

PATHWAYS TO PERMANENCY FOR PEOPLE REFUSED UNDER THE FAST TRACK PROCESS



Queenscliff Rural Australians for Refugees (QRAR) is a community group of 700 members based in Corangamite Electorate. We have assisted people seeking asylum for many years.

We are extremely concerned for the cohort of approximately 8000 people whose refugee claims were rejected under the flawed and unfair *Fast Track* process. Nearly 12 years of living in fear and uncertainty has led to critical levels of mental anguish, early deaths and high suicide risk.

QRAR believes that people's contributions and commitment to Australia over the past twelve years must be recognised and should form a pathway to permanency.

We are asking the Home Affairs Minister, Tony Burke, to use his broad powers to implement a pathway to permanency for the approximately 8000 people whose refugee claims were rejected under the flawed and unfair *Fast Track* process.

This would consider family and community ties, work-related factors, wellbeing factors and contributions to Australian society over the past 12 years.

Please write to the Minister or speak to local members (Independent, Greens and Labor) and/or Federal Senators in your state (Independent, Greens and Labor) to respectfully request such a pathway be implemented immediately

Hon. Tony Burke MP,

Minister for Home Affairs, Immigration & Multicultural Affairs,

PO Box 6022, House of Representatives, Parliament House, Canberra ACT 2600

<https://www.homeaffairs.gov.au/help-and-support/departmental-forms/online-forms/contact-the-minister>

Ms. Libby Coker MP, Member for Corangamite,

26/500-540 Torquay Road Armstrong Creek VIC 3217. (03) 5261 7683. Libby.Coker.MP@aph.gov.au

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Further details here: https://www.aph.gov.au/Senators_and_Members/Members

The financial and emotional cost to refugees, local communities who try to support them and to government departments who spend endless hours administering and assessing the ever-changing processes and legal hurdles cannot be justified any longer.

A case study of a real family impacted by the Fast Track process is overleaf

A family under stress, 12 years on- the unfair and flawed Fast Track system

One family: An unfair, ever changing and complicated process	Why they should have permanency
<p>2012 -2013</p> <ul style="list-style-type: none"> Husband, wife and child arrived in Australia by boat having fled their country, fearing for their lives; from a community consistently and continually persecuted. Kept in immigration detention for more than 6 months and later released into the community on a Bridging Visa E. Not allowed to apply for asylum for 4 years as they came by boat. No immediate work rights. The family had a second child born in Australia while in detention. 	<p>2024</p> <ul style="list-style-type: none"> Their son is now 10 years old. Their daughter is doing Year 12 Monetary cost: \$52, 575 so far. Uncertainty and distress for 12 years: cost immeasurable. <p>Despite all this:</p> <ol style="list-style-type: none"> The father has been working in the essential services area for most of this time. Both parents are working in a regional area. Both have worked for most of this time, paying taxes. Their youngest child is now eligible to apply for citizenship. The eldest child is completing Yr 12 and hoping to gain a place at university. International student fees would be required and would be totally prohibitive for this family. The family have strong community ties and are active in their community. The wife has immediate family connections who have permanency. The father has been under significant mental stress and duress from living in almost 12 years of uncertainty. <p>Who are the winners? The lawyers? NOT this family, NOT local communities and NOT Australia</p>
<p>2014, Australian law is changed by coalition government to a 'Fast Track' process limiting rights and preventing boat arrivals from gaining permanent protection. This system is flawed and unfair. For example:</p> <ul style="list-style-type: none"> It removed safeguards such as the Refugee Review Tribunal replacing it with the Immigration Assessment Authority (IAA) which only provides a limited paper review. It removed funding for lawyers in most cases. Created inconsistent decisions for people who had fled the same circumstances. 	
<p>2015 -2017</p> <ul style="list-style-type: none"> Given work rights. Made a temporary protection claim application. Lengthy, complex application form, detailed documentation. The husband and wife had limited English and needed an immigration lawyer/agent to assist them. Cost - approx. \$3,000 plus interpreter fees; pro bono lawyers had limited availability. Protection claim assessed by a Home Affairs case officer. Took 2 years from lodgement to decision. 	
<p>THE FAMILY'S CLAIM FAILED</p>	
<p>2018, The family's claim was rejected.</p> <ul style="list-style-type: none"> There are 28 days to appeal to the IAA. There was no re-interview, only a paper review. Lawyer costs were approx. \$3,300. IAA Appeal rejected. The Family's Bridging Visa to be terminated in 28 days unless they appeal to the Federal Circuit Court (FCC). A Barrister must check to see if their case has merit to go to the FCC. If not, the family are not allowed to be represented. Merits Review cost \$2190. Court costs to register application: \$665; lawyer costs \$770. 	
<p>2019-2024</p> <ul style="list-style-type: none"> The Federal Circuit Court and Federal Court (FC) only consider judicial errors/points of law NOT the protection claim. Full representation at the Federal Circuit Court cost approx. \$15,450 for a barrister and lawyer. FCC case failed in 2024. 	
<p>2024</p> <ul style="list-style-type: none"> FC application \$5600; legal representation ~ \$15,000 The family is now relying on a Ministerial Intervention Request. Requiring the expertise of a migration lawyer, \$6600. If successful, the family can reapply for refugee status- all over again! If unsuccessful, the family will be placed on a departure pending visa. The family could be sent back to their country of origin after almost 12 years in Australia, despite the likelihood of continued persecution and danger. 	