

School of Media, Creative Arts and Social Inquiry
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**Understanding perceptions of security threats to Australia:
the case of refugees and asylum seekers**

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Doctor of Philosophy**

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Abstract

In this thesis I present a critical analysis of alleged security risks to Australia posed by refugees and asylum seekers. I do so to understand how and why Australia's anxiety about refugees and asylum seekers has increased exponentially.

I investigate two distinctive types of perceived risks and threats: direct threats (the possibility that violence might spill over to Australia as a result of refugee influx) and indirect threats (the presence of refugees in Australia exacerbating existing opportunity-based class tensions in Australia).

Using a multidisciplinary approach, I examine two key principles informing resistance in Australia towards refugees and asylum seekers: territorial exclusivity (states' rights to determine who enters their territories) and *non-refoulement* (the principle that states should not send refugees back to their respective countries where they can be subjected to persecution).

Based on analyses of the relevant literature and interviews with informants from different cohorts, I reveal in this thesis that the construction of refugees and asylum seekers as a security threat to Australia is partly driven by a consideration of many factors including the economy, employment and the scramble for opportunities. However, while national security was not the biggest concern of those Australians interviewed for my research, this construction is still supported by politicians and the media.

Key words: *Asylum seekers, internally displaced people, refugees, immigration, security threat, national security, Australia.*

Dedication

To my mum, Ms Eliza M Wandabita, and late dad, Sergeant Major Pungu Masimango
Kheri, for their love.

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List of abbreviations

| | |
|------|--|
| ABF | Australian Border Force |
| ABS | Australian Bureau of Statistics |
| AfD | <i>Alternative für Deutschland</i> (Alternative for Germany) |
| AFP | Australian Federal Police |
| ASIO | Australian Security Intelligence Organisation |
| BVE | bridging visa E |
| CDA | critical discourse analysis |
| CIA | Central Intelligence Agency |
| CS | Copenhagen School |
| CSS | critical security studies |
| DIBP | Department of Immigration and Border Protection |
| DRC | Democratic Republic of the Congo |
| DVA | Department of Veterans' Affairs |
| EU | European Union |
| IDP | internally displaced person |
| IR | international relations |
| ISIL | Islamic State of Iraq and the Levant |
| NGOs | Non-government organisations |
| OECD | Organisation for Economic Co-operation and Development |
| OSB | Operation Sovereign Borders |
| PDA | political discourse analysis |
| PNG | Papua New Guinea |
| RCOA | Refugee Council of Australia |

| | |
|--------------------|--|
| Refugee Convention | 1951 Convention Relating to the Status of Refugees |
| Refugee Protocol | 1967 Protocol Relating to the Status of Refugees |
| RPF | Rwandan Patriotic Front |
| TPV | temporary protection visa |
| UDHR | Universal Declaration of Human Rights |
| UK | United Kingdom |
| UN | United Nations |
| UNHCR | United Nations High Commissioner for Refugees |
| UNCLOS | 1982 United Nations Convention on the Law of the Sea |
| US | United States of America |
| WA | Western Australia |
| WAP | White Australia Policy |
| WFF | well-founded fear |

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Chapter 1: Introduction

Refugees and restrictive policies relating to asylum seekers have represented a contentious argument in recent years, both internationally and in Australia; making immigration and security intertwined challenges of the world in the twenty-first century. Countries dealing with uncontrolled migration and/or unsolicited arrivals of people from other countries expose themselves to security threats that they have to deter, contain and disrupt. In the midst of such crisis, asylum policy directions must consider how to deal with threats which are likely to emerge from various actors. Scholars who specialize in studies of forced migration have attempted to examine the security impact of the presence of refugees first in their countries of origin and then in their host countries; the assumption being that refugees and asylum seekers are a threat to both national and international security (Ambrosini, 2021; De Haas, Castles & Miller, 2020; De Haas, Natter & Vezzoli, 2018; Schmoll, Thiollet & Wihtol de Wenden, 2015). In other words, refugees make the international state system a dangerous place as migration across international frontiers and the resurgence of asylum-seeking crises threaten the basic tenets of statehood: security, sovereignty and survival.

Internationally, the election of Donald J Trump as President of the United States of America (US) in 2017 increased anti-immigration sentiment: especially when, in 2017, the Trump administration signed an executive order to ban groups of refugees from entering the US as they were deemed to present a national security threat (Darrow & Scholl, 2020). In 2018, the United Kingdom (UK), Germany, Sweden, Poland and Italy were among the better-known examples of how far refugees and asylum seekers can be perceived as a security threat; sending an alarmistic connotation

that Europe was in danger because of immigration (Vala & Pereira, 2020; Pereira, Álvaro & Vala, 2018; Murray, 2017).

Domestically, successive Australian governments have adopted several policies to deter unauthorized boats carrying asylum seekers from entering Australia: the refugee ‘swap deal’, the ‘no advantage’ policy, Operation Sovereign Borders (OSB), secrecy over the Australian government’s operations at sea, boat turnarounds, the reopening of the Nauru Processing Centre, asylum seekers being linked to what the Australian government described as the people smugglers business model’, and raising the issue on humanitarian grounds to prevent loss of refugee lives at sea.

Against this backdrop was an apparent fear that Australia had lost control over its borders, meaning it had lost sovereignty over its territory. This fear also pertained to asylum seekers themselves as security threats (for example, as terrorists, criminals, invaders and people of different cultures). The issue has evolved into a widespread perception of asylum as a complex, chaotic and serious national security threat.

In this study, my purpose is to contribute to this debate by investigating perceptions of security threats posed by refugees and asylum seekers in Australia. The desire to undertake this study began with my own personal and professional experience. I was born in what was then known the Republic of Zaire, now the Democratic Republic of the Congo (DRC): a country which was invaded in 1996 by its neighbours (mainly Rwanda, Burundi and Uganda) to fight Rwandan refugees¹ who fled there from Rwanda in 1994. As a result, I fled to Tanzania where I stayed for nearly 13 years before and then calling Australia home. The protracted refugee encampment situation to which I was subjected, with limited (and sometimes no) rights to work, move or create a life like any other human being should have, left me wanting

¹ These Rwandan refugees were accused by their government of partaking in the Rwandan genocide of 1994 and destabilising Rwanda while using the Zaire territory as their sanctuaries.

to know why such things occur. From this, I developed a desire to understand the threat perceptions that states have towards refugees and asylum seekers. This question has remained with this me and influenced this research process.

This chapter provides an introductory background to this research investigating perceptions of security threat regarding asylum seekers and refugees in Australia. In Section 1.1 I provide the research background about the plight of refugees and asylum seekers in the world and in Australia specifically, in Section 1.2 I identify the research problem and aims, and in Section 1.3 I delineate the research questions. Section 1.4 defines the key terminologies applied in this thesis, using discourse analysis. It explores common language used by government officials to describe refugees and asylum seekers in the public arena which, in turn, can shape the way ordinary people perceive asylum seekers. In this thesis the term ‘discourse’ will be used as defined by Dryzek (1997, p. 8) to mean a ‘shared way of apprehending the world that enables those who subscribe to it to interpret bits of information and put them together into coherent stories or accounts’. In Section 1.5 I outline the research gap and significance of my thesis, in Section 1.6 I detail the scope and limitations of the thesis, and in Section 1.7 I provide an outline of the thesis’s structure.

1.1 Conceptual background

Forced migration has been dominated by many terms used to describe foreigners entering one’s territory, including refugee, asylum seeker and internally displaced person (IDP). In this section I explore some concepts that warrant definitional clearance to avoid misinterpretation as they have multiple meanings. Furthermore, other concepts such as human security, national security, threat and risk are defined in detail.

1.1.1 Asylum seekers

Asylum is not a new phenomenon (Sayev, 2017; Elmadmad, 2008; Plaut, 1995). Since ancient times, humans have moved around the world (from one village, region, state or country to another) for many reasons, in search of: improved life conditions, protection against predators (both animal and human) and better environmental conditions. Most importantly, they fled war and persecution. In *The status of refugees in international law*, Grahl-Madsen (1966) traced the origin of asylum as far back as the biblical Garden of Eden, when Adam and Eve were expelled. Studies on asylum confirm that the practices of asylum and protection of people in need were applied in Ancient Egypt, Hebrew civilisations and the Greek city states (Isayev, 2017).

Further, major religious institutions historically provided asylum to those in need. Churches, mosques and temples offered asylum to people requiring assistance far earlier than the twentieth century (Peters & Besley, 2015; Elmadmad, 2008; Rigsby, 1996; Plaut, 1995). Those who benefited from this form of asylum were mostly people fleeing their countries due to religious and racial persecution (Behrman, 2016).

This tradition was incorporated in the 1948 Universal Declaration of Human Rights (UDHR)², in which the right to seek asylum became enshrined and codified as a human right. The UDHR article 14(1) stipulates, 'Everyone has the right to seek and to enjoy in other countries asylum from persecution'. In other words, people who feel threatened in their countries have the right to leave them and seek asylum in another country as long as conditions in their country could result in their persecution, torture or death. Therefore, one may infer that asylum starts with fearing for one's safety due

² The UDHR was adopted on 10 December 1948 by the UN General Assembly under Resolution 217(III).

to persecution. Then the decision is made to move from one place to another, with the journey ending in shelter (whether temporary or permanent).

Although asylum has been practiced since ancient times, the term 'asylum' remains difficult to define (Hailbronner & Gogolin, 2015; Boed, 1994). The most cited definition of the term is that approved by the Institute of International Law in 1950:

The protection that a state grants on its territory or in some other place under the control of certain of its organs to a person who comes to seek it. (Article 1 of the Resolution adopted by the Institute of International Law [1950])

Generally speaking, asylum seekers are people who have been driven from their home countries for fear of their lives, are outside their countries of origin, have applied for protection in a host country and are awaiting a refugee status determination by a host country. That is, they are 'refugee to be', as their recognition as a refugee depends on the decision of a foreign nation.

