

# Refugees face indefinite detention because of negative ASIO security assessments

Abbott is planning to keep 47 refugees detained indefinitely, by removing any right of review. These refugees have been found to have legitimate asylum claims. They have been found guilty of no crime, and face no charges. Many of them have been detained for over 4 years in a legal limbo where there is no foreseeable end to their imprisonment.

These refugees who have received adverse ASIO assessments are held on the supposed grounds of being “likely to engage in acts prejudicial to Australia’s security”, but ASIO is under no obligation to provide any reasons or evidence to support their claim, which would be impossible in any case, how can likelihood of future acts be proved?

Refugees have no legal right of appeal or guaranteed access to the rationale for such findings in Australian courts. A United Nations Human Rights Committee concluded in August that this “amounted to cruel, inhuman and degrading treatment, inflicting serious psychological harm on them” and that Australia had breached close to 150 international human rights obligations.

While Australian citizens can appeal an ASIO finding in the Administrative Appeals Tribunal, these refugees have no right of appeal and no right to even know why an adverse finding was made against them. Many refugees face severe mental health problems as a result of this arbitrary and indefinite detention. Three small children are also living detention in order to be with their mother, Ranjini (pictured above), who has been held at Villawood since May 2012.

Professor Ben Saul of the Sydney Law School who made the complaint to the UN committee said the policy “takes human rights and a fair hearing back to the stone age in Australia”.

## Abbott will abolish the limited Stone review process

The Labour government begrudgingly introduced a limited non-binding review process led by Margaret Stone after a critical High Court decision. The process has led to two findings being reversed, bringing into question the reliability of ASIO processes (ASIO itself has mysteriously changed three of its initial assessments without explanation). But Stone herself has described her own process as “not guesswork in the terms of tossing a coin, but it is prediction”. Refugees and their lawyers have received copies of Stone’s review findings

with key sections of it blacked out; statements of the “reasons” for the finding have been vague, some are literally seven lines long. Stone upheld one case where she conceded that the evidence would not pass a burden of proof test in a court hearing.

Now the Abbott government has vowed to eliminate even this process, with the Coalition stating they will abolish the Stone review process with 40 cases still awaiting a decision. In effect, refugees will get one assessment for life, with no way to challenge it.

## Who are the ASIO negative refugees?

Most of those with adverse ASIO assessments are Tamils from Sri Lanka. It is clear that many Tamils are given the assessments because of suspected involvement with the Tamil Tigers (LTTE) in Sri Lanka. But the Tamil armed struggle has been confined to Sri Lanka, and a response to the ethnic cleansing and oppression Tamils face there. They are not designated as a terrorist organisation in Australia. Professor Clive Williams, head of terrorism studies at ANU believes, “They’ve never done anything here except collecting money and they’ve never posed a threat to Australia.”

Former Tamil Tiger fighters have been accepted as refugees in the past without being classified as threats to national security.

John Gibson from the Refugee Council of Australia has pointed out that the pattern of ASIO rejections shifts dramatically according to domestic politics; hundreds of Tamils were granted visas without negative security assessments under Rudd, but after the visa freeze on Tamils, and in the wake of the arrival of the Oceanic Viking, ASIO made a “sudden switch to adverse assessments”.

Refugees are not provided with specific allegations against them and can be the victims of guilt by association (because of geographical or family links) or of thought crimes (because of ideas or opinions they are assumed to have held). ASIO claims that Ranjini remains “ideologically supportive” of the Tamil Tigers, despite her denials. It is not clear how she could possibly get her assessment overturned.



## ASIO Assessments are Unaccountable

Adverse assessments are made by reference to secret, unpublished criteria. Refugees have no right to know of or respond to any evidence or allegations taken into account against them.

## ASIO Assessments Lack Credibility

The credibility of ASIO assessments has been brought into question on numerous occasions. Mistakes have been made in the past and there have been allegations of political interference from within the Department of Immigration itself. ASIO has admitted to losing key paperwork in one case, where the original record of

interview could not be found, and to relying on an unsigned translated summary of the person's refugee claim that the Stone review concluded "would have little evidentiary weight in court".

In 2004, ASIO was forced to pay approximately \$200 000 compensation to a refugee who had been locked up for two years, having been falsely classified as a national security risk. At the time, ASIO refused to release any details or say which overseas agency had provided the information used to make the assessment. It was later revealed through an internal inquiry that the agency had relied solely on information provided by the same secret police organisation—from a country with a poor human rights record—that had persecuted the asylum seeker.

Upcoming refugee events:

# LAUNCH OF SECONDARY STUDENTS FOR REFUGEE RIGHTS

It seems that many of our politicians in Canberra have forgotten what human rights are. We're here to show them. Come along and help really get **Secondary Students for Refugee Rights** up and running! We've developed the foundations, but we need you!

This meeting is the perfect opportunity for High School Students to workshop and develop ideas in a relaxed and open environment so that SSFRR can really start making a difference in the campaign for refugee rights! We also have some fantastic speakers! Call Lucy: 0433 334 724 or Caitlin 0434 332 838 for more info

With guest speakers **ADAM BANDT** (federal Greens MP for Melbourne) and

**ROBIN DECRESPIGNY** (author of *The People Smuggler*)



**THUR OCT 3, 1PM @  
Ross House, 247 Flinders Lane,  
Melbourne CBD**



**Cup Day Welcome Refugees BBQ: Tue Nov 5, 12 Noon @  
Maribyrnong Detention Centre, 53 Hampstead Rd Maidstone**

Organised by Renegade Activists Action Force, call Jacob for more info 0402 246 491

## Refugee Action Collective – Unionists for Refugees meeting:

**1pm Saturday Nov 9, @ ANF House, 540 Elizabeth St Melbourne (just north of Vic Markets)**

In the aftermath of the election of the Coalition government, the Refugee Action Collective is calling a meeting of pro-refugee unionists. The aim of the meeting is to have an initial discussion about how to build more effective networks between unionists, including rank and file members, in order to build greater support for refugees and the refugee campaign. Various unions and the ACTU already have quite good refugee policies. The challenge is for the policies to become a vehicle to more actively mobilise union members in support of refugees.

Call Chris for more info 0403 013 183