

## Refused by the Department (Fast Track)

This fact sheet is for people who arrived to Australia by boat and are being processed under “Fast Track”. It explains the options available after receiving a refusal letter from the Department.

### What this refusal decision means

- Unfortunately the refusal means that the Department of Immigration have decided you are not owed protection obligations by Australia, and have refused your case.
- After a refusal by the Department, your case will ordinarily be referred for review on the papers to the Immigration Assessment Authority – the IAA.
- Some matters can be excluded from review with the IAA. If you have been told your matter has been excluded, you have 35 days to appeal that decision to a court, so please seek legal advice urgently if this applies to you. If you're not sure, please email your letter from the Department to [admin@racs.org.au](mailto:admin@racs.org.au) and then call us for phone advice on a Tuesday from 10-11.30am.

### What to expect from the IAA

- The IAA will take a fresh look at your case, “on the papers”.
- “On the papers” means you won't be there, but they will look at your file from the Department.
- The IAA won't be able to consider new information from you unless you can show that:
  - The new information wasn't and couldn't have been provided to the Department before their decision;
  - The information is credible personal information which was not previously known, and had it been known, it may have affected how your case went.
- You can still forward to the IAA any information you like, and ask for them to consider it. But if possible, you need to show how it meets all of the above criteria. A template if you would like to know how to do this is at the end of this factsheet. Requests for consideration of new information should be sent by email to: [iaa@iaa.gov.au](mailto:iaa@iaa.gov.au) and be no longer than 5 pages.
- If you have new information you want considered, you should provide it to the IAA within 21 days of the Department's decision. If you have information you are waiting on, you should contact the IAA to ask for time and explain how much time you will need.
- After your matter has been referred to the IAA, the review and a decision could happen at any time.

### Example of a request for the IAA to consider new information

[Your contact details and date if sending by way of letter].

To whom it may concern,

Provision of new information to the IAA: [your IAA file number]

I would like to provide new information to the IAA which was not before the Department. There are exceptional circumstances to justify considering this new information.

*Explain the significance of the new information and the exceptional circumstances in as much detail as possible up to 5 pages in total:*

- *What is the significant new information in your case?*

- *Why wasn't it available to decision makers at the time of your protection visa application?*
  - *Was it not known to you at the time?*
    - *Does it relate to a change of conditions in your country of origin since your case was decided?*
    - *Does it relate to changed personal circumstances since your case was decided?*
  - *Was the information known to you but were there good reasons why you couldn't tell the Department:*
    - *Does the information provide a response to some adverse information or reasons to refuse your case that were not properly put to you to allow you to answer them by the Departmental officer at your interview?*
    - *Were you suffering torture and trauma effects which prevented you from disclosing this information? – medical or psychological reports required.*
    - *Was there any family violence towards you which prevented you from disclosing this information?*
- *How does the information show that Australia has obligations to protect you?*

I ask that you take the above information into consideration when assessing my case.

Yours sincerely,

[signature]

[Full name].

### **What to do if the IAA refuse your case**

- If you are refused by the IAA you have the right to appeal that decision to a court. However we suggest you get advice on the chances of success before doing so. You can do this through RACS if you are happy to.
- A time limit of 35 days from the date of the decision applies, so it's important to act quickly.
- You'll need to provide us with your IAA decision, a bank statement of the last three months, your DIBP decision, your visa application and if possible a recording of your DIBP interview. If you don't have these documents now, we suggest you seek them under FOI.

### **Bridging visa issues**

- Your current Bridging visa will expire 28 days after you were notified of the Immigration Assessment Authority (IAA) decision.

**Please note:** This factsheet contains general information only. It does not constitute legal or migration advice. If you would like more detailed information on any aspect, please refer to RACS fact sheets available at [www.racs.org.au](http://www.racs.org.au). RACS is independent of the Department of Immigration. All assistance is free. This factsheet was prepared in September 2016.