In 1979, the thirtieth session of the Executive Committee of the UNHCR adopted the following general principles to guide member states on asylum:

- (a) States should use their best endeavours to grant asylum to bona fide asylum seekers.
- (b) Action whereby a refugee is obliged to return or is sent to a country where he has reason to fear persecution constitutes a grave violation of the recognized principle of non-refoulement.
- (c) It is the humanitarian obligation of all coastal States to allow vessels in distress to seek haven in their waters and to grant asylum, or at least temporary refuge, to persons on board wishing to seek asylum.

(d) Decisions by States with regard to the granting of asylum shall be made without discrimination as to race, religion, political opinion, nationality or country of origin.

(e) In the interest of family reunification and for humanitarian reasons, States should facilitate the admission to their territory of at least the spouse and minor or dependent children of any person to whom temporary refuge or durable asylum has been granted (UNHCR 1979).

Further, asylum may be territorial (granted by a state on its territory) or extraterritorial (provided in diplomatic and consular premises, legations, public ships or international institution headquarters) (Hailbronner & Gogolin, 2015; Verma, 1998). Recent examples are Julian Assange (Tye, 2016; Duxbury, 2012) and Edward Snowden (Behrens, 2016). The former is an Australian citizen who, on 19 June 2012, sought political asylum at the Ecuadorian Embassy in London for fear of extradition to the US, where he may have faced prosecution for espionage charges (Smiley & Timms, 2018; Kampmark, 2012; Värk, 2012). The latter is an American citizen who faces criminal charges in the US for allegedly stealing government property and leaking classified the Central Intelligence Agency (CIA) documents in violation of the *US Espionage Act 1917* (Greenwald, 2014). On 23 June 2013, Snowden fled to Moscow and was granted asylum in Russia (Kendall, 2014; Myers, 2013). Both cases demonstrate a body of existing mechanisms for providing protection to people in need of it.

Directly connected to the concept of asylum and refugees is the concept of ‘internally displaced persons’ (IDPs). The United Nations’ (UN’s) *Guiding Principles on Internal Displacement* (1998)³ defines IDPs as:

Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

In the above definition, two elements are worth emphasising: the involuntary displacement of the people involved and the nature or kind of movement they make (displacement occurring within the borders of their home state). While the context of the displacement is the same as that for refugees, the difference is clear.

In 2016, the UN estimated that there were 40.3 million IDPs. IDPs do not cross international borders and are not treated as being under the UNHCR’s mandate. Thus they cannot benefit from external protection including resettlement to a third country. In most cases they are caught between warring parties and decide to stay in schools, churches, or friends or relatives’ houses. They are less protected while they face similar conditions or worse plights than those of refugees. IDPs have no right to international protection, regardless of their well-founded fear (WFF) for their safety. In 2014, IDPs were estimated to constitute around 65% of the global population of those experiencing forced displacement (UNHCR, 2014). They face horrible abuses, human rights violations, deprivation and dramatic humanitarian needs which warrant the same international intervention and protection as is owed to their counterparts who

³ *Guiding Principles on Internal Displacement* is a set of 30 standards that detail the protection avenues for people who have been internally displaced within the territory of their respective countries. They were a result of the efforts of then-Representative of the UN Secretary-General on IDPs Francis M Deng, a Sudanese national.

have crossed international boundaries. Yet they do not receive such international support as do refugees simply because they do not fall in the protection category accorded by the 1951 Convention Relating to the Status of Refugees (Refugee Convention). The Yazidi people of Iraq are an illustrative example. They were subjected to extreme brutality and indiscriminate killing from al-Qaeda and the ISIL (Jalaby, 2014). The Rohingya people of Myanmar are another example. According to Amnesty International, Yazidi and Rohingya people 'have become among the world's least wanted, denied resettlement in Indonesia, Thailand, Bangladesh, Malaysia or Australia' (Robertson, 2015). Despite their persecution, Yazidi and Rohingya people have struggled to find international protection because they are not outside their respective countries.

1.1.2 Refugees

The common definition of the term 'refugee' is contained in the Refugee Convention and its related protocols (adopted in 1967), to which Australia became a signatory on 22 January 1954 and ratified the Refugee Protocol on 13 December 1973. The Refugee Convention article 1(2) defines refugees as:

Persons who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, are outside the country of their nationality and are unable, or owing to such fear, are unwilling to avail themselves of the protection of that country.

It follows from the above definition that some elements warrant in-depth analysis in light of the contemporary context of international politics.

First, there should be a WFF of persecution. The Refugee Convention only protects those unable or unwilling to return to their respective countries due to a WFF of persecution. This principle draws a line between 'genuine' refugees and 'non-

genuine' refugees. The former are those whose refugee claims are recognized as being valid and who require state protection. The latter are those whose claims are rejected by host states. This process may involve the identification of claimants, the validity of their claims and the seriousness of the risk of harm if the host state does not offer such protection.

The WFF aspect of the Refugee Convention is explicitly elaborated in the Australian *Migration Act 1958* section 5J (1), which stipulates that a person has a WFF of persecution if:

- (a) The person fears being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion; and
- (b) There is a real chance that, if the person returned to the receiving country, the person would be persecuted for one or more of the reasons mentioned in paragraph (a); and
- (c) The real chance of persecution relates to all areas of a receiving country.

Therefore, a WFF entails two important aspects. Firstly, the individual must satisfy the host state that they fear persecution in their home country and, secondly, this perceived risk must corroborate the available and reliable information that the host country has regarding the security situation in the applicant's homeland. This helps the host country to determine the extent to which the claim of fear is reasonable, valid and well founded (Hathaway & Foster, 2014; Price, 2009; Gurowitz, 2004).

Refugee status determination remains a sovereign decision made by the host country after rigorous investigation of an asylum seeker's claim. A WFF means that the asylum seeker was fleeing potential persecution in their country of origin based on their political, ethnic, religious or racial affiliation (Sautman, 1985). Betts (2013)

observed that this ‘definition of a refugee is mainly limited to people fleeing targeted persecution by their own governments, (p. 2).

The Refugee Convention has European origins; it was designed to meet the needs of victims of the First and Second World Wars. In this regard, any threat against Europeans or Western values then constituted a WFF. For example, during the Cold War, refugees fleeing communist countries were believed to have a WFF. The WFF concept also requires both the asylum seeker and host country not to seek any information about the former that will allow their country of origin to locate them.

For a person to qualify as a refugee or an asylum seeker, they must be ‘outside the country of his/her nationality’ and claim to be a *refugee*. This means asylum seekers who want to be recognized as refugees must cross an international border (Betts, 2013, p. 11) and be outside the country of their nationality (UNHCR, 1992).

Consequently, it is not illegal to be an asylum seeker (McAdam & Chong, 2014, 2019; Goodwin-Gill, 2015; Goodwin-Gill & Lambert, 2010). However, asylum seekers become stranded in limbo between territories—the first being their respective countries of origin, the second being the transit countries and the third being the host countries, all of which may be sovereign nation states. In this regard, refugees may be considered a serious danger and/or threat to state sovereignty. Arendt (1966, p. 294) observed that refugees do not only pose a problem of space but also of the political organisation of individuals (Goodwin-Gill & Weckel, 2015).

The requirement of refugees to remain *invisible* to their respective countries of origin is both challenging and increasingly obsolete in the twenty-first century. Globalisation, social media (for example, Facebook, WhatsApp, Twitter and Instagram) and technological advances are rendering information increasingly available and accessible (Rae, Holman & Nethery, 2018; Mayblin, 2017). Linked to

this is the fact that modern technology and services allow refugees to transfer money to and from their countries of origin or communicate with their relatives in their country of origin, thus revealing their whereabouts to their country of origin and undermining this requirement of the Refugee Convention. Refugees may become engaged in political activism regarding their country of origin by raising funds for electoral candidates and engaging in political campaigning through online platforms while in exile, thus revealing their whereabouts.

Some scholars make a distinction between asylum seekers and refugees (Pedersen & Hartley, 2017; Gil-Bazo, 2015; Campbell, 2012; Fiske, 2012; Mares, 2001). In support of such separation, Gil-Bazo (2015, p. 4) argued that an asylum seeker should be distinguished from a refugee. To Gil-Bazo (2015), the former is ‘the institution for protection while the latter refers to one of the categories of individuals—among others—who benefit from such protection’, (p. 4).

Valluy (2008) observed that it is important to also distinguish migrants from refugees. He described the former as ‘those who go abroad to find jobs’ and the latter as ‘those who flee their countries because of persecution’, (p. 6). The significance of such distinction is also hailed by Allen et al. (2018), who argued that the meaning attached to categories of migration determines not only how they are framed and/or constructed, but also how such categories are challenged and subverted. Allen et al. (2018) further observed that such categories ‘not only make some people visible while making others invisible, but also set standards and normalize practices’ (p. 217). Kelly (1977, p. 2) distinguished these two concepts in the following terms:

Refugees differ from immigrants in that immigrants are persons who seek new roots, and entry into a different social and cultural setting. For immigrants, the

country they choose to exchange for their land of birth is a new one where accommodations need to be, and are, willingly made.

Conversely, some prefer to use ‘refugee’ and ‘asylum seeker’ interchangeably, arguably to avoid the securitization⁴ of asylum seekers (Costello, 2019; Rowe, 2018; Crawley & Skleparis, 2018; Beesley, 2017; Khan, 2013; Wroe, 2012). Rowe (2018, p. 1) observed that:

These constructions are misleading, unhelpful and are an oversimplification of the experiences of people seeking asylum. They ignore the possibility that people may have more than one goal in seeking asylum, marginalising the possibility that they wish to improve their lives as a whole. In doing so, this inhibits any real understanding of their decision-making. There is a tendency to overlook the individuals who are making life-changing and life-saving decisions to seek asylum.

