

The Fast Track Process

The Coalition has begun to implement a 48-hour turnaround for all people seeking asylum that arrive by boat. The aim is the transfer asylum seekers to regional processing centres in Nauru or Manus Island within 48 hours.¹ The policy is part of [Operation Sovereign Borders](#) and is based on a similar model in the UK.²

The UK Fast Track Process

The UK model implements a strict timeline for the processing of asylum seekers. The day after an asylum seeker arrives, they will be interviewed. The next day after the asylum seeker is served with a decision.³ There is little time for an asylum seeker to present their case for asylum and the environment is one of high pressure and stress. The asylum seeker retains a right to appeal but has to decide in two days if they wish to do so. In total, an asylum seeker under the Detained Fast Track Process can expect their asylum claim to be dealt with in 21 days.⁴

The UK model exempts certain people from the Fast Track Process:

- Pregnant females of 24 weeks and above
- With a disability, except the most easily manageable
- Where there is 'independent' evidence that the claimant has been tortured
- With medical conditions which require 24 hour nursing or medical intervention
- With an infectious/contagious disease
- Where detention would be contrary to government policy

Asylum seekers from Afghanistan and Sri Lanka are liable to be placed into a fast track process even though conflict and persecution continues in those countries.⁵

The UK model includes delays in the case of a legal representative being late, inadequate interpreters, ill clients and if more time is required to advise an asylum seeker. There has been no detail as to whether Australia would implement these delay procedures.

Fast Track Process in Australia

Reports from the UNHCR's visits to Nauru⁶ and Manus Island⁷ processing centres both raise concerns about the 'fast track' system the government has implemented. The UNHCR believes that Australian officials will not be able to make correct assessments in such a short

¹ <http://www.theguardian.com/world/2013/sep/23/scott-morrison-border-policy>

² <http://www.dailytelegraph.com.au/news/nsw/tony-abbott-says-he-will-stem-the-flow-of-boats-by-2016/story-fni0cx12-1226698115344>

³ Immigration Law Practitioners' Association, *The Detained Fast Track Process: A best practice guide*, 2008.

⁴ Ibid. Note: If there is a question of error of law an asylum seeker may apply to the court

⁵ http://www.amnesty.org.au/images/uploads/news/4081_sri_lanka_april2013.pdf;

<http://www.amnesty.org.au/afghanwomen/comments/31306/>;

⁶ <http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Nauru%20of%207-9%20October%202013.pdf>

⁷ <http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Manus%20Island%20PNG%2023-25%20October%202013.pdf>

time frame. These assessments are important to find an asylum seekers' age, health, pre-existing trauma and other vulnerabilities.

The UNHCR notes that the transfer of unaccompanied minors to Manus Island shows the fast track system failed and believe that other young asylum seekers detained are in fact under 18 years of age and had not been properly assessed.

What could go wrong with a Fast Track Process?

On 25 September 2013, Australia's top physician and paediatrician body, The Royal Australasian College of Physicians, expressed "serious and significant medical concerns" over the government's 48 hour turnaround policy.⁸ The limited time will result in the likelihood that medical checks are not adequate and serious health issues may result.

Whilst asylum seekers will be immunised with the required inoculations for stay in offshore detention centres, immunisations take a minimum of four weeks to actually take their full effect. The body raised concern that if there were a typhoid outbreak (or malaria which is prevalent in PNG), then the government would be putting people at risk.⁹ There have been instances of gastro outbreaks on Nauru due to the unsanitary conditions.¹⁰ Without proper health processes, this may only be exacerbated.

Apart from health risks, the 48 turn around, as well as the limited appeal process seem destined to reduce the rights of asylum seekers. Not only might asylum seekers face health risks, but given the removal of review processes, their claims may not be assessed properly putting them at risk of being returned to a country in which they face persecution.

At the very least, asylum seekers will have a hard time gaining adequate legal representation because of the limited time frames. In addition, just as the UK model has experienced, many asylum seekers have been wrongly processed through the fast track process,¹¹ or been placed in standard asylum procedures because of their circumstances.¹²

⁸ <http://www.theguardian.com/world/2013/sep/25/doctors-concerned-asylum-seeker-health>

⁹ <http://www.theguardian.com/world/2013/sep/25/doctors-concerned-asylum-seeker-health>

¹⁰ <http://www.theguardian.com/world/2013/aug/15/nauru-transfers-in-doubt-after-fire>

¹¹ <https://newmatilda.com/2013/09/10/morrison-plan-fast-track-torture>

¹² <http://www.hrw.org/news/2010/02/23/uk-fast-track-asylum-system-fails-women>