



Australian Government
**Australian Security
Intelligence Organisation**

ASIO submission to the Parliamentary Joint Committee on Intelligence and Security

PJCIS Review of the Counter-Terrorism (Temporary Exclusion
Orders) Act 2019

29 November 2021



Ref no. PCS 2021/22-014

Managing the return to Australia of foreign fighters

1. ASIO's purpose is to protect Australia and Australians from threats to their security, including threats from terrorism and violent extremism.
2. Currently, the terrorism threat level in Australia remains at PROBABLE—credible intelligence indicates an intention and capability to conduct a terrorist attack in Australia.
3. A key factor in ASIO's assessments of the onshore extremist threat environment is the threat posed by foreign fighters who have returned to Australia after travelling to Syria or Iraq to fight with, or support, religiously motivated violent extremist (RMVE) groups involved in the conflict, including Islamic State of Iraq and the Levant (ISIL) and al-Qa'ida.
4. Since 2012, around 230 Australians (or former Australians) travelled to Syria and Iraq to join these RMVE groups.
 - Around 50 of these Australians have returned to Australia.
 - Around 65 Australian adults remain offshore in internally displaced persons camps, Syrian Democratic Forces custody, or remain engaged with RMVE groups in the region.
5. Australians returning from these conflict zones are likely to maintain violent extremist ideologies, links to other extremists, and return to Australia with capabilities obtained on these battlefields. These individuals present a long-term threat to security.
6. The Temporary Exclusion Orders (TEO) regime provides the Australian Government with an offshore-focused tool that allows the management of a foreign fighter's return to Australia in circumstances where they may pose a security threat.
7. The Department of Home Affairs is responsible for preparing advice to the Minister on proposals to issue a TEO, as well as the subsequent administration of the orders.
 - ASIO provides the Minister with an assessment that a person is directly or indirectly a risk to security to inform this decision.
8. Given the number of Australian foreign fighters that remain offshore and the potential security threat this poses, TEOs remain an important mechanism to manage their return to Australia, and to protect Australia and Australians from threats to their security.