Thus, any attempt to dissociate asylum seekers from refugees would be problematic in many senses. One of these problems is shifting the refugee phenomenon out of its humanitarian realm to become a social and legal deviance. This shift can result in what Rowe (2018) describes as the ‘construction of asylum seekers and refugees as outsiders’ (p. 16). Similarly, Crawley and Skleparis (2018, pp. 48–64) found that such categorization has been used during the ‘migration crisis’ to justify policies of exclusion and containment. As Erdal and Oeppen (2018) concluded, ‘making a clear-cut distinction between forced and voluntary migration is not acceptable from an empirical, and consequently, analytical, point of view’ (p. 982). Such a distinction may lead to the lead to the protection of some at the gain or loss of

⁴ The term ‘securitization’ refers to the process of transforming issues into ‘security’ matters. Securitization of asylum then will be used in this thesis to mean an assemble of actions and speeches that perceive granting asylum as a security threat rather than a humanitarian act. More about securitization is provided in the next chapter.

others; and may cause some individuals to fall into the category of ‘genuine’ refugee and others into the category of ‘non-genuine’ refugee. Further, such distinction may disadvantage some ‘would-be refugees’, as some facts about them may be ignored or forgotten by people who decide on their protection (for example, immigration and airport officers, police officers or judges) and who have not themselves been in a refugee situation previously (Cameron, 2018; Crawley & Skleparis, 2018; Carling, 2017).

In contrast to Gil-Bazo’s (2015) reasoning for differentiating between asylum and refugee status, one may argue that the differences between asylum seekers and refugees are procedural, administrative and political in nature. Refugees and asylum seekers form patterns of one continuum process. A ‘refugee’ is a recognized asylum seeker, while an asylum seeker is a refugee seeking recognition. Once an application for asylum is approved the applicant may be granted refugee status, which only ends when a refugee is repatriated or naturalized. Both asylum seekers and refugees are a continuation of the forced migration process, which starts with asylum seeking and ends with repatriation or naturalization. What differentiates them is the determination of their refugee status (see Figure 1.). As previously mentioned, asylum seekers are yet to be determined as refugees, while refugees are asylum seekers who have been determined as refugees by the host state. Thus, these terms are used interchangeably in this thesis.

The solutions to the plight of a refugee include naturalization, where a refugee is made a citizen of the host country; repatriation, where a refugee is returned to their home country whenever conditions allow; and resettlement (Chimni, 2004) (see Figure 1.). The concept of ‘resettlement’ is defined by the UNHCR (2011, p. 3) as:

the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them—as refugees—with permanent residence status. The status provided ensures protection against refoulement and provides a resettled refugee and his/her family or dependants with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalized citizen of the resettlement country.

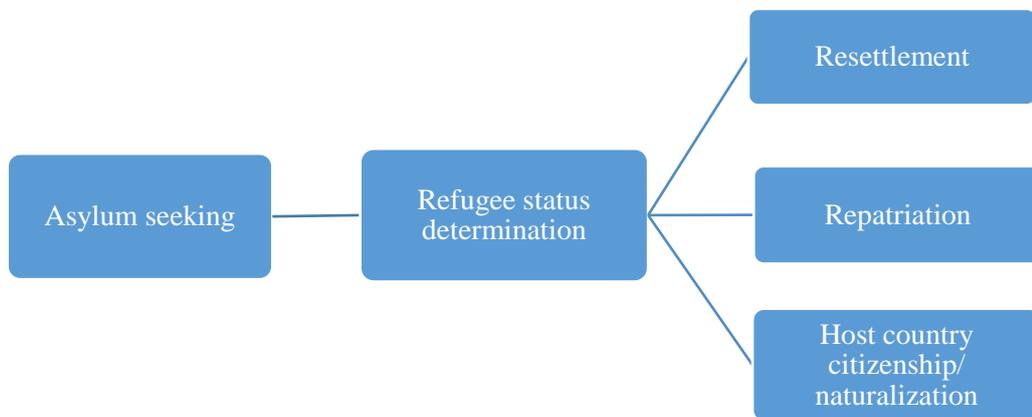


Figure 1. The refugee journey

As previously noted, one of the conditions for refugee status determination is that the applicant must be outside their country of origin. This suggests that, in addition to a WFF, the only difference between refugees and asylum seekers is ‘movement’ (see Figure 2.). This means the refugee is one step ahead of the asylum seeker, yet their motivation is the same because a refugee starts with a claim for asylum. In this way, one may argue that the Refugee Convention implicitly encourages whoever desires refugee status to move from their country of origin and go to a foreign country to seek asylum. Both refugees and asylum seekers face three problems: oppression,

transnational statelessness and asylum access. These result from them being beyond their borders and rights as citizens (Brysk, 2018, p. 10).

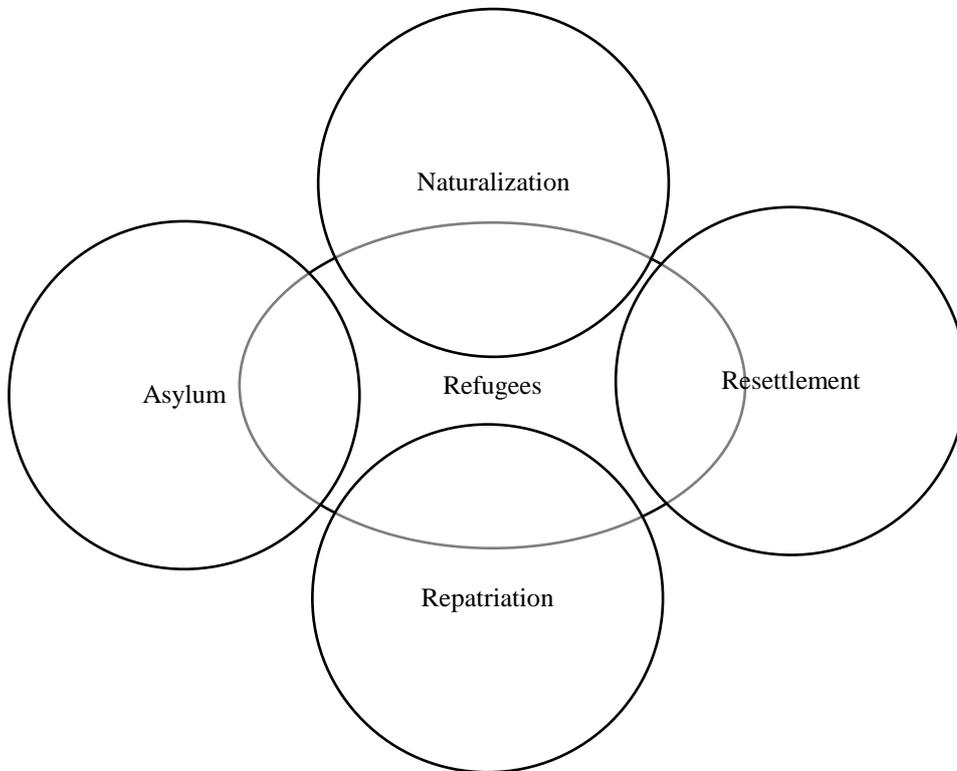


Figure 2. Integrated refugee journey

From the Libyan coast to Aleppo in Syria, people continue to leave their homes in search of asylum in other countries; creating what is known as the ‘asylum seeker crisis’ or ‘migration crisis’. The UNHCR (2020) reported that there were around 79.5 forcibly displaced, compared to 68.5 million displaced worldwide in 2018. The same UNHCR report confirms that the number of refugees increased from 25.4 million in 2018 to 26.4 million in 2020 (UNHCR, 2020). Further, the UNHCR reported that more than 44,400 people are forced to flee their homes on a daily basis because of conflict

and persecution (UNHCR, 2020). The rise of the so-called Arab Spring⁵, Syrian Civil War⁶, 2015 Rohingya refugee crisis⁷, and resurgence of threats posed by transnational terrorist groups and networks—among them al-Qaeda, Jemaah Islamiyah, Boko Haram⁸ and the so-called Islamic State of Iraq and the Levant (ISIL)⁹—have deepened this crisis, and many people die en route to asylum countries.¹⁰ For example, the International Organization for Migration (2018) reported that there were 5376 migrant deaths globally in 2017, compared to 7932 in 2016. The International Organization for Migration (2018) also reported that at least 4077 migrants died in 2014, and at least 40 000 have died since 2000 (Brian & Laczko, 2014).

Table 1: Top five refugee countries of origin

| No. | Country of origin | Number of refugees (millions) |
|-----|----------------------|-------------------------------|
| 1 | Syrian Arab Republic | 6.6 |
| 2 | Venezuela | 3.7 |
| 3 | Afghanistan | 2.7 |
| 4 | South Sudan | 2.3 |
| 5 | Myanmar | 1.0 |

Source: *Figures from UNHCR (2020).*

Figures from the UNHCR (2020) indicated that around 57% of recognized refugees come from three main countries: Syria (6.6 million), Venezuela (3.7 million), Afghanistan (2.7 million), South Sudan (2.3 million) and Myanmar (1.0 million) (See Table 1). The majority of these refugees are accommodated in Turkey (3.5 million),

⁵ Arab Spring refers to a series of protests and demonstrations across the Middle East (especially in Syria) and North Africa (Egypt, Libya and Tunisia) that commenced in 2010 and demanded democratic changes in these countries.

⁶ The Syrian Civil War started on 15 March 2011 as a result of Arab Spring and is considered to be one of the worst humanitarian crises globally. Since its breakout in 2011, the war has cost the lives of an estimated 12 million people either by being killed or forcibly displaced to seek asylum in other countries.

⁷ The Rohingya refugee crisis started in 2015 and refers to the mass displacement of Rohingya people from Myanmar (formerly Burma).

