



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

JOINT STANDING COMMITTEE ON MIGRATION

**Reference: Immigration detention in Australia**

WEDNESDAY, 25 FEBRUARY 2009

CANBERRA

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**JOINT STANDING**  
**COMMITTEE ON MIGRATION**  
**Wednesday, 25 February 2009**

**Members:** Mr Danby (*Chair*), Mrs Vale (*Deputy Chair*), Senators Bilyk, Fierravanti-Wells, Hanson-Young and McEwen and Mrs D'Ath, Mr Georgiou, Dr Stone and Mr Zappia

**Members in attendance:** Senators Fierravanti-Wells, McEwen and Stone and Mr Danby, Mrs D'Ath, Mrs Vale and Mr Zappia

**Terms of reference for the inquiry:**

To inquire into and report on:

- the criteria that should be applied in determining how long a person should be held in immigration detention
- the criteria that should be applied in determining when a person should be released from immigration detention following health and security checks
- options to expand the transparency and visibility of immigration detention centres
- the preferred infrastructure options for contemporary immigration detention
- options for the provision of detention services and detention health services across the range of current detention facilities, including Immigration Detention Centres (IDCs), Immigration Residential Housing, Immigration Transit Accommodation (ITA) and community detention
- options for additional community-based alternatives to immigration detention by
  - a) inquiring into international experience;
  - b) considering the manner in which such alternatives may be utilised in Australia to broaden the options available within the current immigration detention framework;
  - c) comparing the cost effectiveness of these alternatives with current options

**WITNESSES**

**ADELMAN, Professor Howard, Research Professor, Detention Research Group, Key Centre for Ethics, Law, Justice and Governance, Griffith University ..... 1**



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**Committee met at 12.24 pm**

**ADELMAN, Professor Howard, Research Professor, Detention Research Group, Key Centre for Ethics, Law, Justice and Governance, Griffith University**

*Evidence was taken via teleconference—*

**CHAIR (Mr Danby)**—I declare open this public hearing of the inquiry into immigration detention in Australia. I welcome by teleconference Professor Howard Adelman, who is heading a collaborative research project with the Commonwealth Ombudsman entitled *Dilemmas in Non-Citizen Detention and Removal: an International Comparative Study*. I understand, Professor Adelman, that it is 8 pm in Toronto, where you are, so we do appreciate you making yourself available even if we are not able to enjoy your personal company here in Canberra.

**Prof. Adelman**—I am pleased to do it and I am sorry that I could not be there because of certain circumstances.

**CHAIR**—That is okay. The committee does not require witnesses to give evidence under oath but I must remind everyone that this hearing is a legal proceeding of the parliament and warrants the same respect as proceedings of the House. Would you like to make a short opening statement?

**Prof. Adelman**—Very briefly. I look at detention, which is your focus, as the extreme end of limiting movement. The prime function of immigration in the globalised world is to facilitate movement, primarily tourist movement, and then, following that, working movement of all kinds—professional et cetera. At the other end of the extreme are those whom you do not want to move for various reasons. It is a very tiny bit of the overall spectrum, but what you do there can affect the rest of it and that has to be taken into consideration.

The second thing is that, to understand borders now, one has to understand physical borders or barriers, of which there are various different kinds, and the virtual borders, because we no longer have just one kind of border. All states now operate extraterritorially and operate from within the state—there are borders inside the state.

The third thing I would mention is that in discussing this, though I am a philosopher and approach things from ethics, the fact is that reality—not norms or ethics—is the main determinant of what people do. At the same time, ethics can provide boundary conditions. Detention is an extreme version, and what you want to do is justify whether it is necessary in real terms and is necessary and appropriate in ethical terms. That is the brief statement I will open with.

**CHAIR**—I might begin the batting—if you do not mind that sort of non-Canadian expression—by asking: how do you think Australia should deal with stateless people that are found to have no legal right to remain in Australia? How do you think Australia's record in dealing with stateless people currently compares with international practice? Thirdly, is there anything that needs to be done to bring it into line with international best practice or international law?

