



## Andrew & Renata Kaldor Centre for International Refugee Law

# Factsheet

Last update: November 2020

*Defined by when and how they arrived, a certain group of asylum seekers in Australia – known as the ‘legacy caseload’ – faces different rules, with no access to permanent protection.*

### **What is the legacy caseload?**

30,000 asylum seekers, most of whom arrived in Australia by boat between 13 August 2012 and 1 January 2014. This group of barred from making an application for protection for up to four years following their arrival. introduced exceptional legislative restrictions to their eligibility for protection visas.

### **How is the legacy caseload being processed by the Australian government?**

In late 2014, the Coalition government established a fast-track process for assessing protection claims made by asylum seekers in the legacy caseload. Under the *Migration Act*, fast-track applicants must wait for the Minister to formally invite them to apply for a *Haven Enterprise Visa*

\_\_\_\_\_ , for which they will have to periodically re-apply to renew.

Immigration Assessment Authority (IAA) for a review on the facts. Generally, the IAA will only be able to consider the written material that was available to the Department in the original application. This can be contrasted with the review process available for non-fast-track applicants, who may have their cases reviewed at a hearing before the Administrative Appeals Tribunal (AAT), which is subject to important procedural fairness safeguards.

For more information, see our [Research Brief on Fast-Track Processing](#).



## What challenges do asylum seekers in the legacy caseload face?

In 2014, the government abolished publicly-funded legal assistance for most asylum seekers who had arrived in Australia without a valid visa, which included the majority of the legacy [legal assistance](#) is essential to ensuring that people seeking protection can navigate the legal requirements and articulate their claims. Many asylum seekers additionally experience vulnerability in the Australian community in the absence of support networks and may also face language and cultural barriers in presenting their case.

In May 2017, the government also announced that all asylum seekers in the legacy caseload were required to lodge an application for protection by 1 October 2017 or be deported from Australia immediately. This required individuals and families who formed part of the legacy caseload to complete, in English, a lengthy application form concerning their claim for protection and experiences of trauma and harm with [severe time pressures](#).

all income support from people who did not meet an extremely high threshold of



## How many people in the legacy caseload have been granted refugee status?

As of [October 2020](#), 26,313 (84.3%) applicants in the legacy caseload had a decision made on their application by the Department. However, there remained 4,884 people waiting for a decision from the Department. At that time, 17,777 people from the legacy caseload had been granted a visa, which includes those whose visa was granted after the decision was remitted to the Department following merits or judicial review.

See our factsheets on [Legal assistance for asylum seekers](#) and on [TPVs and SHEVs](#).

