another colleague manages. My other roles include supervising practical legal training of students and junior lawyers within the firm and we mainly deal with offshore and onshore refugee law.

“Ours is a medium-sized firm with a heavy focus on human rights law, refugee law and humanitarian issues, but we do some corporate work as well. Our main offices are in Sydney and Darwin and we have an office, of sorts, on Manus Island where we assist asylum seekers who have been transferred to Papua New Guinea (PNG).”

Over the past year, Razaee has played a predominantly supervisory and training role with the staff sent to Manus. However, in 2013 and 2014, he regularly visited Manus.

“We were contracted to provide the service by the Department of Immigration,” he explains. “I went there, along with one of the partners of the firm, to work out processes and procedures. From then on I mainly went there as a team leader managing eight to 10 other lawyers.”

What are the key challenges and achievements of the work on Manus?

“The challenges are immense working on Manus – not an intellectual challenge, but rather one that is very confronting emotionally as a human,” he says.

“You go to a place where there are minimum facilities, minimum resources, and the clients we deal with on a daily basis have no hope. They are emotionally and psychologically damaged to the extent that an interview, which in the normal

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circumstances would probably take two hours, would take four hours on Manus – and you would not even be finished.

“The successes would firstly be that, despite the many ups and downs, we have kept our independence there, despite pressure, and we have established standing and a reputation whereby clients know there is at least one stakeholder they can talk their issues through with and they can come to us for assistance within the confines of our capacity to provide assistance.”

The other success, says Razaee, is that they have successfully lobbied for the rights of the homosexuals.

“In PNG, it is a criminal offence to engage in homosexual activity,” he says.

“We have had a reasonable number of clients who were homosexuals and their claims of persecution were based on homosexuality. This is very challenging because they would face criminal penalties for what would come under the Refugee Convention. They wouldn’t pass a character check if something wasn’t worked out.

“We talked with a lot of international players about this issue, including UNHCR (the United Nations High Commission for Refugees). It isn’t resolved absolutely, as we wished for, but it is looking good.”

Razaee says part of the the success has been raising the issue internationally.

“Initially there was little acknowledgment of this issue by the two states involved, Australia and PNG,” he says.

“To be honest, the PNG Government hadn’t thought this through when it initially ratified the convention. Eventually, there was a discussion that they may amend their laws, after consultation with the community, and create an exemption within their criminal code and not penalise refugees. We have put this persuasively on the table and now there is no denial of this as an issue.”

Education is the key to understanding how such a young man has achieved so much despite spending more than seven years as a refugee.



Rezaee went to a refugee school in Pakistan run by the Japanese and graduated at the top of his class. Once in Australia, this academic record helped him win a scholarship at St Ignatius College in Adelaide. “The college has a history of helping refugees,” he says, smiling.

Does his experience as a refugee influence his work?

“Entirely,” he replies quickly. “I have experienced first-hand the discrimination, the feeling of hopelessness that we faced having nowhere to turn. In Pakistan, refugees are abused and are insulted on a daily basis. So growing up I always had this strong sense of a passion for social justice. I always wanted to be a doctor. I had dreams of establishing clinics for refugees. But when I spoke to a career counsellor at St Ignatius, it was suggested that I apply for law. This was the area where I could have maximum impact and output. I am glad I was guided in this way.”

Rezaee went on to graduate with his LLB from the University of Adelaide and a Masters of International Law in Human Rights from the Australian National University.



Member for Adelaide Kate Ellis with Besmellah Rezaee, right, when he was a South Australian finalist for Young Australian of the Year in 2012.

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“I do not work for money,” he says. “The main driving force is my passion to bring change. I engage in intellectual debates with the papers that I have delivered at conferences and the articles I have written for law journals, including the ANU law journal.”

Rezaee works for the Afghan community as well. He co-founded Karawaan Radio, published the first Dari quarterly magazine, *Sokhane-nau* and established the Association of Australian Tertiary Students from Afghanistan to help disadvantaged Afghanis undertake and complete tertiary studies. In these troubled times when we are seeing the mass movement of people fleeing war and distress, do lawyers have a special duty or responsibility?

“I think lawyers, when they study law, they learn from day one that they are a group in society who are trained to help and to uphold law and restore justice,” he says.

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“Their duty in these tough times is to step up and think beyond just the profession or their sometimes black and white letters of law. With human rights, there is always the grey area that lawyers have to look for. I think their duty is one of a humanitarian nature whereby they have to put humanity as their first priority.

“The challenge is immense. International migration and the movement of people would be, probably after climate change, the moral challenge of our time. Those that would embrace this challenge, embrace the future.

“At times of struggle and hardship, the societies that would embrace the less privileged would be remembered in the golden pages of history. I think Australians have the capacity, the intellectual courage and the moral compass to come to terms with this notion and embrace the less privileged.” **LSJ**



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