

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 17 OCTOBER 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(SE11/0221) Program 2.1: Refugee and Humanitarian Assistance

Senator Hanson-Young (L&CA written) asked:

What is the Government's plan for genuine refugees (mostly Sri Lankan) who have received adverse security outcomes from ASIO (with no reasons given)? What will happen to them if they are not permitted to settle in Australia, and if a third resettlement country cannot be found to accept them?

Answer.

Irregular maritime arrivals (IMAs) are detained except where the Minister for Immigration and Citizenship exercises one of his non-compellable public interest powers to allow an individual to be detained in the community or to grant the individual a visa.

ASIO issues an adverse security assessment when it considers a person presents a direct or indirect threat to Australia's national security. It is Australian Government policy that no-one who represents a security risk be allowed to enter or remain in Australia. Persons who receive an adverse security assessment are not eligible for Australian permanent visas. It is also Australian Government policy that IMAs ineligible for an Australian visa, including those subject to adverse security assessments, remain in detention while management options are progressed by DIAC. Anyone subject to an adverse ASIO security assessment, including irregular maritime arrivals, can seek judicial review of the assessment in the Federal Court or High Court.

The Minister has indicated to the Department that he does not consider it to be in the public interest to allow persons with adverse security assessments to live in the Australian community and that he is not minded to consider the exercise of his intervention powers in relation to individuals within this caseload.

IMAs with adverse security assessments will, therefore, remain in immigration detention until they are able to be removed from Australia. Removal action will only take place where it would be consistent with Australia's international *non-refoulement* obligations.

The Department has had contact with officials from a number of resettlement countries to explore options for resettlement of individuals with adverse security assessments. The Department will also regularly review whether protection obligations continue to be owed in relation to each individual. Return to their country of origin may become possible if an IMA who is the subject of an adverse security assessment is excluded from protection under

the Refugees Convention or where country circumstances change over time so that protection is no longer required.