

Australian government used ASIO to stop refugees obtaining visas

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A secret Australian cabinet submission, published two weeks ago, reveals that Scott Morrison, then the immigration and border protection minister, in 2013 asked the country's political spy agency to block refugees from obtaining permanent protection visas (PPVs).

The document proves that about 700 officially-recognised refugees were deliberately denied visas and many were kept languishing in indefinite detention.

Among the handful of files the Australian Broadcasting Corporation chose to report from a trove of thousands of "top-secret" papers, this is the only document that actually exposes a previously unknown government abuse.

The cabinet submission, marked "sensitive" and dated October 10, 2013, sheds further light on the extent to which successive governments, both Liberal-National and Labor, have gone to expunge the basic legal and democratic rights of asylum seekers.

It also demonstrates how governments and the Australian Security Intelligence Organisation (ASIO) have exploited the fraudulent banner of "national security" to demonise asylum seekers.

The document was written following the 2013 election as the new Liberal-National government rushed to replace PPVs with temporary protection visas (TPVs) for all asylum seekers who arrive, or had already arrived, in Australia by boat.

A "cabinet decision" approved a formal request to the Director General of Security, who heads the spy agency, to "align ASIO security processing priorities" with a ministerial direction.

That direction was issued to his department and all review tribunals to stall visa applications for the 700 people who had already met, or were close to meeting, the "prescribed criteria" for refugee status and

permanent visas.

The cabinet submission states that the head of Morrison's department had already written to the ASIO chief to request that the agency adhere to the ministerial direction, though without being "formally bound" by it. "Without this, based on recent average flows, some 30 additional security clearances a week could be expected in the IMA caseload," it stated.

IMA, or Illegal Maritime Arrival, is the misleading and derogatory label applied by Australian governments to people exercising their legal right, under the 1951 international Refugees Convention, to flee persecution and apply for asylum.

Thus, every week, 30 asylum seekers who had already passed the narrow test of refugee status under that international law, had their applications stalled. Some already had been detained for months, if not years, under the previous Labor government of 2007 to 2013.

The submission states that about 70 applicants had met "all legal requirements for protection visa grant," some 620 were "close to meeting" the requirements and others were awaiting tribunal and court appeals. Among the first group of 70, "fewer than 10" were said to be in detention. No such figure was provided for the total of 700 to be stalled.

So the government deliberately decided to keep at least 10 refugees, and an unknown number more, incarcerated on the false pretext that they were awaiting ASIO checks, and therefore under suspicion as potential security dangers.

Eventually some of these refugees may have obtained TPVs. These are valid for just three years, thus stripping refugees of any security of residence, and also denying them basic rights such as family reunion. Refugees on TPVs cannot return to Australia if they

leave the country, even to visit their spouses and children or for a family funeral or marriage. They are denied basic support services, such as community support programs and English-language tuition.

ASIO has long played a central role in barring refugees from obtaining visas, thus condemning them to prolonged detention. In 2011, under the Gillard Labor government, it was revealed that 900 of the 6,500 asylum seekers held in onshore detention centres were waiting for ASIO checks despite having legally proved themselves refugees.

In 2012, over 50 refugees being held by the Labor government faced indefinite detention, due to secret “adverse security assessments” issued by ASIO. Refugees were not told why they were considered a security risk, making it virtually impossible to contest ASIO’s verdict.

Two years later, the Labor opposition backed the Coalition government in defying protests, as well as rulings by two UN agencies, over the continued detention of more than 50 refugees denied ASIO clearances.

The origins of the “IMA caseload” go back to 2008, when the Rudd Labor government abolished TPVs, which the Howard Coalition government initially introduced in 1999, but maintained the underlying anti-refugee regime. In 2012, the Labor government reopened the prison camps on Manus Island, Papua New Guinea, and Nauru. By 2013, Labor had also kept temporary bridging visas on some 30,000 asylum seekers who arrived by boat.

This was the “IMA legacy caseload” that the incoming Coalition government sought to dispense with in 2013. It introduced regulations to reintroduce TPVs, but knowing that the Senate could disallow these regulations, it arranged for ASIO and the review tribunals to stall cases.

Morrison issued his instructions to his department and the tribunals by “strengthening” a similar ministerial directive issued by his Labor government predecessor, Brendan O’Connor, underscoring the continuity of the anti-refugee policy.

The corporate media quickly buried the cabinet document’s revelation about ASIO’s role. Prime Minister Malcolm Turnbull defended Morrison, who has since been promoted to treasurer, declaring he had done “an outstanding job in securing our borders” and

“stopped the boats.” Labor Party leader Bill Shorten chimed in, saying Labor was equally committed to “stopping the people smugglers.”

In his media statement, Greens Senator Nick McKim avoided any mention of ASIO, referring only vaguely to the government’s use of “artificial barriers” to deny refugees protection. This, he said, was contrary to the rule of law, “a hallmark of a totalitarian regime.” Yet the Greens propped up the last Labor government as it used ASIO for the same purpose.

The cabinet submission underscores the reactionary character of the framework of “border protection” and arbitrary government assessment of refugees, including by ASIO, which the Greens support just as much as Labor and the Coalition.



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