The Fast Track Process

The Coalition originally began in November 2013 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]

In late June 2014, the Coalition government began to screen out asylum seekers at sea whilst on board customs boats. Such a practice does not provide for any legal assistance or proper evaluation of asylum claims due to the time and pressure constraints.

Fast Track Process in Australia

Reports from the UNHCR's visits to Nauru[3] and Manus Island[4] 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 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.

In addition, the screening out and fast tracking of asylum seekers at sea, as the Government has undertaken in June 2014, provides more worries that asylum claims will not be treated appropriately. Customs officers asked 4 questions, instead of the 19 previously asked in the fast track process.[5] There currently exist no known exemptions for Australia's screening out or fast track process. In June 2014, the Government handed 41 Tamil asylum seekers that were on a boat over to Sri Lankan authorities after asking these 4 questions at sea. As of 10 July 2014, the fate of another 153 asylum seekers that were to have the same policies applied is subject to a High Court challenge.

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.[6] The limited time will result in the likelihood that medial checks are not adequate and serious health issues may result.

[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] http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Nauru%20of%207-9%20October%202013.pdf
[4] http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Manus%20Island%20PNG%2023-25%20October%202013.pdf
[5] http://www.smh.com.au/federal-politics/political-news/tamil-asylum-seekers-ghosts-on-the-high-seas-20140704-zsw0g.html
[6] http://www.theguardian.com/world/2013/sep/25/doctors-concerned-asylum-seeker-health

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.[7] There have been instances of gastro outbreaks on Nauru due to the unsanitary conditions.[8] Without proper health processes, this may only be exacerbated.

Apart from health risks, the 48 hour 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. These risks have been amplified in the wake of the Government's decision to screen out asylum seekers at sea on board customs vessels.

At the very least, asylum seekers will have a hard time gaining adequate legal representation because of the limited time frames. Just as the UK model has experienced, many asylum seekers have been wrongly processed through the fast track process,[9] or been placed in standard asylum procedures because of their circumstances.[10]

Doesn't it work in the UK?

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.[11] 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 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.[12]

The UK model includes the possibility of 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. However, the screening out of asylum seekers on board customs vessels in June 2014 indicates the Australian government will not delay the process when those seeking asylum have no legal representation or are in ill-health.

[7] http://www.theguardian.com/world/2013/sep/25/doctors-concerned-asylum-seeker-health
[8] http://www.theguardian.com/world/2013/aug/15/nauru-transfers-in-doubt-after-fire
[9] https://newmatilda.com/2013/09/10/morrisons-plan-fast-track-torture
[10] http://www.hrw.org/news/2010/02/23/uk-fast-track-asylum-system-fails-women
[11] Immigration Law Practitioners' Association', *The Detained Fast Track Process: A best practice guide,* 2008.
[12] http://www.amnesty.org.au/images/uploads/news/4081_sri_lanka_april2013.pdf; http://www.amnesty.org.au/afghanwomen/comments/31306/;