**Prof. Adelman**—My early work in the early 1990s and the book we published with the University of Melbourne Press was on comparing Canada and Australia on immigration. What I discovered when I first did research on this element of Australian policy is that you began to adopt compulsory detention. That was not usual and that was not the standard norm. In fact, there was a big discrepancy between the projected image of Australia and practice. If you went around the world you had a lot of moral deficit given the imagery created in the early part of this century, the early 2000s. When I went to do research on your practices it was not much out of order at all and there was a big gap between the image you had abroad and what you really did.

You do not detain people in extraordinary numbers, and have not for the last few years—that is, under the Howard government. So you did not have a bad record or image. Earlier you had a bad image because of some of the things that were done and that I think—if you want my comments—were done unnecessarily and non-productively. But that was an older period when you were faced with irregular arrivals.

In terms of stateless people, you are dealing with a whole range of people, of which stateless is just one group. There are asylum seekers and overstayers who end up on your shore. There are people with health problems who you cannot send back because they will die if they go home because there is no kidney dialysis. There is a whole range of groups you deal with, and you cannot make a simple summary judgment of how to deal with it all.

As a general principle, I think your first report is a really good one. You essentially say that detention is a last resort based on several grounds: whether the arrivals are a security risk, whether there is a criminal background and whether there is a health risk. Then there is the problem that we all have: you cannot block those who are going to abuse the system and who, whatever you do, just abscond and play around with the rules. We do not know the system for identifying them yet, and one thing we should do in social sciences is find out.

Generally, I think that, especially given your new report, you are at the front of the line in terms of the approach. The one comment I would have is that things like quarantine health cases should be left up to the department of public health rather than immigration, because there is no difference between a citizen with a problem endangering their fellow citizens when they come back and endangering foreigners. It is best to leave it to public health—they know the spiel and they should deal with them as a quarantine issue rather than as a detention issue. So partly it is to find what I call the ‘legitimate authority’ for dealing with the problem rather than piling it all into immigration. I do not know if that answer helps.

**CHAIR**—Thank you very much for that.

**Mrs VALE**—Thank very much, Professor, and thank you for speaking with us. In that first report, as you are aware, the issue of conclusively establishing identity is always a big issue with people seeking asylum. We have recommended that it is possible to accommodate people within the community before identity is established, but we would be interested to know if you have come across any other international policies that deal successfully with people of concern—how they actually come across assessing identity and how they contain or maintain those people while identification is being verified.



**Prof Adelman**—Yes, certainly. Americans have a system, and Canadians have a different one, of effectively hosting people. One of the conclusions of research is that the more connections they make with the local population—not simply where they stay but where there is actually friendship or links that develop of a closer nature with a hosting group of people who are already citizens—the more likely it is that they will show up at hearings, not try to abscond et cetera. That has to be qualified a bit. We did some studies in Canada and the United States, and one of the things they do with their counselling is that they make links. Certain people will get advice and say that, given their case, they are better off getting off in Canada because Canada is a slightly more liberal than the United States and they will have a better chance of getting landed. So there are variations. But generally the principle of living within a community with a network of people who give support is very helpful. Further, it is also helpful in establishing their identity because, as the people in that community get to know the arrivals, they get their stories et cetera and you can ask them to help identify them without doing anything wrong.

**CHAIR**—I can only agree with you. I just want to tell you about a little personal touch that I use. When I intervene on behalf of people who are seeking to get tourist status to Australia and I put myself out for them with Australian migration offices overseas, I insist that family and friends of the person who gets the visa come into the office with them at the beginning of their visa period and all undertake to me that they will abide by the circumstances of the visa. Having the family and friends network is almost a foolproof way of making sure that people do not abscond and that they abide by the terms of the visa. If you make interventions as a federal member of parliament on people's behalf, that is a rational way to do it that is not going to cause them to be an embarrassment to you or to the country.