⁸ Boko Haram is the West Africa division of ISIL, founded in 2002. It is operational in Nigeria, Niger, Chad and Cameroon. Until March 2015, Boko Haram was known as IS's West Africa Province or Jamā'at Ahl as-Sunnah lid-Da'wah wa'l-Jihād.

⁹ ISIL has been known by many names: for example, the Islamic State of Iraq and Syria, Islamic State of Iraq and al-Sham, Daesh, or simply Islamic State.

¹⁰ Asylum countries are those in which asylum seekers make their applications for refugee protection.

Uganda (1.4 million), Pakistan (1.4 million), Lebanon (1 million) and Iran (979,400) (UNHCR, 2018). Global refugee hosting by region was Africa (30%), the Middle East and North Africa (26%), Europe (17%), the Americas (16%), and Asia and the Pacific (11%) (UNHCR, 2017).

According to the Australian Department of Immigration and Border Protection (DIBP), Australia delivered 21,968 visas to refugees and humanitarian entrants in 2016–2017 (DIBP, 2017)—around 0.65% of the total global refugee population. In Australia, successive governments have attempted to take measures that securitize asylum, linking refugees and asylum seekers to ‘security threats’. However, since the introduction of tougher border protection laws in Australia in 2013, many people are now using planes rather than boats. They also apply for a protection visa later, thus making air arrival in Australia a ‘pressing border security challenge’ (Coyne, 2019a). Their entry to Australia is usually on a valid visa. This means they may overstay their initial visa and remain in Australia without necessarily being asylum seekers, and then apply for a refugee status recognition later (DHABP, 2018). Generally, those who arrive by air have higher rates of recognized refugee status compared to those who arrive by sea (Coyne, 2019b). Around 18 290 people who arrived by air applied for protection visas during the financial year 2016–17 (DHABP, 2018), and 1711 were granted protection. This number increased from 18 290 to 27 931, during the financial year 2017–18, when 1425 protection visas were granted (Coyne, 2019b; DHABP, 2018).

Table 2: Boat arrivals in Australia (2006–2016)

| Year | Number of boats | Number of people (excluding crews) |
|-------|-----------------|------------------------------------|
| 2006 | 6 | 60 |
| 2007 | 5 | 148 |
| 2008 | 7 | 161 |
| 2009 | 60 | 2726 |
| 2010 | 134 | 6555 |
| 2011 | 69 | 4565 |
| 2012 | 278 | 17 204 |
| 2013 | 300 | 20 587 |
| 2014 | 1 | 160 |
| 2015 | 0 | 0 |
| 2016 | 0 | 0 |
| Total | 860 | 52 166 |

Source: Adapted from Phillips (2017)

Reasons for visitors overstaying their visa may vary from one individual to another, however, the main reasons are family reunion, and to improve their working and living conditions (Whyte, 2014). In 2018, there were around 62 000 visa overstayers in Australia, the main contributing countries being Malaysia (10 000), China (6500) and the US (5000) (DIBP, 2018). Around 44 800 visitors and 10 720 students overstayed their visas in 2013, with the main places of origin being China (7690), Malaysia (6420), the US (5220) and the UK (3780).

Asylum seekers who arrive in Australia by boat (the second most common method of reaching the country, after air travel) are categorized as either ‘unauthorized maritime arrivals’ or ‘irregular maritime arrivals’. In 2013, the Australian Government

amended the *Migration Act 1958* (Cwlth) to address the issue of asylum seekers arriving by boats. The amendment is known as the *Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Act 2013*. This amendment replaced the term ‘offshore entry persons’ with ‘unauthorized maritime arrivals’; thus making any entry in Australia by sea illegal. According to this amendment, any asylum seeker who arrives by boat must be categorized as an ‘unauthorized entrant’, the meaning of which is provided by section 5AA (1) of the *Migration Act 1958* (Cwlth). It categorizes a person as an ‘unauthorized maritime arrival’ if:

- (a) The person entered Australia by sea: (i) at an excised offshore place at any time after the excision time for that place; or (ii) at any other place at any time on or after the commencement of this section; and
- (b) The person became an unlawful non-citizen because of that entry; and
- (c) The person is not an excluded maritime arrival.

Between 2008 and 2013, the Australian public were confronted with images of asylum seeker boat arrivals, triggering widespread concerns that Australia no longer had control over its borders. Between 2011 and 2013, Australian Government reported an increasing number of asylum seekers arriving by boats (see Table 2), some of whom died en route. As a result, there were rising concerns about migrants attempting to arrive in Australia by boat, and the need to control the flow and movement of people into the country. There were also humanitarian concerns that asylum seekers attempting to reach destination countries were using unsafe boats and being exploited by people smugglers, and the national security concern that terrorists might utilize the same networks to infiltrate Australia while terrorist organizations recruited people with a refugee background (Barbelet & Wake, 2017).

1.2 Research problem and aims

In this thesis I aim to understand the perception of security threats to Australia regarding refugees and asylum seekers. In doing so, I draw heavily from the literature on the securitization of refugees and asylum seekers in host countries (see Mogire, 2016; Milner & Loescher, 2011; Salehyan & Gleditsch, 2006; Lischer, 2005; Stedman & Tanner, 2003; Jacobsen, 2002; Milner, 2000; Weiner, 1993a). Originally, I intended to present new empirical data which would have allowed me explore the facts about this issue. As explained ahead in this thesis, from 2011 to 2014 Australia faced repeated changes of federal governments (Julia Gillard—Kevin Rudd—TonyAbbott), which rendered asylum seeker matters opaque as they became securitized. This heavily impacted on my ability to conduct in-depth interviews as originally planned. Given the lack of transparency over these matters, some intended participants (service providers and government officials) could not participate in the study as asylum seeker information was treated as *operation information*.

To understand the security impacts of the refugees and asylum seekers in Australia, one has to look at various threats—political, socio-economic and security—that the country may be exposed to. In undertaking this study, I use several scales of analysis—global, regional, national and local—and a multidisciplinary perspective to understand the security risks posed by refugees and asylum seekers in Australia. As will be demonstrated, it is the interplay between these various levels that influence states' decisions on who enters their territories and on what basis.

Additionally, I have investigated how and why refugees and asylum seekers are becoming a national security threat in Australia. The renaming of the Department of Immigration and Citizenship to the DIBP (now the Department of Home Affairs) in

2013, and the formation of a separate, uniformed Border Force, were a clear indication that the securitization of asylum in Australia had become a reality.

1.3 Research questions

The main research question in this study is: Are refugees and asylum seekers a genuine security risk or threat to Australia? This fundamental question is broken down into four sub-questions:

1. What direct and indirect threats (if any) may refugees and asylum seekers pose to Australia?
2. What are the public attitudes towards refugees and asylum seekers?
3. Is the public attitude towards refugees and asylum seekers related to general threats or specific security threats they may pose to Australia?
4. How have these perceptions shaped Australia's refugee and asylum seekers' policy over the years?

Answers to the above questions will contribute to empirical knowledge and theory on the securitization of refugees in Australia. Theoretically, these questions require the conceptualization of a compliance-based theory which links human rights discourse to national security, and their interactions in the given context.

1.4 Research gap and significance

This thesis aims to advance the existing body of knowledge regarding asylum seekers and refugees in Australia, especially in the area of security threats they may be perceived to pose. While there is a significant body of literature on refugees and asylum seekers in Australia (Jupp, 2018; De Silva, 2017; Human Rights Watch, 2014a, 2014b; Australian Human Rights Commission, 2013; Grewcock, 2013; Fleay et al. 2013; Southphommasane, 2012; Koser, 2010; Pedersen, Griffiths & Watt, 2008; Lawrence, 2007; Department of Immigration and Citizenship, 2006; Pedersen, Watt

& Hansen, 2006; Pedersen, Attwell & Heveli, 2005; Pedersen, Clarke, Dudgeon & Griffiths, 2005; Jupp, 2002; Amnesty International, 2001), few studies examine the security threats posed by refugees and asylum seekers in Australia.

The studies on asylum seekers and refugees in Australia can be categorized into three groups. The first group includes studies that describe Australia's response to asylum seekers and refugees as xenophobic and reminiscence of the racism that birthed the White Australia Policy (WAP) (Bolger, 2016; Burke, 2008; Griffith, 2006; Neumann, 2004; McMaster, 2002; Dunstan, 1999). The second group comprises studies that describe Australia's response to asylum seekers as a 'state crime' (Grewcock, 2013; Welch, 2012a, 2012b; Pickering, 2005). These studies have mostly focused on the criminalization by Australia of refugees and asylum seekers who arrive by boat. The third group comprises studies that conceive Australia's response to asylum seekers from a human rights point of view. They present a human rights-friendly narrative that depicts refugees and asylum seekers as victims of Australia's harsh and punitive treatment. These studies document extreme human rights violations and abuses towards asylum seekers and refugees in their respective countries of origin and during transit to Australia (Clark, 2016; Gerber & Castan, 2013; Uptin, 2013; Hoffman, 2010), denounce the encampment of *would-be refugees* in detention centres and the securitization of asylum seekers (Matthews, 2018; Campbell, 2014; Fiske, 2012); advocate for their rights to work and live freely in the community (Pedersen & Hartley, 2017; Hartley & Fleay, 2014; Briskman, 2012); and expose the considerable mental health and psychological problems that refugees and asylum seekers face while in Australia (Shawyer, Enticott, Block, Cheng & Meadows, 2017; Tsoupas, 2011).

