

## QUESTION TAKEN ON NOTICE

### ADDITIONAL BUDGET ESTIMATES HEARING: 9 FEBRUARY 2010

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### **(33) Program 3.1: Border Management**

Senator Humphries (L&C 75) asked:

We were told yesterday that in the last financial year—and I think these figures are right—we had 1,039 IMAs and ASIO only assessed 207 of them. Are you saying that that is because ASIO determines the numbers that have some sort of potential security concern associated with them?

*Answer:*

Pursuant to Part IV – Security Assessments of the *Australian Security Intelligence Organisation Act 1979* (ASIO Act), the Australian Security Intelligence Organisation (ASIO) provides advice to the Department on whether people applying for entry or permanent residence in Australia may pose a threat to security.

For most visa classes and subclasses under the *Migration Act 1958*, one of the prescribed criteria that an applicant must satisfy is public interest criterion (PIC) 4002 of the *Migration Regulations 1994*, which provides that: 'The applicant is not assessed by the Australian Security Intelligence Organisation to be directly or indirectly a risk to security, within the meaning of section 4 of the *Australian Security Intelligence Organisation Act 1979*.'

This means that if an applicant for a visa to which PIC 4002 applies is assessed by ASIO to be directly or indirectly a risk to security, the application must be refused.

PIC 4002 referrals for the Irregular Maritime Arrivals (IMAs) caseload are initiated in accordance with the requirements set out in the classified appendices of the *Security Checking Handbook* and in line with the risk-based detention policy unveiled in July 2008, that is, IMAs at excised offshore places are subject to mandatory detention for health, identity and security checks.

In practice, however, all adult Irregular Maritime Arrivals (IMAs) and unaccompanied minors undergo security checking but dependent children (<18 yrs) of IMAs are not referred for security checking.

The number of security assessments for IMAs that are completed in a program year do not necessarily equate with the number of arrivals in that year as the security assessment process for an IMA may extend into the following program year and, as noted above, not all IMAs are referred for security checking.