**Mrs VALE**—That is interesting.

**Prof. Adelman**—In Canada, people undertake a 10-year legal obligation that they will not become a burden on the state. That is the strongest form of the variety of plans they have in the world.

**CHAIR**—I just use moral suasion.

**Prof. Adelman**—Generally, North America and Australia do better than Europe.

**Mrs D'ATH**—I am very interested, with your knowledge of international examples, in whether there are any specific examples of international detention and immigration practice that you believe this committee should be examining considering our terms of reference.

**Prof. Adelman**—One example is Ireland. You have recommended detention effectively as a last resort, to be used only if necessary. Ireland has a legal option of detention but in fact they do not use it. Ireland has virtually no difference in the numbers of people absconding or anything else. So if you want to look at that, given the thrust of your report, it might be helpful. Most of the European states are a mess. The further south you go in Europe—to Greece, to Italy or to Spain—they have the biggest troubles, partly because they have the biggest influx across from North Africa and they are dealing with creating fences offshore and territorially. Generally, their systems are quite messy. You do not learn much from them except what not to do.

**Mrs D'ATH**—Just from your knowledge of Ireland's policies, can you explain what they have in place for compliance and monitoring?

**Prof. Adelman**—Ireland has community monitoring and NGOs active. That is one system. They have provisions for using electronic monitoring but they have not done it that I know of. I cannot remember what their exact rate is—I could look it up; I have it somewhere here—but their absconding rate is not much different from others. Absconding rates vary from eight to 18 per cent. They are not high anywhere. Most people show up. In the research, you find that the more support mechanisms there are, in terms of access to work, welfare and health facilities and education for children, the less likely people are to abscond. So building a social network is the thing.

The other thing to keep in mind is that, if you think of all these people in this area that are coming through, some will get asylum, some will get landed under humanitarian concerns and some will go underground. There will be various options but, effectively, only about one-quarter on average will get sent back. The removal rates generally follow the pattern. There is a huge effort for a very small group of people that is really about giving the impression of managing the system, but of the whole body of people flowing through very few people are sent back. We can recognise that reality and say: 'How much energy do we spend on it? What efforts do we make?' You want to keep the integrity of the system and you want people to be honourable, but the best measures are positive measures rather than negative measures. While we are talking, I will look up Ireland and I will get back to you on the details because, frankly, I do not have them in my head.

**Mrs D'ATH**—Thank you.

**CHAIR**—Dr Stone—and maybe you can explain your capacity to Professor Adelman.

**Dr STONE**—Professor, I am Sharman Stone; I am the shadow minister for immigration and citizenship—and this is a bipartisan committee, as you are aware, so we are all working away, trying to get best practice for Australia. I am very interested in the business of asylum-seeking. Do you in Canada have any differences in policy or practice according to how people arrive—for example, whether they have come via your own selection program of refugee humanitarian settlement through UNHCR obligations or whether they have come via people smugglers? Is there any differential treatment when someone claims asylum, or you choose them, once they get to Canada or they are accepted into Canada, in terms of their rights?

**Prof. Adelman**—If they are accepted as refugees, there is no difference. But in terms of getting into Canada, we have an agreement with the United States, and people can be sent back to United States if they cross by land, because of that agreement. So you can arrive from the United States but if you do not have any family here or any good reason that Canada should be the place for your hearing you are sent back under the agreement with United States.

**Dr STONE**—Even if you are an asylum seeker?

**Prof. Adelman**—These are asylum seekers. So there is a differentiation. There is also the differentiation with smugglers. There are not many cases in Canada, because of where we are—just as in your case, although you have recently got an increase again coming from the north—

but incidents where there have been smugglers have aroused huge public attention that was very disproportionate to the numbers. So that, when the Tamils came et cetera, the parliament, under Mulroney, was recalled in the summer to deal with that issue, even though he had been fairly generous about it. But, when it came to smugglers, there was a real reaction among the public to it and a very different attitude than if the refugees had got here by themselves.

