

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

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**

# 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.

# Commencement

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

# Authority

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

# 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.

# 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.

**Part 2 – Fast track applicants**

# 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

1. the person has been assessed as not engaging Australia’s protection obligations; and
2. the person applied to the High Court or Federal Circuit Court to review the assessment and one of the following occurred:
3. the Court made a declaration that the assessment was not made according to law;
4. 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.