



Australian  
Human Rights  
Commission

**Edward Santow**

Human Rights Commissioner

26 November 2019

***Assessing asylum claims for members  
of the 'Legacy Caseload'***

Kaldor Centre for International Refugee Law  
2019 Conference  
UNSW, Sydney

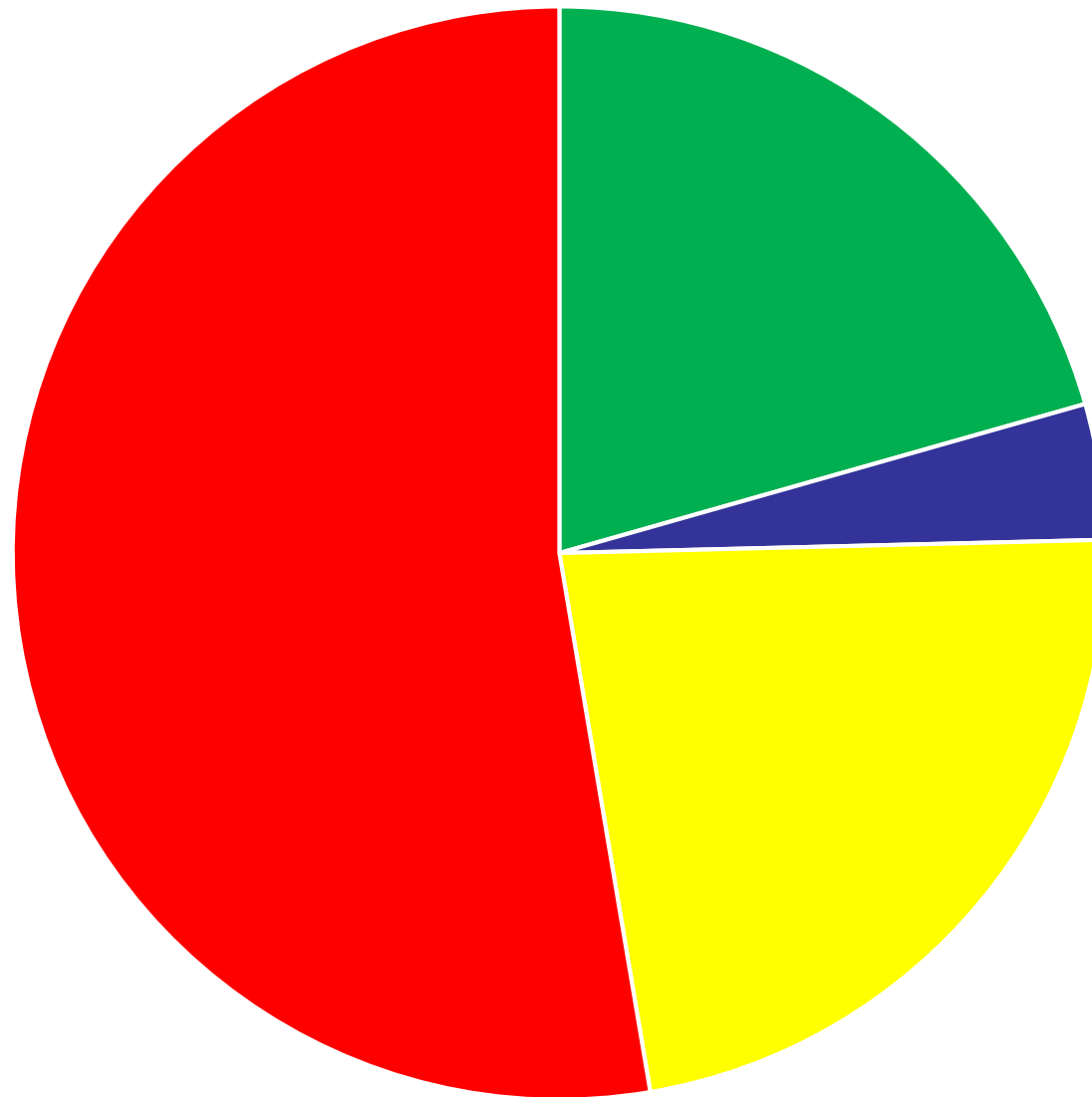
**Lives on hold:**  
**Refugees and asylum seekers**  
**in the 'Legacy Caseload'**

2019



# Legacy Caseload: refugee status & review stages

- Awaiting primary decision
- Awaiting merits review
- Awaiting JR, Minister or removal
- Received temporary visa (TPV or SHEV)