**CHAIR**—How many Tamils were involved?

**Prof. Adelman**—I think it would have been 60 or 80. More came every week through the airport at the time than came in that one smuggling operation. So it is not in proportion to the problem; it is the way they came that creates the ire.

**Dr STONE**—Can I just revisit something, Professor. You said that if an asylum seeker comes across your land border with the US you do not begin to process them in Canada; you send them back, under your agreement?

**Prof. Adelman**—No, not necessarily. They can be sent back or not, depending on whether they can establish that they have family in Canada—there are certain rules and regulations where they can actually still cross, but if they cannot fill those rules they get sent back.

**Dr STONE**—And then they are presumably processed as asylum seekers in the US.

**Prof. Adelman**—In the United States, yes.

**Dr STONE**—That is interesting.

**Prof. Adelman**—And there is a differential between Canada and the United States for actually getting through the asylum-seeker processes. There is a four to six per cent better chance in Canada, and the reason is that in our hearings the second-order rule is that the benefit of the doubt goes to the asylum seeker in giving evidence. So, unless there is a reason to disbelieve them, you accept what is said as true. Usually the balance of belief is the more normal rule, but the Canadian rule, ever since Axworthy was minister, has been more generous, and it has meant a slightly better acceptance rate here.

**Dr STONE**—So the preference for asylum seekers would be to get into Canada if they could.

**Prof. Adelman**—Yes; there is a better chance of getting landed here.

**Dr STONE**—I also want to ask you about asylum seekers who are women or children—whole families, minors travelling alone or women travelling alone. Is this a significant issue for you in Canada? And in terms of finding out their identity how do you deal with minors travelling alone or claiming asylum on their own; do you have special accommodation in the community? How do you make sure you as a government meet your duty of care responsibilities for those women or children asylum seekers and make sure their rights are preserved?

**Prof. Adelman**—First of all, they are not detained. They might be in a temporary facility for a short time, but there are big efforts in lots of communities and NGOs who take them into community settlements. Some of them go into foster care if they are unaccompanied minors.

Some go into group homes if they are older teenagers. There is an assortment of possibilities. There is always a preference for family reunification, unless there are specific problems with the father, which is sometimes the case. Then with the problem of identity, everybody has the problem and nobody has an answer. There are all kinds of answers. The most difficult problem is those where their country will not take them back even if you have their identity or you can establish their identity et cetera. That is a difficult problem for everyone with no clear solution.

**Dr STONE**—And the government pays the NGOs, the foster carers or community groups to look after the minors or children as they are in the processing stage?

**Prof. Adelman**—It depends on the timing. Usually for the first three months the NGOs or church groups do it and then the government kicks in, but they have access to health care as soon as the application gets in, so that is within a couple of weeks. They are allowed to work here, which they once were not, so that eases the burden for everybody. Minors do not work; they go to school but usually churches support them. There has been no difficulty getting that support, by the way.

**Senator McEWEN**—I was fortunate recently to be in both Ireland and Scotland, where I did some research on migration issues.

**Prof. Adelman**—Good. You can tell us.

**Senator McEWEN**—I share your views about Ireland. When I raised the issue of detention, they looked at me incredulously—'Why would we lock people up?' I want to ask about repatriation of people who have been found to be irregular migrants. As is the case in Ireland at the moment, many of them want to go home because of the economic situation there. What do you think is best practice in assisting those people to return to their country of origin or to some other country if they are unable to return to their country of origin because they are asylum seekers?

