

The Slow Lane of the 'Fast Track' - Just processing for those seeking asylum

February 2023

"As Christians called to love our neighbour, welcome the stranger, challenge unjust systems and offer refuge and care to those who are marginalised and in exile, we have a particular responsibility in our society when it comes to responding to issues related to asylum seekers and refugees."

Shelter from the Storm - A Uniting Church in Australia Statement on Asylum Seeker & Refugee Policy, 2015

"For I was hungry, and you gave me something to eat, I was thirsty, and you gave me something to drink. I was a stranger, and you invited me in." Matthew 25:35.

In December 2014, the Australian Government changed how it determined the refugee claims of people who arrived in Australia by boat. The Government called the new process 'fast tracking'. It impacted people seeking asylum who arrived by boat to Australia between 13 August 2012 and 1 January 2014 and were not sent to Nauru or Papua New Guinea. On 26 March 2019, the fast track process was extended to people who needed to reapply for a Temporary Protection Visa or a Safe Haven Enterprise Visa.

The 'fast track' policy removed a fair review process for asylum applications and employed very short timeframes for lodging applications. The Government of the time also cut 85% of the funding for legal services to assist people with applications for protection. Hence, people often had to lodge their applications without legal advice or support.

'Fast tracking' replaced the previous independent merits review system with a new body called the Immigration Assessment Authority (IAA). The IAA no longer held hearings to gather evidence from the person claiming asylum. It was generally restricted to assessing information provided by the Department of Immigration. It can only consider new information in 'exceptional circumstances', such as evidence of 'significant torture and trauma', which would have affected the consideration of the asylum claim.



The fast track process was anything but fast. Despite having been put in place nine years ago, there are people on the fast track process still awaiting an outcome on their claims for protection.

The fast track process does not provide a proper review process. As a result, there is a higher risk of people needing protection being returned to the country they fled to face persecution.

As of 31 August 2022, of those placed on the fast track, 7,781 still need their cases resolved. These include people who have had temporary visas cancelled or are subject to judicial review. In addition, there have been 693 people who have had their asylum applications refused and are seeking a merits review of their cases.

In their National Platform, the Australian Labor Party committed to abolishing the 'fast track' process:



The existing fast track assessment process under the auspices of the Immigration Assessment Authority and the limitation of appeal rights does not provide a fair, thorough and robust assessment process for persons seeking asylum.

Labor will abolish this fast track assessment process.

Labor will work to ensure asylum seekers have access to appropriate, independent, government-funded legal advice while working through their claims for protection and asylum.

Labor will continue to show global leadership and increase Australia's humanitarian refugee intake, and we will treat people seeking our protection with dignity and compassion in accordance with our international obligations, the rule of law and the principles of fairness.

Labor believes as a nation, we must not harm people seeking refuge.

Handcuffing people seeking asylum to medical appointments

People seeking asylum in Australia who remain in detention are often subjected to being handcuffed when being taken to medical appointments outside of their place of detention. Being handcuffed can cause trauma to those who were subjected to torture and other human rights abuses in the places they have come from. As a result, some detained people have declined to attend medical appointments essential for their health and well-being due to the trauma caused by being handcuffed. In addition, detainees report it is humiliating to sit in handcuffs in waiting rooms during offsite medical appointments.

What You Can Do

Write polite and respectful letters to:

The Hon Andrew Giles MP

Minister for Immigration, Citizenship, and
Multicultural Affairs
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

The Hon Clare O'Neil MP

Minister for Home Affairs
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Salutation: Dear Minister

Salutation: Dear Minister

Points to make in your letters:

- Express concern that the 'fast track' assessment process through the Immigration Assessment Authority is unfair. It increases the risk that people with legitimate asylum claims will be removed back to situations where they will face severe persecution.
- Welcome that the ALP National Platform has committed to abolishing the fast track assessment process.
- Ask that the Commonwealth Government follow through on abolishing the fast track assessment process and allow those caught under the process to have their claims for asylum processed in the same way that applies to all others seeking asylum.
- Ask that those in Australia who had asylum claims rejected through the fast track assessment process have their claim re-assessed through the normal refugee status determination process.
- Further, ask that any use of restraints on people seeking asylum who are in detention when being taken to medical appointments be a last resort. It should be restricted to exceptional circumstances where the person is a substantial risk to themselves or others if restraints were not applied.