



## **Migration (IMMI 18/019: Fast Track Applicant Class) Instrument 2018**

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I, Peter Dutton, Minister for Home Affairs and Minister for Immigration and Border Protection, make the following instrument.

Dated 23/05/2018

Peter Dutton

THE HON PETER DUTTON MP  
Minister for Home Affairs and  
Minister for Immigration and Border Protection

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## Part 1 – Preliminary

### 1 Name

- (1) This instrument is the *Migration (IMMI 18/019: Fast Track Applicant Class) Instrument 2018*.
- (2) This instrument may also be cited as IMMI 18/019.

### 2 Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislation.

### 3 Authority

This instrument is made under paragraph 5(1AA)(b) of the *Migration Act 1958*.

### 4 Definitions

In this instrument:

*Act* means the *Migration Act 1958*.

*Regulations* means the *Migration Regulations 1994*.

*Unauthorised Maritime Arrival* has the meaning given by the Act.

### 5 Purpose

- (1) This instrument is made for the purpose of paragraph (b) of the definition of *fast track applicant* in subsection 5(1) of the Act.
- (2) This instrument specifies a class of persons who are fast track applicants.

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## Part 2 – Fast track applicants

### 6 Person who is a fast track applicant

- (1) A person is a *fast track applicant* if:
  - (a) the person is an unauthorised maritime arrival; and
  - (b) the person has made a protection claim; and
  - (c) the person had their protection claim considered, or reconsidered, through an administrative process that occurred in relation to the Act or Regulations, including (but not limited to) the following processes:
    - (i) Refugee Status Assessment;
    - (ii) Protection Obligations Evaluation;
    - (iii) Independent Merits Review;
    - (iv) Independent Protection Assessment;
    - (v) International Treaties Obligations Assessment; and
  - (d) the person has been assessed as not engaging Australia's protection obligations; and
  - (e) the person applied to the High Court or Federal Circuit Court to review the assessment and one of the following occurred:
    - (i) the Court made a declaration that the assessment was not made according to law;
    - (ii) the Minister withdrew from the court proceedings before the Court made a decision.
- (2) A person is a *fast track applicant* if the person is the child of a person who is included in the class of persons specified in paragraph (1) above.