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AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION
SUBMISSION TO THE SENATE FOREIGN AFFAIRS, DEFENCE AND
TRADE REFERNCES COMMITTEE
INQUIRY INTO MATTERS RELATED TO PROTECTION VISAS AND
DEPORTATION

JULY 2005

- (a) *ASIO's response to Mr Chen Yonglin's application for a protection visa*
1. ASIO is the competent Australian authority for making security assessments on entry into or residence in Australia.
 2. Applicants for visas are referred to ASIO by DIMIA when an applicant (whose claims have been determined by DIMIA to meet the threshold for consideration) matches profile criteria. At that point, and in accordance with public interest criteria (PIC) 4002 of the *Migration Act 1958* ASIO makes an assessment on whether the applicant poses a threat to Australian national security.
 3. If a visa applicant is assessed to be directly or indirectly a risk to Australian national security, DIMIA may refuse the grant of a visa under section 65 of the *Migration Act 1958*.
 4. 'Security' is defined in section 4 of the *Australian Security Intelligence Organisation Act 1979* (the ASIO Act) as:
 - (a) the protection of, and of the people of, the Commonwealth and the several States and Territories from -
 - (i) espionage;
 - (ii) sabotage;
 - (iii) politically motivated violence;
 - (iv) promotion of communal violence;
 - (v) attacks on Australia's defence system; or
 - (vi) acts of foreign interference;whether directed from, or committed within, Australia or not; and
 - (b) the carrying out of Australia's responsibilities to any foreign country in relation to a matter mentioned in any of the sub-paragraphs of paragraph (a).
 5. DIMIA referred Mr Chen's application for a protection visa to ASIO for security checking.
 6. ASIO's assessment of individual cases is confidential.

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(b) Any related matters

1. Mr Chen has made allegations in the media that the PRC government has been engaged in foreign interference and espionage in Australia.
2. These allegations are being looked at closely and the Government has given Mr Chen the opportunity to bring forward any information he wishes.

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