For example, the International Organisation for Migration is completely stretched in terms of providing resources for people who are to be repatriated. The other question I have is that I noticed in Scotland, when people claim asylum status, they are immediately housed in government-funded housing for a fixed period with options to extend that period of accommodation. This is seen as quite a normal thing to do and the authorities there say they prefer to do it that way because they know where they are, they know where the houses are and they know the community they are in and can easily monitor them. However, the other problem is that while those people are in community accommodation, there is still a lack of access to language education, work rights, health rights et cetera. Can you give us some comments on the lack of those services and the impact that has on successful settlement of asylum seekers and refugees?

**Prof. Adelman**—Let me deal with the latter question first. It is quite clear from all the studies—and this is not even an area of controversy—that, even before people get to a country of asylum, the more support, education and training in language they get, the better the chance of a settlement. The second factor is important, as I mentioned at the beginning: if they have contact support with a local community that they bond with, they have a much better chance of settling well. They get their jobs through networks rather than advertisements. Community support is a

very critical factor and it is important for countries to introduce that element. So you do not use NGOs just as advocates—they play that role anyway—but as support groups and they invite these people to be partners in the process, and that helps.

The third is access to employment and education as soon as possible, not delaying it and saying they cannot work until they are settled. Even when they are awaiting their hearing, we have found there is no benefit in not allowing them to work. People think, though, that it is competition for local employment et cetera—which is a different problem—but it is so insignificant in the overall employment sector that if you did an economic study—I think one of you is an economist; the Liberal Party member, is it Sharman?

**Dr STONE**—That is right.

**Prof. Adelman**—As I understand the economic studies, it shows that that factor has virtually no impact on the economy generally, and it is far better for the community and for the person to get employment.

**Dr STONE**—Absolutely.

**Prof. Adelman**—Then, as to the question of how you handle them when they are removed, the general principle is removal with the most dignity and respect for their rights. You have all kinds of dilemmas, though, in doing it. They have tried incentive systems—the Germans did that most of all, when they were returning Bosnians. The best, system wise, if you want to look at it, is the Danish system, where you give them encouragement to go back, some support to go back and even the option of returning as a regular applicant for immigration because you will give them some credit for their time there—in Australia, in your case—if they apply. So you give them incentives to comply with all the norms, not disincentives. So a positive system all along seems to work better than a negative, punishment and deterrence system. Does that help?

**Senator McEWEN**—Yes, that is very good. Thank you.

**CHAIR**—Senator, please introduce yourself.

**Senator FIERRAVANTI-WELLS**—My name is Concetta Fierravanti-Wells. I am shadow parliamentary secretary to Dr Stone, for immigration and citizenship. My question goes to the need to establish identity checks and how important that is. We talk about community release options but, surely, in the area of immigration—and I come at this with many years of experience in the legal sector of immigration—knowing who a person is is very important for a whole series of reasons, and putting them out into the community when we do not know who they are may have repercussions on a series of fronts. The other question I wanted to ask you is: do you have any comments on the increased use of community release options and compliance issues, particularly on the question of absconding, when you look at the level of absconding that occurs in the United States? I read somewhere that only about three per cent of them, I think it is, turn up to immigration hearings. So that is a high instance of absconding. I appreciate that there are different circumstances in the US but, still, the issues of checks and absconding are clearly associated with community release, and I would like your views in relation to that.

**Prof. Adelman**—On the first one, I think you are totally right that the identity issue is the central issue. When you do not know people's identities and you release them, there is the dilemma of security risks et cetera. But the evidence of security risks is so low in all countries. The people who have been security risks have generally entered through other streams—generally, virtually all the time. There are some exceptions but they are rare. The reason is that people who are there who are potential terrorists et cetera do not want to be known to authorities, so they come in as tourists or on student visas et cetera. So that is not a major danger, I do not think. I think, if you look at the statistics, the proportion is so small that you would question whether it is worth all the effort.

You have the situation where people destroy documents on the route because they think if you cannot find out where they are from you cannot get rid of them. That is the main motivation and if that is the major motivation then the question is what you do with these people. You do not want to encourage people to destroy documents et cetera. We also find that you generally find out who these people are when you make these community links. That is one of the reasons to make community links. From stats I think the danger is low—I would say very low—and the benefit is finding out who they are.

