

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 91

Senator Cash asked the following question at the hearing on 25 May 2011:

- a) Provide details of the criteria under which the referral process takes place between DIAC and ASIO for security assessments.
- b) What is the definition of a 'less complex' case?
- c) Who makes the initial determination as to whether a case is 'less complex' and referred to DIAC or ASIO for security assessment?
- d) How is this determination made? Using what criteria?
- e) Are all "A1 met" IMA's referred to ASIO for security assessment?

The answer to the honourable senator's question is as follows:

The Department of Immigration and Citizenship (DIAC) has a longstanding arrangement for referring visa applicants to ASIO for Security Assessment purposes in order to provide advice to DIAC to inform its consideration of visa suitability. This referral process applies in relation to irregular maritime arrivals, onshore protection visas or any other visa stream.

- The criteria under which this referral occurs are determined by ASIO. It is an ASIO-managed process across the board.
- This process is intelligence-led and risk-managed and involves close cooperation between ASIO and the Department of Immigration and Citizenship.

Regarding irregular maritime arrivals specifically, until May 2010 DIAC directed complex, long-term detention cases be afforded lower priority for security assessment, in order to clear less-complex cases due to accommodation constraints on Christmas Island.

Until recently, DIAC referred all IMAs to ASIO for security assessment. In late 2010, the Government endorsed changes to the security assessment process for IMAs to ensure an intelligence-led and risk-managed approach to security assessments and security assessment referral to ensure ASIO resources are most appropriately used. Since December 2010, the Government directed that DIAC only refers to ASIO for security assessment IMAs who have been found to be refugees and therefore actually require security assessment.

Further, in January 2011 ASIO developed a new referral framework to ensure ASIO is able to focus more closely on IMA cases requiring intelligence investigation, and on longstanding IMA cases. With DIAC agreement, this ASIO-managed Framework commenced operation in March 2011.

- ASIO maintains overall responsibility for managing the security process

The nature of the security checking process is on a case by case basis – it is not determined solely on a nationality, ethnic, religious or other basis. The security checking undertaken by ASIO varies according to the purpose for which an assessment is being made and is proportionate to the level of risk the individual is assessed to pose.

This intelligence-led risk-managed referral framework, which ASIO has developed in consultation with the Department of Immigration and Citizenship, enables ASIO to streamline security checking for non-complex cases commensurate with the risk to security that they present. Importantly, it allows ASIO to focus investigative effort on the individuals of security concern in the irregular maritime arrival stream. The result is that security checking is more thorough and more effective.

ASIO, in close cooperation with the Department of Immigration and Citizenship, is continually refining and streamlining its processes – this framework is an example of this.

Responses to the specific questions about the ASIO-managed Framework are as follows:

- a) It would be inappropriate to provide specific detail in relation to the referral process or the criteria as to do so would compromise the integrity of the process and consequently the security of Australia.
- b) It would be inappropriate to provide specific detail in relation to the referral process or the criteria used to determine ‘less complex’ cases, as to do so would compromise the integrity of the process and consequently the security of Australia.
- c) DIAC and ASIO work together in applying the ASIO-managed referral Framework to individual cases.
- d) The determination is made using the ASIO-managed referral Framework. This intelligence-led risk-managed referral framework, which ASIO has developed in consultation with DIAC, enables ASIO to streamline security checking for non-complex cases commensurate with the risk to security that they present. Importantly, it allows ASIO to focus investigative effort on the individuals of security concern in the irregular maritime arrival stream. It would be inappropriate to provide specific detail in relation to the referral process or the criteria as to do so would compromise the integrity of the process and consequently the security of Australia.
- e) All ‘1A met’ IMAs (that is IMAs who have been found to be refugees) undergo security checking under the ASIO-managed referral Framework.