



Australian Government
**Independent Reviewer of Adverse
Security Assessments**



Independent Review

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The Attorney-General has appointed an Independent Reviewer to conduct an independent advisory review of adverse security assessments provided by the Australian Security Intelligence Organisation (ASIO) to the Department of Home Affairs (Home Affairs) for the purpose of determining a person's suitability for a permanent visa. The Reviewer will review adverse security assessments made in relation to persons who have been found to be owed protection obligations under international law but who remain in immigration detention.

The Terms of Reference for the review are available from www.ag.gov.au/asareview.

Who is eligible for review?

People who are the subject of an adverse security assessment are eligible for it to be reviewed by the Reviewer if: (a) they are detained under Australia's immigration law, and (b) they have been assessed as being owed protection obligations under international law. The Reviewer has been appointed to carry out the reviews.

Application process

The Reviewer will write and tell you if you are eligible for review, and will give you an application form. To have your adverse security assessment reviewed, you need to fill out the application form and send it to the Reviewer. The application form must be sent to the Reviewer within 60 days of the date of the letter from the Reviewer.

If your application form is sent within 60 days, the Reviewer must review your case. If you send your application form after 60 days, the Reviewer will decide whether or not to conduct a review. If your application is late, it will be helpful if you explain why your application missed the deadline.

When sending your application, you do not need to make any submissions in support of your application. You will be advised at a later time when your supporting submissions should be made, and you will be given enough time to prepare them.

Can I have a lawyer or someone else assist me with my application?

Yes. You can arrange for a lawyer or another person to help you with your application and, when the time comes, your written submissions in support of your application.

The Independent Reviewer will not provide financial assistance to eligible applicants.

What happens next?

The Reviewer will confirm receipt of your application. It is not possible to give you an estimate of how long your review will take. The Reviewer may have many cases to consider, and may not be able to review every case as soon as the application is received. The Reviewer will decide which cases are reviewed first, and there are many factors to consider in making this decision.

As soon as possible after you have applied for a review, the Reviewer will give you an unclassified summary of reasons prepared by ASIO in relation to the adverse security assessment. The summary will not include any information that may harm national security if released.

Your comments and submissions

At any time during the review process you can make written submissions to the Reviewer in support of your application. You may also comment on the unclassified summary of reasons prepared by ASIO, and provide any other information to the Reviewer. You can do this by writing to the Reviewer, who will consider all your submissions, comments and information. If you or your representative would like to make oral submissions, you can make a request to do so. However, the Reviewer will decide whether or not to grant your request.

The review process

The Reviewer will review all the material ASIO relied on when making the decision to issue the adverse security assessment. This will include all classified and unclassified information. The Reviewer may also ask ASIO questions about the material.

The Reviewer will mainly focus on reviewing the documents and will not hold formal hearings. However, the Reviewer will consider any request from you to make oral submissions. The Reviewer may also seek additional information from you, and may request further written material.

Once the Reviewer has considered all the relevant material, the Reviewer will form an opinion as to whether or not the granting of your adverse security assessment was appropriate. The Reviewer will then advise the Director-General of Security of their opinion and recommendations.

The Director-General of Security will consider the Reviewer's advice and will respond to the Reviewer. The Reviewer will then write to you to inform you of the outcome of the review and the Director-General's response. You will also be given an unclassified summary of the Reviewer's opinion, reasons and recommendations.

A copy of the Reviewer's recommendations and the Director-General's response will be provided to the Attorney-General, the Minister for Home Affairs and the Inspector-General of Intelligence and Security.

What happens if the Reviewer considers that the adverse security assessment was not the appropriate outcome?

The Director-General of Security will decide how to respond to the Reviewer's opinion and recommendations and take any appropriate action. The Reviewer will notify you as to whether or not the Director-General agrees with their opinion and accepts their recommendations.

It is possible that ASIO may conduct another security assessment as a result of the Reviewer's recommendations. If ASIO advises Home Affairs that you are no longer the subject of an adverse security assessment, Home Affairs will then consider your visa eligibility.

Periodic review

The Reviewer is also required to conduct periodic reviews of adverse security assessments for eligible people. The periodic review process will commence automatically. You do not need to apply for a periodic review. The Reviewer will notify you when a periodic review of your case is to occur, and will invite you to provide any information you would like to be considered.

FREQUENTLY ASKED QUESTIONS

How long will the review take?

The time required to complete each review will depend on a number of factors. It is not possible to set a deadline for a review. However, the Reviewer will complete the process as quickly as possible.

Does the Independent Reviewer have the power to release a person from detention?

No.

Does the Independent Reviewer have the power to issue a visa?

No.

How to contact the Reviewer

By mail:

Independent Reviewer of Adverse Security Assessments
c/o Integrity and Security Division
Attorney-General's Department
BARTON ACT 2601