What is missing from previous studies is a thorough examination of an array of perceived and real security risks and threats posed by refugees and asylum seekers

in Australia, and a reconciliation between the political science perspective and human rights. While the gap is widening between national security imperatives and human rights, host countries claim that refugees and asylum seekers pose an existential threat to their countries. Instead of adhering solely to the theories and methodologies of social workers and human rights activists, this thesis—an interdisciplinary research—integrates the knowledge of two or more disciplines. In this regard, the topic requires some theoretical underpinning and some understanding of what goes on in other countries (state practices) regarding refugees and asylum seekers. In addition, it requires a thorough analysis of major theories relating to refugees, asylum seekers and a state's right to exercise its sovereignty. This will be done thematically by exploring both possible descriptive and normative elements of scholarly views.

While no single discipline or theory can explain refugees, asylum seekers and the threats related to them, the challenge of dealing with the diverse literature remains enormous as the expertise is scattered. Such varied and dispersed literature may present some pitfalls and a few challenges, including 'limited scope, a lack of a content-related analysis, and/or a lack of an inductive approach' (Daenekind & Huisman, 2020; Ettinger, 2020), weak theorising and methodology, a disconnect between fields and a lack of expertise in all required disciplines. Favell (2007, p. 261) observed:

To talk across disciplines ... is also to speak against one's disciplinary career interests, which often wholly reflects the business of reproducing disciplinary canons and professional hierarchies that takes up so much of the everyday academic enterprise.

As a result, in this thesis I have used a political science perspective for what may traditionally be perceived as political psychology by some and as a human rights

issue by others. I will be addressing this topic from an interdisciplinary perspective—international relations (IR), international law (IL), immigration, sociology, political science, etc. — in order to achieve a more holistic understanding of the security threats posed by refugees and asylum seekers in Australia. While this diversity of opinions can be celebrated at the academic level, it creates a gap between policy and practice that leaves refugees and asylum seekers in limbo.

In this thesis I also explore the need to bridge the disciplinary divide between IR and IL to successfully understand the construction of refugees as a national security threat. The lack of dialogue between these two fields continues to be a missing link between the political science and human rights. There is the need for a theory that binds the human right discourse and the missing national security perspective to the existing literature.

I argue in this thesis that the labels attached to refugees and asylum seekers determine the quality of their protection in host countries, meaning that the right to protection is first and foremost a political matter; not a legal matter, as many human right activists and lawyers argue. To understand this, one needs to look at Australia's treatment of asylum seekers as being a *sovereign act* towards a security threat, not as a *state crime*, human rights abuse or racism, as shown in the literature.

This thesis advances the ongoing academic debates on refugees and asylum seekers, and informs future policy, programmes and practice pertaining to Australia's refugee discourse. This will hopefully advance the quality of life of those who seek protection to Australia and benefit the Australian government.

1.5 Scope

This thesis is restricted to an analysis of the perceptions of risks and threats posed by refugees and asylum seekers to Australia's national security from 2009 to

2017. This thesis investigates such perceptions by employing social research methods and an interdisciplinary literature review to interpret and analyse the gathered data. It uses discourse analysis to explore and understand how the daily language and discourse used in the public arena by government officials to refer to asylum seekers can shape the way ordinary people perceive them as a threat and change their daily experience.

This thesis examines the alleged security threats posed by refugees and asylum seekers, such as terrorism, violent gangs, crimes, threat to resources and unemployment. Using a comparative analysis of countries, this thesis also analyses policy measures resulting from the security implications of the presence of refugees.

As such, this thesis uses a series of contextual and conceptual approaches that offer an explanation of some of the polysemic words used therein. This thesis does not intend to directly address issues of human rights in detail, although they are discussed as supporting examples. Rather, this thesis addresses issues of Australia's refugee policy discourse and how the *non-refugee informants* have responded to the Australian government's position on asylum seekers and refugees.

1.6 Thesis structure

I have divided this thesis into eight chapters. In Chapter 1, I provide a general introduction to the area and the research, including the research problem, aims and questions; terminologies; and the contribution, scope, limitations and structure of the thesis.

In Chapter 2, I review the literature and establish the theoretical framework upon which this thesis is grounded. I outline how previous theorizations have framed refugees and asylum seekers in many ways: firstly, as *victims of human rights abuses* in their respective countries who should be welcome in host countries; secondly, as

victims of people smugglers; thirdly, as *victims of state crimes*; and fourthly, as *potential security threats*. The current analysis departs from these previous theorizations and maintains that there is a growing global reluctance to comply with the international refugee regime, which is the UN Refugee Convention and its related protocols.

In doing so, I examine the literature on the treatment of refugees in selected countries including Tanzania, Israel and the European Union (EU), to demonstrate the global trend of reluctance by countries to welcome asylum seekers due to growing fears of insecurity. I will examine evidence from multiple sources to analyse the security threats posed by refugees in host countries, especially Australia.

In Chapter 3, I discuss the Australia's selective immigration policies and practices. I begin with a discussion of Australia's treatment of refugees and asylum seekers as a national security threat, tracing the construction of refugees and asylum seekers as a threat to the WAP through to subsequent immigration practices and policies such as mandatory detention of asylum seekers and the Pacific Solution.

In Chapter 4, I discuss the research methodology. I outline how the research was conducted, including data collection and analysis, selection and recruitment of participants, the interview process and the discourse analysis.

In Chapter 5, I discuss Australia's response to asylum seekers who arrive by boat and their construction as a security threat. I examine this construction with regard to Australia's desire to protect its borders using traditional methods of warfare. In doing so, I analyse Australia's refugee discourse and its consequences for access to asylum and the protection of refugees.

In Chapter 6, I develop an understanding of the public's perceptions of asylum seekers and refugees. Building on the previous chapters, I explore through interviews the alleged security threats posed by refugees in Australia.

In Chapter 7, I consider the *non-refugee informants* resistance to refugees, and the hostility between refugees and the host community. I discuss community attitudes towards refugees and employment in Australia, and explore the *non-refugee informants* perception that refugees are a burden to Australia as they put a strain on jobs and housing, and do not assimilate into the Australian way of life.

In Chapter 8, I conclude the thesis, presenting the key findings and the way forward.

Chapter 2: Theoretical framework

Theories of refugees and asylum seekers have been a matter of several debates both in countries of their origin and in their host countries whereby some would consider them to be victims of human rights abuses, others would look at them as recipients of donors aids, others would look at them as the lazy who simply are waiting to be get free meals. This chapter discusses the theoretical background of my thesis. Theories are important because they help to predict, describe and explain a particular phenomenon. They can thus provide a framework within which a study about a given phenomenon is conducted. In this chapter, I establish the theoretical framework that explains, from various scholarly fields, the securitization of refugees and asylum seekers. Using the reviewed literature on securitization, I explore the importance of the nexus between forced migration and national security in the contemporary era. This will help understand how refugees and asylum seekers have come to be perceived as security threats, not only in Australia but worldwide.

A number of theories are used in this study to explain the securitization of refugees and asylum seekers. At this early juncture, it is significant to note that none of the theories discussed in this chapter were originally designed to theorize the movement of people fleeing persecution from one country to another and their potential security threats. The discussion of them in this thesis is to aid in explaining states' behaviours and expectations regarding asylum seekers, and their processing, acceptance, repatriation or resettlement in safe countries. Given the theoretical divide demonstrated in this chapter, I conclude it with a call for a compliance-based theory

with particular emphasis on a multidisciplinary approach to the issue of refugees and asylum seekers as non-state actors in IR.

This chapter is divided into three major parts. The first introduces the conceptual framework used in this thesis and explores the polysemic terminologies used throughout. I begin with a look at critical security studies, and defining the terms *security* and *security threat* will help reluctant states to lay a foundation upon which the analysis will be grounded. The second major part explores the theoretical framework, outlining the emerging trend of the *states' reluctance* perspective in the securitization of asylum: that refugees and asylum seekers may pose direct and indirect security threats to host countries. In this part, the emphasis will be on the approach that securitizes and broadens the concept of security to include non-military threats and non-state actors.

In the third part of this chapter, I outline the compliance-based theory for the international refugee regime, exploring reasons for state compliance and non-compliance with their international commitments. In doing so, I look at the international refugee regime and its implementation in selected countries, and the exiting of the regime by countries that withhold their responsibility to provide protection to asylum seekers because of security threats that asylum seekers may present to host countries.

2.1 Part I. The securitization of immigration perspective

In the previous chapter, I introduced the concepts of refugees and their security impacts in host countries. To understand how and why refugees and asylum seekers come to be viewed as a national security issue, one needs a theoretical grounding and a clear understanding of the terms attached to the construction of the threats. This is

important because it provides a solid background as to what these terms mean and how they change during IR.

Security studies is a branch of IR which focuses on security, the threat against it and possible ways to achieve it. It seeks to provide possible answers to the following questions: What are security issues? How can security be achieved? How can threats be survived (Williams, 2013; Collins, 2007)? In other words, security studies helps us to understand terms such security, security threats, risks and threat survival.

There is a consensus in security studies that the term security is itself an ‘ambiguous’ and ‘elusive’ concept both in content and in format (Hough et.al, 2015; Wolfers, 2011; Buzan & Hansen, 2009; Paleri, 2008; Paris, 2001; Booth, 1999; McSweeney, 1999; Haftendorn, 1991). On the elusiveness of security, McSweeney (1999, p. 13) noted that security presents two images: one which evokes a ‘solid object’ and another, ‘inner experience’. Baldwin (1997, p. 6) observed that ‘security’ is a ‘neglected concept’ because the field of security studies has failed for so long to precisely define ‘security’. This means that some qualities that designate the term ‘security’ may not be defined. For example, while security may mean ‘the absence of threat’ as McSweeney (1999, p. 14) suggests, to Mathur (1996) ‘security’ means ‘preservation of liberty, life, property, honour and culture of individuals and an environment of peace and tranquillity in the society’ (p.304). Unlike McSweeney and Mathur, Wolfers (2011, p. 6) refers to ‘security’ as a ‘degree of protection of values previously acquired’.

