



**SENATOR DAVID POCOCK**  
Senator for the ACT

The Hon. Andrew Giles MP  
Minister for Immigration, Citizenship and Multicultural Affairs  
Parliament House  
CANBERRA ACT 2600

26 March 2024

Dear Minister

We write to you to express our grave concern about the status of some 9,000 people seeking asylum in our community who arrived as part of the 'Legacy Caseload' more than 10 years ago. This cohort has been unsuccessful in obtaining a Safe Haven Enterprise Visa or a Temporary Protection Visa and have therefore not been transitioned to permanent residence.

In the Australian Labor Party election platform, it was noted that:

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

This position has been further acknowledged by the government in its intention to abolish the Fast Track system and the IAA with the Administrative Review Tribunal Bills that are now before the Parliament.

While this is a welcome change, it still does not provide a reasonable, fast and fair outcome for those who have already been subjected to an unfair assessment of their refugee status. The majority of this group must still wait years for judicial review outcomes that cannot consider changed country information, or for individual Ministerial Interventions.

This circumstance has a particularly negative impact on those who may be now ready to make late disclosures about their sexual orientation or about gender-based violence they have experienced in their countries of origin and who have not had access to legal assistance through their engagement with the Fast Track process.

Further, considering the top three countries of origin for people in this situation are Iran, Afghanistan and those who are stateless, this is an unnecessarily protracted solution which is causing severe harm to people affected, all of whom are in the meantime living on rolling Bridging Visas with expiry dates between 6-12 months.

All of us have met people who are suffering significantly as a result of this policy setting - including young people who have spent almost their whole lives in Australia. These young people have had varying experiences, with some even forced to stop their schooling when they turned 18, losing the opportunity to finish Year 12 or pursue tertiary studies.

Others have been fortunate enough to have study rights and to have found generous charities and universities who have agreed to pay their international student fees so they can pursue their dreams of going to university. However, many are not that lucky. Some young

people are unable to work or study, and are losing the best years of their life being forced to stay at home, unable to build a future for themselves or contribute to their communities.

We welcome the abolition of the Fast Track system, but we ask the government to recognise the unfair nature of the refugee status determination process that this group of our constituents have been subject to, and provides them with a rapid solution so that they can get on with their lives.

An expedited re-application process could be used to provide an assessment of their refugee claims. This should be accompanied by a bulk and rapid Ministerial Intervention process for those who have compelling and compassionate reasons to remain in Australia but who may no longer have valid claims due to the decade-long delays caused by their subjection to Fast Track.

We acknowledge that as time progresses, the approximately 1500 with primary applications on hand will be processed, and those who are processed later may have access to the Administrative Review Tribunal. However, we ask that any of those who are subject to review at the IAA be included in the above solution.

Thank you for your consideration of this correspondence. For the purposes of transparency, we wish to advise that this letter may be made public at our discretion.

Sincerely,



Senator David Pocock



Allegra Spender, MP



Zoe Daniel, MP



Zali Steggall, MP



Kate Chaney, MP



Andrew Gee, MP



Helen Haines, MP



Monique Ryan, MP



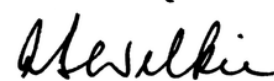
Sophie Scamps, MP



Kylea Tink, MP



Senator Lidia Thorpe



Andrew Wilkie MP