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**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
INQUIRY INTO THE MIGRATION AND SECURITY LEGISLATION AMENDMENT
(REVIEW OF SECURITY ASSESSMENTS) BILL 2012**

Senator **Cash** asked the following questions at the hearing on **22 March 2013**:

The answer to the honourable senator's question is as follows:

On how many occasions has an Irregular Maritime Arrival (IMA) who received a qualified permanent assessment gone on to receive a permanent visa?

This question should be directed to the Department of Immigration and Citizenship.

What is the longest period of time someone has spent either on a bridging visa or in community detention before receiving an adverse ASIO assessment?

This question should be directed to the Department of Immigration and Citizenship.

Of the cases where community detention or a bridging visa has been revoked after an IMA received an adverse security assessment, were those individuals withdrawn from the community immediately? If not, over what period of time? How soon after ASIO issued this adverse security assessment did the Minister for Immigration make his decision to cancel their bridging visa or revoke a residence determination?

These questions should be directed to the Department of Immigration and Citizenship.

Has any IMA who received a qualified ASIO assessment been denied a permanent visa?

This question should be directed to the Department of Immigration and Citizenship.

How many IMAs who received an adverse security assessment have been removed from Australia?

This question should be directed to the Department of Immigration and Citizenship.

IMA INFORMATION

How many IMA security assessments has ASIO conducted in 2010-11, 2011-12 and 2012-13 to date?

In respect of permanent protection visas for IMAs, ASIO conducted the following security assessments:

FY10-11: 3,586

FY11-12: 4,760

FY to date: 2,425.

Of those undertaken, how many adverse security assessments (ASAs) were issued and in which years? What percentage of IMA security assessments does that represent?

ASIO has issued the following adverse security assessments in relation to permanent protection visas for IMAs.

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FY10-11: 35 adverse security assessments; <1% of total IMA security assessments completed in this time period.

FY11-12: 23 adverse security assessments (issued in relation to 22 visa applicants; two ASAs were issued to the one IMA); <0.5% of total IMA security assessments completed in this time period.

FY12-13 (to 28 February): 2 adverse security assessments (issued in relation to 1 visa applicant; two ASAs were issued to the one IMA); <0.1% of total IMA security assessments completed in this time period.

How many qualified security assessments were issued and in which years?

ASIO has issued the following qualified security assessments in relation to permanent protection visas for IMAs.

FY10-11: 13 qualified security assessments.

FY11-12: 11 qualified security assessments.

FY12-13 (to 28 February): 2 qualified security assessments.

How many IMA security assessments did ASIO conduct in 2007-08 and 2008-09? How many adverse security assessments were issued?

In FY07-08 ASIO conducted 1,311 security assessments in relation to permanent protection visas; none were adverse.

In FY08-09 ASIO conducted 1,466 security assessments in relation to permanent protection visas; none were adverse.

Note: during 2007-2009 ASIO did not differentiate IMAs from other protection visa applicants so the above figures include protection visa applicants who arrived by air/on other visas.

NON-IMA INFORMATION

How many non-IMA security assessments has ASIO conducted in 2010-11, 2011-12 and 2012-13 to date?

ASIO has conducted the following regular migration security assessments:

FY10-11: 30,810

FY11-12: 19,337

FY12-13 (to 28 February): 16,890

Of those undertaken, how many adverse security assessments were issued and in which years? What percentage of non-IMA security assessments does that represent?

ASIO has issued the following adverse security assessments in the regular migration stream:

FY10-11: 10 adverse security assessments; <0.1% of total non-IMA security assessments completed in this time period.

FY11-12: 6 adverse security assessments; <0.1% of total non-IMA security assessments completed in this time period.

FY12-13 (to 28 February): 8 adverse security assessments; <0.1% of total non-IMA security assessments completed in this time period.

How many qualified security assessments were issued and in which years?

ASIO has issued the following qualified security assessments in the regular migration stream:

FY10-11: 0

FY11-12: 1

FY12-13 (to 28 February): 0

How do you explain the differences between the IMA and non-IMA cohort numbers?

A higher proportion of IMA security assessments resulted in adverse and qualified outcomes in previous years due primarily to the demographics of the IMA caseload and the international security environment at the time. The number of adverse and qualified security assessments in the regular migration stream has remained relatively consistent due to a broader demographic profile which is less affected by regional developments in the global security environment.