However, scholars tend to agree that the concept of security is in perpetual evolution (Buzan & Hansen, 2009). This means the term *security* has evolved historically, politically and culturally to the extent that it has lost old, and gained new, meanings as a concept, research programme, discipline of study and policy objective

(Williams, 2007; Baldwin, 1997; Mathur, 1996; Williams & Krause, 1996). Such evolution of the term *security* has led to the diversification of its related meanings, ranging from cultural security to food security, environmental security, human or individual security, state security and even international security.

The concept of security has therefore ceased to be exclusively a matter of national security. It has evolved to include aspects which were not traditionally national concerns, such as economy, investment, technology, science, network, Internet and space, infrastructure, race, ethnicity, environment, climate change and immigration. Such evolution essentially makes any term including security into a security matter, which some scholars call securitization (Waever, 1995). As McSweeney (1999, p.16) describes it, security is changing from a ‘positive comforting term to a negative one’.

2.1.1 Security threat and security risk

Like security, the concepts of threat and risk are contentious. Yet, regardless of their ambiguity, these concepts have been heavily used by scholars to investigate and understand major foreign policy decisions, and the formations of alliances and enmity in international politics (Rousseau, 2007; Fearon, 1995; Walt, 1985; Stein, 1982; Cohen, 1979; Jervis, 1976; Schelling, 1960; Singer, 1958). Davis (2000), for example, defines a threat as a ‘situation in which one agent or group has either the capability or intention to inflict a negative consequence on another agent or group’ (p.10). Paleri (2008, p. 87) referred to ‘threat’ as ‘a possible danger or harm to something—a target’. Strachan-Morris (2012, p.174) described a threat as ‘a function of capability and intent’.

In simple terms, a threat happens when there is likeliness to cause harm or damage. A *risk* is a possibility that harm or damage will occur. Writing about the

difference between a threat and a risk, Strachan-Morris (2012) noted that the former involves asking if something has the potential to cause harm, while the latter involves deciding that something has the potential to cause harm, determining the possibility of it doing so and predicting the likely consequence.

National security threats are variable in form and intensity (Stolberg, 2012a). Threats to sovereign states may range from the hostile attitude of a neighbouring country to the threat of invasion, espionage, terrorism, foreign interference, and so on. A threat can also entail an individual terrorist driving a car into a shopping centre or taking civilians hostage and threatening to kill them. It is obvious that *threat* remains a subjective term.

Directly related to the concept of threat is threat perception. Paleri (2008, p. 85) notes that ‘threat perception’ refers to a process of forewarning a threat, and describes threat perception in the following terms:

... the process of approaching danger or harm, ignites the process of threat perception and continues till the threat is disseminated, destroyed, attenuated or the target is displaced from its path.

Cohen (1979, p.177) observed that threat perception is noting an ‘infringement of the accepted norms of international conduct governing relationship between the involved parties’. In other words, threat perception occurs when a party feels endangered. Rouhana and Fiske (1995) defined threat as ‘the extent to which the party feels danger to (or security in) its physical existence, social and economic well-being, or identity’ (p. 54). Therefore, a threat is perceived when the threatened object¹¹ finds itself in danger of harm from others. In other words, there is insecurity when uncertainty and risk prevail.

¹¹ The object of threat might be a state or an individual.

However, a distinction needs to be made between risk and uncertainty (Knight, 1964). Risk situations have unknown outcomes but their probability of occurring is known and quantifiable. Conversely, a situation is said to be uncertain when both the probability and outcomes are unknown. Although this distinction is widely used in economics, it continues to inspire security analysts. The concept of threat should be considered as capabilities multiplied by intentions, probability, consequences and time span (Hough, 2003, p. 7). Singer (1958, p. 904) also found that a threat perception consists of estimated capability and an estimated intent (threat = capability + intent). Vandeppeer (2011a, p. 18) observed that the parameters of opportunity and vulnerability of threat should be added to capability and intent in Singer's (1958) equation (see Figure 3.). This implies that 'threat does not exist in a vacuum' (Vandeppeer, 2011a, 2011b). When assessing threat (capability + intent), one has to consider several elements such as the ability to cause harm, logistics in place that may be used to cause harm, command and control capability, and likeliness that the harm will be successful (Stein, 2013; Strachan-Morris, 2012). Under these circumstances, threat perception is related to the feeling that a potential harm or loss is likely to happen. This threat does not have to be real for threat perception to occur because the threat might be misperceived. These elements help to assess threat levels.

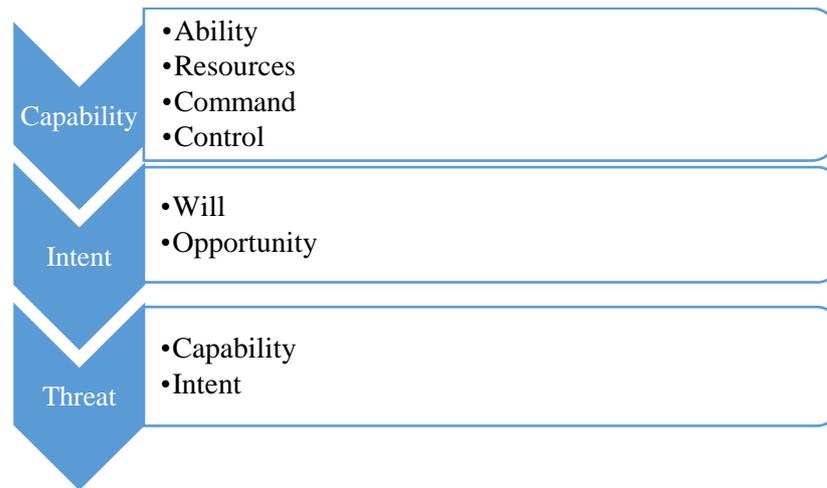


Figure 3. Threat assessment matrix

Security studies can also help to clarify when non-security issues can be securitized. As shown in Figure 4., security threat levels can be perceived and assessed on a five-point scale: not expected (low), possible (medium), probable (likely), expected (high) and certain (sophisticated). These levels of security threat assessment enable the Australian Security Intelligence Organisation (ASIO) and other agencies to take action to prevent or disrupt security risks to Australia.

Low threats can be made by lone actors or small groups of like-minded individuals. According to the Director-General of ASIO, low threats ‘can occur with little or no forewarning’ (ASIO, 2017, p. 49).

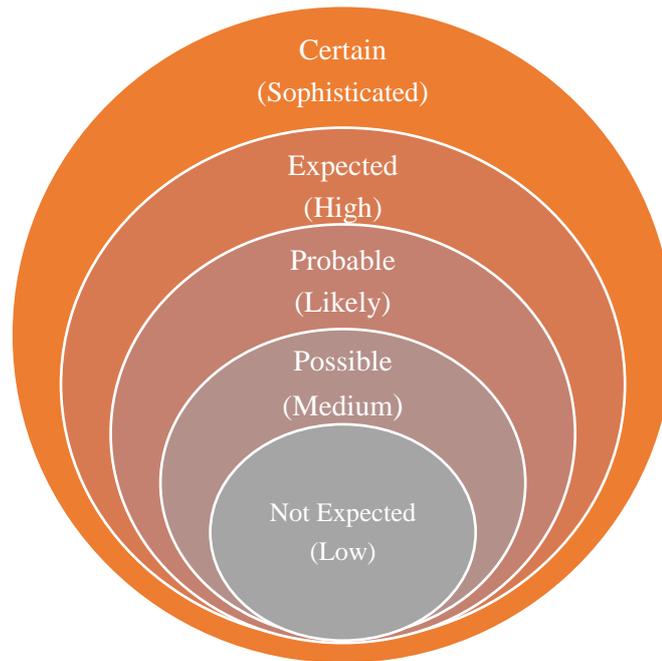


Figure 4. Security threat levels assessment modified from the National Terrorism Threat Advisory System

The existence of the following elements might trigger threat perception: the threat object, threatening object, threatened object, capacity to threaten, will to threaten and feeling of threat. These elements must exist in a combination or separately for a threat to occur. As Müller-Wille (2003) observed, a threat exists in relation to something; without that thing that is threatened, a threat is not a threat.

The above elements of threat may determine the extent of nation states' vulnerability, their actions and their reactions vis-à-vis the threatening object. Once nation states feel threatened, they take necessary measures to protect themselves and their citizens through detection (perception), deterrence, self-protection (defence) and avoidance of the perceived threat, regardless of the nature of the threatening object (state or non-state actors). Detection may include gathering intelligence on threatening objects, analysing such intelligence, and making sense of the capacity of the threat, the intent and the capability of the threatening object. In Australia, ASIO is in charge of threat detection in accordance with Section 7 of the *Australian Security Intelligence*

Organisation Act 1979 (the ASIO Act), including obtaining, correlating and evaluating intelligence or information relevant to any security threat to Australia and communicating such information to relevant state and authorities of the Commonwealth of Australia for action (ASIO, 2020). Such intelligence may include information on terrorism, espionage, foreign interference, sabotage, malicious insiders¹², threats to Australia's border integrity, and protective security advice to government and industry (ASIO, 2020, p. 9). For example, the threat of terrorism in Australia is rated by ASIO as *probable* (ASIO, 2020). This means ASIO has credible intelligence that there are individuals and groups who have acquired the *capability* and have *intent* to conduct terrorism-related activities onshore¹³.

2.1.2 Security threat perceptions

As noted earlier, a threat can be misperceived. In some circumstances, a threat may not even exist before somebody feels they are being threatened. In other circumstances, the threat may be indirect. Schweitzer, Perkoulidis, Krome and Ludlow (2005) categorized threats into *realistic threats* and *symbolic threats*. Realistic threats pertain to an outside group endangering the existence, political or economic power, or physical well-being of the inside group, while symbolic threats involve intergroup competition over scarce resources such as land or jobs, or threats to economic interest, social status or welfare. Symbolic threats relate to perceiving group differences in terms of morals, values, norms, standards, beliefs, attitudes and/or world views that threaten the inside group. They may manifest in condemning ethnic customs and traditions that contradict the inside group's values and morals, and opposing social

¹² Malicious insiders are People within Australia who have legitimate access to security information and system but use that access to pose security threat to Australia by sharing information or destroy it.

