



ASIO NEGATIVE REFUGEES & DETENTION FOR LIFE

There are currently 51 people who have been found to be refugees yet face detention for the rest of their lives due to negative ASIO security assessments. Some have been detained for over three years with drastic consequences for their mental health. A number of children are forced to share the same fate because their parents are locked up.

ASIO claims that they are a threat to Australia's national security. Their ASIO finding means no other country will accept them, and they are unable to be sent home because they have been classified as refugees. Yet it is the government that has made the decision to keep these refugees in indefinite detention. The Immigration Minister has the power to allow ASIO negative refugees to live in the community, yet has refused to do so.

A High Court decision in October 2012 held that the government could not deny refugee visas to refugees simply on the basis of ASIO negative security findings. But it did not rule against indefinite detention, and the government has said it will look at other ways to deny such refugees a visa, including on character grounds. The court decision has not led to these refugees being released.

But as a response to public pressure, the government has appointed retired judge Margaret Stone to carry out a review of ASIO assessments. But ASIO still has the final say, with the ability to ignore recommendations of the reviewer. So far two ASIO negative refugees have had their decisions overturned through the review, leading to the release of the Rahavan family, after ASIO agreed to overturn the findings against both parents. But three other refugees, including mother of three Ranjini, have had their assessments upheld and will remain in detention.

The review process remains unfair and shrouded in secrecy, with the refugees not allowed to see any of the detailed evidence against them and given "reasons" for the decisions only a few short paragraphs long to respond to.

Who are the ASIO negative refugees?

Most of those on ASIO negative assessments are Tamils from Sri Lanka, but they also include Rohingyas (a persecuted ethnic minority from Burma and Bangladesh) an Iranian and an Afghan refugee.



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. The Tigers 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. So it is not clear why ASIO has changed its policy and why so many Tamils are being judged to be a threat.

Refugees can also be deemed a security risk simply because a relative was involved in people smuggling in another country.

Can ASIO assessments be trusted?

There are compelling reasons to mistrust ASIO's decisions. Many suspect that it bases decisions on information from foreign security services, including information on Tamils from the Sri Lankan government. It has admitted to doing this in the past. Information obtained from the very governments refugees are fleeing cannot be trustworthy.

ASIO has got it wrong before. In 1999 it was forced to admit that it had relied solely on reports from the either the Iraqi or Kuwaiti secret police in declaring a refugee from Kuwait "directly a risk to Australian national security". These were the very people whose persecution he had fled. He

was held in detention for two years as a result before finally being released. In May this year ASIO also changed its mind and agreed to the release of Manokalo and her son Ragavan, after they had spent a year and a half in detention.

The last two refugees left on Nauru under the Howard government, Muhammad Faisal and Mohammed Sagar, were both given ASIO negative security assessments. ASIO did a second assessment on Faisal after he was hospitalised with mental illness and reversed its decision. Sagar was accepted as a refugee by Sweden despite the ASIO assessment.

Two Tamils given adverse assessments and held in a Melbourne detention centre have attempted to kill themselves. These detainees were already victims of trauma and torture. Kokil, a Sri Lankan refugee fighting ASIO's secret ruling told Lateline about his waiting ordeal: "I can't live with this daily torture. It is better to die."

The horrific impact of indefinite detention

At Villawood, there is one Tamil family in which both parents have received adverse security assessments and their three children under seven years of age have been detained for years with them. The youngest child was born in detention and has spent his lifetime of two years there. The psychiatric assessments are gruelling to read.

The youngest boy is sad and lonely, cries a lot, and has trouble eating. The daughter is distressed at school when she is not permitted to do normal things like the other children, such as going swimming or buying ice-cream. She has been withdrawn, lacking in appetite, sad and quiet, and not wanting to go to school. She expresses grief, loss and hopelessness, and knows that others see her family as "bad people". The middle child, a boy, wets the bed even when sleeping during the day.

The mother says their children have a "jail life" and has even considered adopting them out. She herself is distraught, often waking crying and inconsolable in the night, feeling that they are treated as "criminals" with "no future". Their psychiatrist found that the three-year-old son was "abnormally sad and anxious and could be malnourished" and expressed concern that "his normal development has been seriously disrupted". The older children's detention was also "seriously jeopardising protective factors children need to build resilience".

From Ben Saul, "How to Rein in ASIO", New Matilda October 5, 2012, <http://newmatilda.com/2012/10/05/how-to-rein-asio>

The story of Ranjini



Ranjini, a Tamil woman, fled Sri Lanka with her two boys Pirai, 8, and Kathir, 6. She was found to be a refugee and allowed to live in community detention in Melbourne while her case was being finalised.

Earlier last year she married Ganesh, who arrived from Sri Lanka himself in 2004, after her first husband died in Sri Lanka's civil war. After spending over a year living in the community Ranjini won the support of many friends, including Jenny Sims, a church minister in Brisbane who described her as "a loving, caring, gentle person who has been through a lot of trauma".

But in May last year she was called in to a meeting with the Department of Immigration with her two children and informed she had received a negative security assessment from ASIO. As Michael Gordon wrote in *The Age*, Ganesh, "was given five minutes to say goodbye and hug his crying wife and the boys before half a dozen or more security people appeared". Ranjini and her two boys were whisked away to Villawood detention centre, where they are now locked up indefinitely.

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