

Committee Secretary
Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
CANBERRA ACT 2600
AUSTRALIA

I wish to make a few points from a lay person's point of view about the working of ASIO.

1. From the point of view of someone who visits Immigration Detention centres and tries to support asylum seekers detained there, it seems that Security Clearances are a mystery. There is a veil of secrecy over the whole process. In fact in speaking to reasonably senior staff in the Department of Immigration there is a hesitancy in even acknowledging that a person's Permanent Visa status is being held up because of ASIO's investigations.
2. Some people who have been given refugee status have been kept in detention for over a year waiting for security checks. On the other hand there is inconsistency about the length of time taken because with individuals from the same country and city, with similar protection claims the time taken can vary by many months.
3. Although people may have had the assistance of a migration agent to prepare their claims, in my experience, these migration agents do not always continue to advocate and assist their clients after their client has had an interview or a hearing. Therefore, many people remain in detention for long periods of time, with no one making inquiries about the delay on their behalf.
4. I am told that applicants can lodge a complaint to the Inspector General of Intelligence and Security (IGIS) about delay in relation to their security clearance. IGIS will then conduct an investigation into why there has been a delay in one's assessment. This information is not made available to detainees. Posters should be placed around the centre advising detainees about how to lodge a complaint to IGIS.
5. There is no way to challenge any adverse assessments made by ASIO. This seems to deny those being assessed natural justice. There is no appeal possible because of the lack of transparency about the process.
6. It is impossible to challenge the procedural fairness of the assessments when there is no opportunity to obtain information about the steps ASIO has taken. Recently two asylum seekers in detention made a request through FOI for information about all documents relating to their cases. The information pertaining to processes used to determine their security checks was withheld.
7. ASIO's website gives the role of the organisation as 'collecting, analysing and reporting intelligence on threats to security'. It is unknown to most how this relates to asylum seekers in detention.
 - a. Where checks are being made,
 - b. what is the time frame: is it only over the person's recent past, or the whole of their lives
 - c. what is the extent of the checks: friends, family?

8. it seems that many of adverse security assessments are currently affecting Sri Lankan Tamils (other than Burmese Rohingya). It is not clear how Sri Lankan Tamils pose a risk to Australian national security. If it is a connection with the LTTE that is being alleged, then it should be noted that the LTTE were involved in a secular, internal struggle, in response to the discrimination against the Tamil minority in Sri Lanka. It is not clear how this conflict touches on Australia's interests. The International Crisis Group in 2010 has reported extensively on the way that Tamil civilians were entrapped in LTTE controlled territory in Sri Lanka's North, with risk of being fired on by the LTTE if they tried to escape, and the Sri Lankan military if they crossed the line of conflict. In this context the ICG reports that Tamil civilians were forced to cooperate with the LTTE who were forcibly controlling territory in the North during the war. It is unclear whether the ASIO assessments account for these historical nuances.

The above concerns are real for any individual being assessed, but for individuals who have to remain in detention while this seemingly endless process happens, they are the cause of trauma that seems unjust and unnecessary.

Brigid Arthur

For Brigidine Asylum Seekers Project

52 Beaconsfield Pde

Albert Park 3206