¹³ ASIO (2020). Director-General of Security: Director-General's Annual Threat Assessment, Monday, February 24, 2020. Available online at <https://www.asio.gov.au/publications/speeches-and-statements/director-general-annual-threat-assessment-0.html>

policies that benefit outside groups (Schweitzer et al. 2005). Rousseau (2007) found that both power and identity play a role in threat perception:

... a weak position in terms of military power increases threat perception ... shared identity decreases threat perception. ... Shared identity increases cooperation in economic policy areas (p. 745).

From the above discussion, one can infer that security threats are different from security risks. When one element of threat is missing, one cannot talk of a threat to national security—only a risk. The Australian government defines ‘risks’ as ‘challenges that directly affect Australia’s ability to achieve its national security objectives’ (Commonwealth of Australia, 2013a, p. 10).

States may feel threatened for many reasons including the military power of neighbouring states, geopolitics, terrorism, global health emergencies (pandemics), and environmental disasters such as floods and climate change. Depending on the cause of threat perception, security can only be achieved when the threat is deterred, conquered and/or countered. Some would argue that security can be achieved and threatened through military power (Wolfers, 1962, p. 150). To paraphrase Clausewitz (1832/1989), states use acts of violence to compel opponents to fulfil that state’s will. This traditional realist concept of security is based on Thomas Hobbes’s (1642/1991) understanding of the state system which lacks common rules. The Hobbesian concept of security conceives national security in terms of military power and the political desire to protect oneself against external threats such as invasions and any change that may threaten the state’s monopoly of violence. However, some scholars argue that such a definition narrows the concept of security (Wolfers, 1962; Lippmann, 1943) and may convey a false image of what security actually is (Ullman, 1983). Ayoob (1997, p. 130) observed that the term *security* should be strictly reserved for meaning

the security of the state, its territories, its institutions and those who represent them. In doing so, Ayooob defined security in terms of vulnerabilities of the state, which might be either internal or external. Ayooob argued that to broaden the concept of security renders it analytically useless (p. 125).

It should be noted that scholars and policy practitioners who take the traditional state-centric approach to threat are more likely to be in defence of national security and border protection paradigms because they believe states need to be secured against foreign attack and aggression (Bellamy, 2016; Collins, 2016; Colins, 2007; Bellamy & McDonald, 2004; Luciani, 1988). They challenge the universalistic nature of refugees, the right to seek asylum and the right to protection, due to many security and financial risk and threats that the easing of immigration laws can cause in host countries.

While this military concept of security remains dominant in IR, it has widely been criticized for being too narrow (Chomsky & Barsamian, 2018; Fierke, 2015; Mallavarapu, 2008; Buzan et al. 1998). For example, refugees and asylum seekers may not pose a direct threat (national security threat) to states. They may, however, be a *threat* to many opportunities that host countries offer their own people. Fierke (2015) found it is difficult to divide these two schools of thought, observing that ‘the military and political aspects of security cannot be easily separated’ (p.1). For example, when national security is threatened, either by a state or non-state actors, the security of the people is also be in danger. Kierfe (2015, p.1) further noted the following:

the narrow definition of security emphasizes the means of threatening, or the use of force by a state. The end of protection is mentioned and, while assumed, exists invisibly in the background.

Nation states may be threatened by others due to their geographical proximity to countries harbouring hostile forces in each other's territories, being allied to a hostile state, etc. In doing so, the state remains the main actor in detecting, protecting, deterring and avoiding any threat to its security. This also can be applied to refugee protection processes. Nation States can decide to take either inclusive measures or exclusive actions regarding refugees. This process may involve practices and policy measures that restrict access to protection such as mandatory detention, food reduction, deportation, work rights reduction and non-granting of permission to work. Other measures include restricting the movement of refugees by placing them in refugee camps, designating them as criminals, denying them the right to medical treatment, exposing them to racism, and otherwise making their lives harder and more miserable. Consequently, the rights of refugees are curbed by certain state practices, leaving them in deplorable conditions (Henkin, 1994). This may be because of the unclear nature of the original intentions and motives of the drafters of the Refugee Convention (Einarsen, 2011; McAdam, 2011). Ultimately, *refugee*, *asylum seeker* and associated terms are ambiguous and lack clear meaning, yet they continue to be used by politicians, policymakers, academics and policy practitioners.

In general terms, security implies the absence of threats to one's interests (Stolberg, 2012b). Buzan (1991, pp. 3–5) argued that the notion of security is an 'underdeveloped concept'. Security should thus be understood as an emancipation process (Booth, 1999, pp. 313–26). A broader concept of security may lead to two categories of threats: direct security threats and indirect security threats that may be posed by refugees and asylum seekers in host countries. The latter include poverty, malnutrition, disease, strain on national resources, financial burden, environmental degradation and climate change, spread of violence such as terrorism, and the physical

integrity of the individual, etc. In this broader security perspective, everything can be *threatened* and everything can be *threatening* (Gueldry, Gokcek & Hebron, 2019). Issues such as climate change, environmental degradation, budget deficit and economic downturn are now becoming linked to national security (Emmers & Teo, 2018; Donnelly, 2018; Balbino & Crawley, 2018; Ellsmore, 2018; Rice & Zegart, 2018; Steinbruner, Stern & Husbands, 2013). This process moves issues from *normal* (that is, accountable/democratic) politics to *emergency* politics (Newman, 2010). In this context, the special nature of security threats justifies the use of extraordinary measures to handle them (Buzan et al. 1998, p. 21). Similarly, Jordan and Taylor (1981, p. 3) argued that ‘national security’ has a more extensive meaning than protection from physical harm. It also implies protection, through a variety of means, of vital economic and political interests, the loss of which would threaten fundamental values and the vitality of the state.

However, the idea of a broader security agenda is not supported by all. There are scholars who believe that the idea of broadening the concept of security is wrong (Paris, 2001; Ayoob, 1997; Louw, 1978). They defined security in terms of national security and the need to protect a nation from external harm. To Mathur (1996), national security involves the survival of a nation and the ability of that nation to protect its chosen way of life and vital interests. This position is supported by scholars such as Louw (1978) and Zacarias (1999). Louw (1978), for example, refers to national security as nothing more than the condition of freedom from external physical attack. Further, Paris (2001, p. 97) held that ‘the concept of human security is too vague to generate specific research questions’ and thus can only be useful for a taxonomical role in the study of national security. Mou (2017) argued that any strategic conception of the term *national security* largely based on protection against foreign aggression of

a nation by another nation is military in nature and erroneous in as much as its primary assumption is to think that the principal threat to national security comes from other states. Another scholar who attempted to define *national security* is Lippmann, according to whom: 'a nation has security when it does not have to sacrifice its legitimate interests to avoid war, and is able, if challenged, to maintain them by war' (1943, p. 51). Wolfers (1962) observed that 'security in an objective sense, measures the absence of threats to acquired values, in a subjective sense, the absence of fear that such values will be attacked' (p. 150).

This dominant view of security is believed by some scholars to narrow the concept of security (Laksmana, 2017; Williams, 2013; Burke & McDonald, 2007; Wolfers, 1962; Lippmann, 1943) and may convey a false image of what security actually is (Ullman, 1983). The broader model of security would require the concept to be extended to other matters such as human, societal, national, economic and international security. Buzan, one of the prominent authorities in security studies, defined '*international security* in terms of how human collectives relate to each other through threats and vulnerabilities (man-made or natural) (Buzan, Waever & de Wilde, 1998).

To fully understand *security* in its multiple dimensions, one needs to define it in terms of *national security*, because the nation state has, for so long, been the primary custodian of peace and the security of people (Stolberg, 2012a, p. 16). As Mutimer (2008, p. 77) observed, 'national security was primarily concerned with the security of the state' because from time to time threatened by the military power of other states and, therefore, must be defended by the military power of the state itself.

As previously noted, the term *security* was historically equated to military strength (Wolfers, 1962, p. 150). Until 1945, national security posed a definitional

problem as its meaning remained elusive. The concept of *national security* was academically expanded with the works of Earle, Craig and Gilbert (1943), and Spykman (1942). Romm (1993) suggested that the term *national security* has never been well defined and ‘if it is not already meaningless, there is a serious risk that it is rapidly becoming so, as every problem the nation faces is characterized as a threat to its security’ (p. 8). Romm (1993, p. 3) traced the origin of the use of *national security* in the post–Second World War era, suggesting that the ‘phrase national security was not widely used until after World War II’.

From the above, one can infer that the concept of security has undergone significant expansion in the twenty-first century to include other security issues such as climate change, global warming, air pollution, immigration, human trafficking, refugees and asylum seekers, diseases, globalisation, regional integration and economic development (Stolberg, 2012a). In this regard, an issue can be transformed into a security issue or securitized. This simply requires what Buzan (1991) calls a ‘securitizing actor’ to present such an issue as an existential threat. After that, this ‘securitizing move shall be accepted by the audience’ (Buzan, 1991) (see also Buzan et al. 1998; Waever, 1995). Unlike Ayoob (1997), alongside others (Paris, 2001; Jordan & Taylor, 1981), Ullman (1983) argued that the military conceptualisation of national security conveys a false image of reality. To Ullman (1983, p. 135) a threat to national security is an action or sequence of events that:

- 1) threatens drastically and over a relatively brief span of time to degrade the quality of life for the inhabitants of a state, and

- 2) threatens significantly to narrow the range of policy choices available to the government of a state or to private, non-government entities (for example, persons, groups and corporations) within the state.