*Source: Dept of  
Home Affairs  
(September 2019)*



## Delays in processing

Prolonged delays have had a negative impact on mental health

## Legal advice

Not eligible for free Government-funded legal advice



## 'Fast track' process

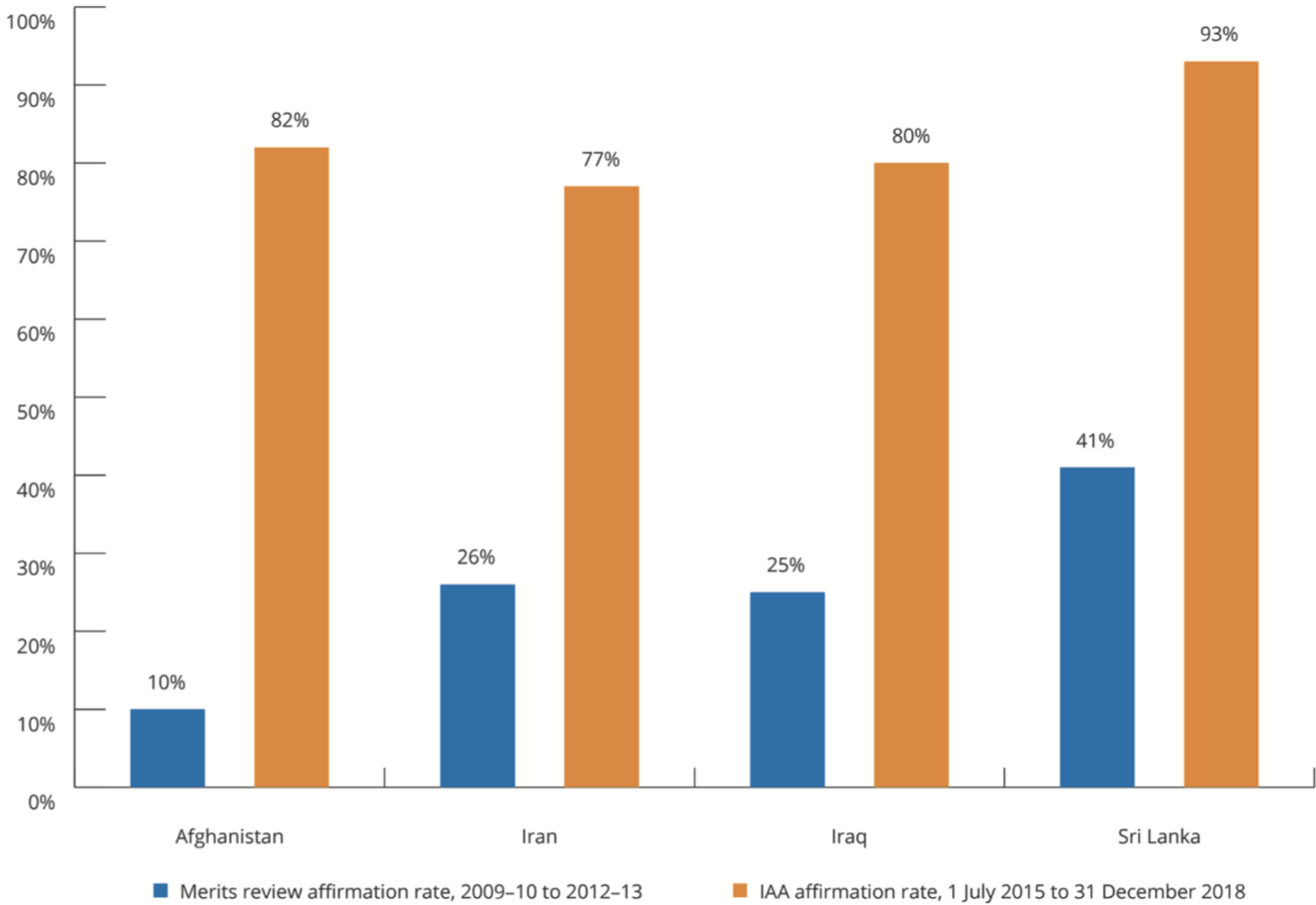
New merits review  
process has insufficient safeguards

**87%** of decisions are affirmed  
under the fast track review process  
(compared to around **20%** previously)



## Children and families

Negative impact on the wellbeing of families and children



Source: Australian Human Rights Commission, 'Lives on hold' report