I do not think that the figure is correct in your point about the United States and their absconding rates. If you want, I will get you the accurate figure and send it in afterwards—if I have a chance I will look it up while I am here. But I do not think three per cent is the right figure at all. You asked another question, but I have forgotten what it was—sorry about that.

**Senator FIERRAVANTI-WELLS**—No, I think that has pretty much covered what I asked; thank you.

**CHAIR**—Submissions to this inquiry referred to the state-funded Toronto Bail Program, and it was suggested that it could be a model system for those people with no eligible guarantors. Is this something that could be viable in an Australian context, in your opinion?

**Prof. Adelman**—Yes. Toronto borrowed it from the continent and it seems to get a higher rate of people showing up and people vouch for them.

**CHAIR**—Could you explain to us how it works?

**Prof. Adelman**—Essentially it is no different from a bail bond for a criminal. You put in a certain guarantee. I cannot remember how much it is—maybe \$10,000—but you put up the money. It is an amount you could buy on the market, which you guarantee, so it does not cost the person. You pay a fee to a bond house and you put a surety on the fact that they will show up. And the people overwhelmingly show up, provided there is some connection—and it does not have to be a blood or family connection—between the sponsors and the person or asylum seeker, whoever he or she is. I think it is a useful device in all jurisdictions.

**Senator FIERRAVANTI-WELLS**—Did I understand correctly that there would be an organisation that puts up a bond, then you go to that organisation and pay them a fee for them to put up a bond of \$10,000 for you? Hypothetically, you go to them and you pay them a fee of \$500 and they will put up a bond for you of \$10,000 on the understanding that they have a

connection, or that there are assurances or surety given by other people to that organisation? Did I understand that correctly?

**Prof. Adelman**—No. It is the group that goes to the bond house to get the \$10,000 bond. You maybe pay \$500 for the service. They put up the bond and the cost of the bond is \$500. But they guarantee the \$10,000 because they will have to pay the rest of the money if the people do not show up for their hearing.

**Senator FIERRAVANTI-WELLS**—I see.

**Prof. Adelman**—That is the way it is handled. It can be done by a church or it can be done by a group of five sponsors, for instance, in a sponsorship system et cetera.

**Dr STONE**—I am interested in the UNHCR criteria and conditions about assessing asylum status. One of those issues is when the individual has spent some time in interim countries on the way to their final destination. We know that the preferred destinations are the US, Canada and Australia for an asylum seeker at the moment. When you receive an asylum-seeking request do you take into account how long the asylum seeker has been outside their original country of oppression and where they have been before they got to, say, Canada in assessing whether they are economic refugees or refugees of the more traditional definition where their life is in danger due to oppression or their minority status and so on?

**Prof. Adelman**—The rule of the UNHCR is that is not a factor, but in practice it is. In fact, in practice people do not even get into the system in Europe or here if they have transited through countries where they could have had a hearing—in Canada, it is through the United States. So the route they came and the duration they stayed there does count. As to how it affects hearing officers, I do not know of any study that has been done on that. There may have been, but I do not know of any.

**Dr STONE**—Are you saying that, if someone seeks asylum in Canada but they have been living for a few years in, say, New Zealand, or Australia even, having first left Afghanistan a couple of years before or whatever, you do not even process them as an asylum seeker?

**Prof. Adelman**—No, they are processed. If they came and ask for asylum then, unless they have come through the United States on a land route, there has to be a hearing. It does not matter whether they spent two years in Germany et cetera. One of the dilemmas is that they may even have received asylum in some country you do not know about and then gone off to Canada because they would prefer to come to Canada. You have asylum shopping going on. Until we get a global system, which we are far from getting, I think that is going to be a misuse of the system that will continue.

