



MIGRATION, BELONGING AND THE NATION STATE

Edited by
Alperhan Babacan and Supriya Singh

Migration, Belonging and the Nation State

Edited by

Alperhan Babacan and Supriya Singh

**CAMBRIDGE
SCHOLARS**

P U B L I S H I N G

Migration, Belonging and the Nation State,
Edited by Alperhan Babacan and Supriya Singh

This book first published 2010

Cambridge Scholars Publishing

12 Back Chapman Street, Newcastle upon Tyne, NE6 2XX, UK

British Library Cataloguing in Publication Data
A catalogue record for this book is available from the British Library

Copyright © 2010 by Alperhan Babacan and Supriya Singh and contributors

All rights for this book reserved. No part of this book may be reproduced, stored in a retrieval system,
or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or
otherwise, without the prior permission of the copyright owner.

ISBN (10): 1-4438-2081-4, ISBN (13): 978-1-4438-2081-3

CONTENTS

| | |
|--|-----|
| Introduction | 1 |
| <i>Alperhan Babacan and Supriya Singh</i> | |
| Chapter One..... | 7 |
| Immigration, Nation State and Belonging <i>Hurriyet Babacan</i> | |
| Chapter Two | 31 |
| Contesting Belonging: Asylum Seekers and the Australian State <i>Alperhan Babacan</i> | |
| Chapter Three | 43 |
| Restoring the Rights of Asylum Seekers in Australia <i>Linda Briskman</i> | |
| Chapter Four..... | 63 |
| Crisis of Community in the Era of Mobility? Transnationals and Belonging <i>Val Colic-Peisker</i> | |
| Chapter Five | 85 |
| Remittances as a Medium of Relationship and Belonging <i>Supriya Singh, Anuja Cabraal and Shanthi Robertson</i> | |
| Chapter Six | 105 |
| Migration and Belonging: Brown Muslim Women's Experience in Australia <i>Tahmina Rashid</i> | |
| Chapter Seven..... | 133 |
| Abiding by Malaysia: Mediating Belonging through Cultural Contestations <i>Yaso Nadarajah</i> | |

Chapter Eight..... 157
Beyond Divisive Nationalisms in Sri Lanka: Some New Perspectives
on Identity and Democracy in the "Hybrid Island"
Martin Mulligan

Editors and Contributors..... 183

Page 43 - 61

19 pages

CHAPTER THREE

RESTORING THE RIGHTS OF ASYLUM SEEKERS IN AUSTRALIA

LINDA BRISKMAN

Introduction

Australia's policy of indefinite mandatory detention was legislatively bolted in 1992 and applied to all asylum seekers arriving in Australia without authorisation. The detention camps have included those located hundreds of miles from Australian cities and on the far-flung Pacific island of Nauru. On Christmas Island, 2,600 kilometres from Perth, an imposing maximum-security centre now houses asylum seekers.

The policy has been shown by many analysts to be in breach of international human rights standards, international conventions and standards of decency. It is in these centres that asylum seekers are reduced to what Agamben (1998) refers to as "bare life". Asylum seeker hysteria emerged in the late 1990s but was exacerbated after the attacks in New York on 11 September 2001, as the government and sections of the media unashamedly fused asylum seeking with terrorism for political purposes. The majority of those locked away were from Afghanistan, Iran and Iraq, usually arriving by boat, and many remained in detention for years as they appealed their decisions and justifiably resisted the pressure to be returned to their countries of origin. Prominent QC Julian Burnside raises a paradox in Australian government policy whereby those held in Guantanamo Bay were suspected of being Taliban or Al-Qaeda supporters whereas the people locked up in the Nauru detention facility were fleeing from the Taliban and Al-Qaeda. Using this example, Burnside illustrates his point about what a government driven by ideological zealotry is prepared to do if it can get away with it (Burnside 2006).

Particularly disturbing is that the detention centres sprang up in a nation that proclaims adherence to the rule of law and is a land of abundance. As Whyte suggests (2003, p. 10), "the detention centres have appeared not in the midst of a totalitarian regime – whether in the form of

EDITORS AND CONTRIBUTORS

Editors

Dr Alperhan Babacan

Alperhan Babacan is a senior lecturer in law at RMIT University. Alperhan holds degrees in law and political science and a PhD from RMIT University. He has previously worked in the public and private sectors, either as a researcher or lawyer, and has written widely on human rights law, comparative asylum and refugee policy, international law, counter terrorism, citizenship and human security.

Professor Supriya Singh

Supriya Singh is Professor, Sociology of Communications, at RMIT University, Melbourne. She leads the Community Sustainability Program of the Global Cities Research Institute and leads RMIT Business' research with the Smart Services Co-operative Research Centre. Supriya brings together expertise in the sociology of money and banking; globalisation, migration and remittances; and the use of new communications technologies within the social and cultural context. She was awarded the Jean Martin Prize in 1995 for the best Sociology PhD thesis in Australia 1993–1995, by the Australian Sociological Association. Her books include *Marriage money: The social shaping of money in marriage and banking* (1997); *The bankers* (1991); *The first 25 years: Bank Negara Malaysia* (1984); and *On the Sulu Sea* (1984).

Contributors

Professor Hurriyet Babacan

Hurriyet Babacan is Foundation Director, Cairns Institute, James Cook University. Hurriyet has over 20 years of experience as an academic, public servant, community worker, researcher and trainer in the government, community and university sectors. Formerly Hurriyet held key positions such as Executive Director, Multicultural Affairs, Women's Policy and Community Outcomes Branch in the Department of Premier and Cabinet (Qld); Director, Institute for Community, Ethnicity and Policy Alternatives, Victoria University; Associate Director, Centre for Multicultural and Community Development, University of the Sunshine

Coast; Commissioner with the inaugural Ethnic Affairs Commission in Victoria; and was Victorian Manager, Office of Multicultural Affairs in the Department of Prime Minister and Cabinet. Hurriyet has published widely in national and international publications on the issues of multiculturalism, immigration, identity, social policy, gender, racism, settlement, child protection and community development including two publications for UNESCO. She has co-authored a number of books relating to racism, social development, globalisation and asylum seekers.

Professor Linda Briskman

Linda Briskman holds the Dr Haruhisa Handa Chair in Human Rights Education at Curtin University. She researches and publishes in the fields of indigenous rights and asylum-seeker rights. In recent years her focus has been immigration detention research and advocacy including Christmas Island. Among her books are *Social work with indigenous communities* (2007) and the award-winning *Human rights overboard: Seeking asylum in Australia* (2008 with Susie Latham and Chris Goddard).

Ms Anuja Cabraal

Anuja Cabraal is a researcher in the Global Cities Institute. The research explores the migrant experiences of Indians living Australia through the lens of family and money, and includes comparisons across different generations. She is also currently completing her doctorate, which explores the lives of microfinance clients in Australia and assesses the impact microfinance has on the development of capability and social inclusion of clients. Her research interests include the sociology of migration, transnationalism, community development, microfinance, the capability approach to poverty and social inclusion.

Dr Martin Mulligan

Martin Mulligan is Director of the Globalism Research Centre at RMIT University (2010-12). He was a Chief Investigator on a three-year study of post-tsunami recovery in Sri Lanka and India funded by the Australian Research Council and sponsored by AusAID. He is married to a Sri Lankan and has been visiting the country regularly for more than 20 years. With Judith Shaw, he wrote a paper on "What the world can learn from Sri Lanka's post-tsunami experience", published in the *International Journal for Asia Pacific Studies* in 2007, and his publications also include a book titled *Decolonizing nature: Conservation strategies in a post-colonial era* (with William Adams, Eartscan, 2003).