GENERAL

At what stage in the processing timeline for asylum seekers is ASIO called upon to undertake a full security assessment?

DIAC refers IMAs to ASIO for security assessment in relation to their permanent protection visa after the IMA is found to be owed protection.

What assessment is undertaken when people are released into the community: What is the difference between these assessments?

All IMAs are security checked prior to DIAC considering them for release into the community pending a decision about their permanent protection visa. This includes checks against national security holdings and can include additional investigation as required. The amount of checking is often less than that conducted in respect of their permanent protection visa because:

- the consequence of the decision being made by DIAC is temporary, as opposed to the decision to grant a permanent protection visa
- the amount of information available to ASIO to check is typically limited. ASIO's advice to DIAC is based on knowledge at that time, and remains subject to the final decision of the security assessment undertaken in relation to the permanent visa.

On average, how long is it taking for ASIO to conduct and complete a full security assessment?

ASIO completed about 75 per cent of IMA permanent protection visa security assessments in less than two weeks since the implementation of ASIO's security triaging framework in April 2011.

- The remaining 25 per cent of cases represent complex cases and each requires an extensive security investigation in its own right, which takes time commensurate with the level of complexity.

For regular visa applications, it is not possible to indicate an average processing time as this caseload includes different visa types that are subject to changing prioritisation at DIAC's direction.

The AGD said in their submission to the Inquiry that "Any placement of persons of security concern into the community raises complex issues that would need to be carefully considered, including consideration of how compliance with conditions would be monitored and enforced to mitigate risk to the Australian public". What 'complex issues' would ASIO envisage this would pose? Can ASIO elaborate on what those 'complex issues' would be?

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It is not a requirement of the *Australian Security Intelligence Organisation Act 1979* that individuals who receive an adverse security assessment be detained. The legal responsibility for the management of persons who have received an adverse security assessment does not rest with ASIO.

Where ASIO has issued an adverse security assessment, ASIO has assessed it is not consistent with the requirements of security for that individual to be issued a visa on the basis they are likely to engage in activities prejudicial to security. ASIO does not make these decisions lightly.

The purpose of visa security assessments is to alert authorities to potential threats to national security manifesting in Australia. Releasing these individuals into the community would require increased investigation and monitoring by security and law enforcement agencies. This would impose a considerable drain upon existing resources in current areas of threat, which are already rigorously prioritised.

Do the systems operating in other jurisdictions provide a greater level of detail in relation to security assessments?

- There are a range of mechanisms employed by other countries to give effect to the processing and review of security advice provided by intelligence agencies.
- ASIO is not placed to make direct comparisons noting that, the extent and nature of those mechanisms is informed by those countries' particular circumstances. Similarly, the effectiveness of those arrangements, commensurate to the rationale for their introduction, requires a close examination of the varying legal and security environments of those countries.
- ASIO will continue to work within the legal and policy framework established by government. ASIO's principal concern is to ensure the public interest is served through the non disclosure of national security information that, if released into the public domain, would be prejudicial to security.

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Senator **Hanson-Young** asked the following questions at the hearing on **22 March 2013**:
The answer to the honourable senator's questions are as follows:

What is ASIO's practice in relation to assessments of individuals under the age of 18?

ASIO does not generally conduct security assessments in respect of people under 18 years of age, however, will do so where there are security concerns. If there are security concerns, age would not prevent a security assessment being conducted. Security assessments of minors are subject to greater oversight and scrutiny by senior managers.

Has ASIO issued any negative assessments since October 2012?

As at 28 February 2013 ASIO had issued ten adverse security assessments (two Irregular Maritime Arrivals [IMAs] and eight regular migration) and two qualified security assessments (for IMAs). Assessments were issued throughout the year with three of the assessments issued as recently as January.

ASIO has not issued any adverse security assessments in respect of IMAs since October 2012 primarily due to:

- Since late last year, ASIO has prioritised the offshore humanitarian caseload in line with the Houston Panel recommendations accepted by Government. ASIO has been able progress fewer onshore protection cases due to the diversion of resources to the offshore humanitarian visa stream.
- For most of last year, IMA security assessments were delayed because ASIO was unable to interview IMAs who were in the community. Since October last year ASIO has interviewed over 100 IMAs and these security assessments are now being progressed.