**Dr STONE**—I guess I was misunderstanding you. At the beginning you seemed to say that you do take into account the length of time people have been away from their original place of oppression and where they have been. That is what I understood you to be saying. Are you saying no, unless it is that across-border issue, where you have the agreement with the USA, it does not get taken into account—the fact that they may have spent a few years in Germany on the way?

**Prof. Adelman**—What I said is that, legally, they get the hearing. In practice—and I distinguished what happens in practice—my experience with asylum officers is that that affects their judgment. But it is not part of the rules of being declared a refugee.

**Dr STONE**—I understand.

**Prof. Adelman**—So the hearing officer asks: ‘If you’ve spent three years in Germany, why do you have a well founded fear of persecution? Why did you leave?’ So it affects the judgment of the hearing officer. But in fact I do not know of any proper study of that.

**Dr STONE**—It would be an interesting study, would it not?

**Prof. Adelman**—Yes, I think so. I would like to know, but I don’t. It is just an impression.

**CHAIR**—I have one last question before we wind up. Could you give us some of the emerging trends in electronic monitoring, such as tagging, and how successful you think these measures have been? And is there an international human rights position on measures such as electronic tagging?

**Prof. Adelman**—They have been used for security cases in Canada. A decision came down from the Supreme Court that in fact they were monitoring a person too much, because he was being followed as well as having electronic bracelets et cetera. You can look up that ruling; it was just last month. But it is generally successful. It is in effect another form of detention—a softer form of detention, because they are with their own families—but they are generally very restrictive here. There are very few cases; it has very limited application. There are several kinds of monitoring that have been used. One is where you phone to report in and they have voice recordings and they use voice recognition. Then there is the other form of monitoring, which is banding with ankle bands et cetera. So it varies. You do not have any cases of them getting away or anything like that. The issues have been whether it has been too strict. It has been applied overwhelmingly to security cases and is therefore very limited.

**CHAIR**—So it has only been used in a very limited way and it is not popular. What is the human rights position regarding tagging?

**Prof. Adelman**—You have the situation always where human rights advocates have argued that it is far too restrictive and they have gone to court over it. They were the ones who won the case and said it was too restrictive in this case. Because the person was after all detained for six years and was then released and was effectively very much in a kind of home prison. Where no criminal case is proved against the person he is innocent, at least on paper, but according to the security service he is a significant risk. The states are torn. The states want to protect their own citizens and therefore they weigh against releasing them. The rights advocates argue that the rights of the person are not being respected and balanced against the security risk sufficiently. They in fact won their argument to a large extent.

It has been a long time but the progress is to grant more rights to this kind of person who you cannot deport because he will be tortured if you send him back. But the country does not really want him because their intelligence services tell them he looks like he is a security risk. Every country is torn over what to do and the states tend to err on the side of protecting their own



citizens rather than the rights of the individual. And rights organisations tend to argue for the rights of that individual. Where you seek the balance is the dilemma.

Generally—you do not have enough cases—they monitor these guys so closely that I cannot imagine how they can do anything. In certain cases I have seen their real inside information and they look like real security risks when you look at the background information. So I am not sure what to do, and I think you have to do it on a case-by-case basis. They are very small. The real problem is the mistakes that are made. You had two cases where you made mistakes. In one you eventually landed them when the second hearing was heard and the first one Sweden took, I think—or vice versa. There were two cases. But it is not a big problem for Australia, I do not think.

**CHAIR**—Thank you Professor Adelman.

**Prof. Adelman**—I hope I have been helpful.

**CHAIR**—Are you coming back to Australia at some point?

**Prof. Adelman**—Yes, I will be back but it will now be another period because I missed this round because of circumstances here. I was supposed to be there this week.

**CHAIR**—Perhaps we will get to see you in person. Thank you for appearing before the inquiry today.

Resolved (on motion by **Senator Wortley**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

**Committee adjourned at 1.08 pm**