



Australian Government

Australian Security
Intelligence Organisation

ASIO submission to the Parliamentary Joint Committee on Intelligence and Security

Review of the Migration and Citizenship Legislation
Amendment (Strengthening Information Provisions) Bill 2020

2 July 2021



Ref no. PCS 2021-011

Protection of information in migration and citizenship proceedings

1. Thank you for the opportunity to provide input into your review of the Migration and Citizenship Legislation Amendment (Strengthening Information Provisions) Bill 2020 ('the Bill').
2. ASIO, like other intelligence agencies, carefully protects information that could reveal our officers, sources, capabilities and methods. This includes in legal proceedings.
3. Many of our capabilities and methods are inherently fragile, and if compromised would take months or years to replace. Our intelligence officers and human sources also need to be protected. We ask our people and our sources to take risks to protect Australia and Australians, and we need to provide them with the confidence that we will protect them.
4. Some of the sources, capabilities and methods we rely on belong to our international partners. Our continuing access is contingent on demonstrating that we can protect them from disclosure.
5. As a consequence, ASIO's priority is to protect the sensitive sources, capabilities and methods we rely on to collect intelligence on security threats while ensuring that, where possible, there are mechanisms for ASIO information to be used in legal proceedings. ASIO relies on a range of legal mechanisms to protect sensitive information, ranging from non-publication orders through to public interest immunity claims.
6. The proposed amendments to the *Migration Act 1958* and the *Australian Citizenship Act 2007* contained in the Bill will provide a further mechanism whereby sensitive ASIO information can be protected in migration and citizenship proceedings, while not limiting the use of other legal mechanisms. ASIO has no concerns with the Bill.