The most distinctive aspect of the CSS, as a theoretical angle, is its critique of traditional views of security focusing on safeguarding the *core values* of a state from military threats emanating from outside its borders (Williams & Krause, 1996, p. 230). The CSS is often referred to as the ‘Frankfurt School’ (Buzan & Hansen, 2009, p. 206). Mostly influenced by the work of Booth and Jones, the CSS makes a pessimistic assumption about the relationship between state security and the individual’s security whereby the former is believed to be the source of insecurity for the latter and not vice versa. In its quest for emancipation from the traditional concept of security, the CSS has developed a range of approaches which deepen and widen the concept of security (Bilgin, 2008, p. 96). Wyn Jones (1999, p. 166), one of the proponents of the CSS school of thought, summarized the tenets of CSS as broadening security studies. Such broadening would include emancipation from the state-centric concept of security and going beyond a traditional military force model under the rubric of security.

It is worth mentioning briefly that CSS has also been criticized, mainly for its notion of emancipation of security, its universalistic character and its egalitarian attempts which, to some scholars, do not distinguish it from certain liberal values (Fierke, 2015; Booth, 1999). Hendershot and Mutimer (2018, p. 60), for example, argue that the CSS should not be considered as a *sub-discipline* of security studies or international relations. They argued that the CSS is not a coherent approach to security, but an ‘amalgam of modes of studying security that are not conventional’ (Hendershot & Mutimer, 2018, p. 60). Mutimer (2015, p. 88) described CSS as a ‘desire to study security’.

In addition to the CSS, the need to widen the concept of security is also explored by the Copenhagen School (CS): a doctrine of thought in IR which has its origins in the works of Barry Buzan, Ole Waever and Jaap Wilde following their

research at the Copenhagen Peace Research Institute. Their 1998 book, *Security: A new framework for analysis*, the most cited book on securitization, lays the foundations for what would become known as the CS. Its most distinctive contribution in the debate on widening and deepening the concept of security is the introduction of the concept of ‘societal security and securitization’ (Buzan & Hansen, 2009, p. 212). The CS stresses the non-military aspects of security as opposed to traditional security studies (Collins, 2016, p. 168). The CS argues that there is a need to broaden the realist concept of security to include a wider range of potential threats, from economic and environmental issues to human rights and migration (Williams & Krause, 1996).

The CS’s key conceptual tools of analysis are divided into three important categories: security, regional security and securitization. Buzan et al. (1998) start by identifying key sectors where one can speak of security: state/military, societal, economic, political and environmental. In doing so, the CS broadens the concept of security beyond the traditional state-centric realist theory by exploring security in different sectors. In addition to sectors of security, the CS introduced the concept of regional security (Bain, 2006; Hough, 2004; Buzan & Wæver, 2003). To them, security threats are likely to occur in regions, thus the security of one actor in a region will sometimes depend on the security of other actors in the region. This translates security into interdependence between and among actors within a given region.

Critics of the CS have identified a number of issues with its contributions (McDonald, 2008; Wilkinson, 2007; Arcudi, 2006; Terriff & Croft, 2000; Hansen, 2000; McSweeney, 1999; Huysmans, 1999). Wilkinson (2007), for example, argues that the CS is Eurocentric in nature and does not offer a clear picture of what is happening elsewhere. While McSweeney (1999, p. 16) is credited as coining the term ‘Copenhagen School’, he remains one of its most vehement critics (1998, p. 87). Walt

(1991) criticized the CS's methodological approach to security, arguing that the state remains the referent object of security and, therefore, any analysis of security must focus primarily on state.

McDonald (2008, p. 564) argued that the CS's securitization framework is problematically narrow in terms of form, context and nature. Unlike Waeber, who sees security as a speech act, McDonald (2008, p. 565) observed that those interested in the construction of security should focus on 'understanding the processes through which particular definitions or discourses of security come to constitute the lens through which specific issues are conceptualized and addressed by different political communities'. Balzacq (2005) observed that securitization must be understood as a 'strategic or pragmatic action of discourse' rather than a 'speech act' as suggested by Buzan et al. (1998).

Securitization occurs within or as part of a context and/or a certain environment which pushes key decision makers to conclude that an issue has reached a point that it must become a security issue. Balzacq (2005, p. 172) called this environment 'a configuration of circumstances' that includes not only the context but also the 'psycho-cultural disposition of the audience, and the power that both speaker and listener bring to the interaction'.

It is perhaps in this regard that some politicians have, from time to time, claimed to wage *wars* against terrorism, drugs, people smugglers, pollution and deforestation. Not only is this a misuse of the term *war*—an 'act of organized violence carried out by political units against each other' (Bull, 1977, p. 178)—it is also an exaggeration of the actual threat these issues pose; *war* implying that the opponent is a political unit. Wars waged against drugs, famine, disease, people smugglers,

domestic violence and so on are not real wars but rather political rhetoric to meet political ends. A more apt description is conflict, rivalry or competition.

The basic tenet of traditional state-centric theories being narrowly focused on states, overwhelmingly on interstate threats, fails to capture potential threats from non-state actors. This reinforces the importance of the CSS in analysing threat perception posed by refugees and asylum seekers in host countries. The traditional state-centric theories cannot, for example, explain how refugees and asylum seekers, a group of people fleeing their countries—sometimes with empty pockets and no resources—would endanger the security of powerful nations. It is for this reason that the argument put forward by the CSS perspective appears to provide a good theoretical foundation to understand the securitization of refugees and asylum seekers. In so doing, forced migration can be said to present non-traditional security threats to host countries, most of which are under-explained by traditional state-centric theories.

As the CSS can explain security from a broader perspective it can also explain security threat perception that includes not just the states but also any issue that can be securitized. This also helps to understand how discursive activities turn issues into central security concerns, thus providing the opportunity for the use of discourse content as a source of data. It is for this reason that the CSS epistemological foundation will be adopted for this thesis. The CSS theory has previously been used to analyse issues in IR such as terrorism and related threats, foreign policy, environment and climate change, communicable diseases, immigration, asylum seekers and refugees (Huysmans, 2006; Elbe, 2006; Buzan, 2006; Abrahamsen, 2005; Sasse, 2005; Roe, 2004; Emmers, 2003; Guild, 2003; Bigo & Walker, 2002).

Further, several studies have used the CSS perspective to analyse the securitization¹⁴ of refugees and asylum seekers in Australia. For example, in a comparative analysis between refugee policy in Australia and Sweden, De Silva (2017, p. iii) found that asylum seeker policy is much more politicized in Australia than in Sweden as a response to a ‘purported national security threat’. This is possible if there is a securitizing institution or individuals who render the matter for *emergency measures*. As Buzan et al. (1998, p. 25) observed, ‘the existential threat has to be argued and just gain enough resonance for a platform to be made from which it is possible to legitimize emergency measures or other steps that would not have been possible’.

While the CS construction of security is dependent on the political discourse, its full understanding has three key roots: the speech act, an understanding of security, and the politics of exception which tend to introduce particular emergency measures. Through the process of securitization, issues are rhetorically uttered and structured as posing a security threat in order to achieve the sufficient effect.

Several studies have attempted to analyse the securitization of asylum seekers in IR (Chebel d’Appollonia, 2015; Innes, 2015). The rhetoric behind such securitization (Saeed, 2016) includes increasing border control by states and their related violence towards asylum seekers (Jones, 2016), lack of humanitarian assistance to asylum seekers (Puggioni, 2016), limited access to protection, and the function of the border control system (Jones, 2016; Albahari, 2015; Chebel d’Appollonia, 2015).

Most of the above-mentioned studies analyse non-traditional security issues such as environment, climate change and asylum seekers through the lenses of CSS theory and/or the securitization perspective in IR. They study non-military threats yet

¹⁴ Securitization is process by which non security subjects are turned into matters of security.

explain them in a militaristic context, with military-only solutions sought by linking the concepts of refugees, asylum seekers, securitization and state sovereignty. Consequently, there is an increase in reinforcing state sovereignty over the protection of refugees' rights (Jaskulowski, 2017; Triandafyllidou, 2015) as securitization intends to deepen the agenda of security studies by moving either down to the level of individual or human security, or up to the level of international or global security, with regional and societal security as possible intermediate points (Waeber, Buzan, Kelstrup & Lemaitre, 1993; Tickner, 1992; Buzan, 1991).

2.2 Part II Refugees and national security threats: direct and indirect

Since the end of the Cold War, the state-oriented concept of national security has gradually evolved from the highly militarized state-actor paradigm to the non-state-actor paradigm (Gheciu, William & Wohlforth, 2018; Westad, 2017; Khan, 2006). Writing about the dangers of broadening the security agenda during the post-Cold War period, Gheciu et al. (2018, p. 4) argued that the 9/11 terrorist attacks radically changed the international landscape. Further, Gheciu et al. (2018) observed that such attacks and the response to them have culminated in the rise of non-state actors with significant impacts on international security. Consequently, the links between state, security and development have been strengthened to the extent that securitization has subordinated development to a militarized security agenda (Gheciu et al. 2018, p. 4). While this observation might be partly true, one can argue that one of the consequences of the 9/11 attacks is the return of traditional approaches to security.

One effect of the end of the Cold War was the emergence of threats from non-state actors made to sovereign state actors. Some of these threats included the increase

in Cold War proxy insurgencies, terrorism, religious fundamentalism, ethno-nationalism and civil wars (Baylis & Smith, 2007; Duffield, 2001; Kaldor, 1999; Holsti, 1996; Huntington, 1996). As a result, the number of asylum seekers and refugees increased. The 9/11 attacks and the rise of terrorists groups such as al-Qaeda and ISIL changed global security thinking and are prime examples of how the threats posed by non-state actors to national security can no longer be underestimated.

It is perhaps with awareness of the emerging security challenges posed by non-state actors that the Joint Standing Committee on Foreign Affairs, Defence and Trade (2000) recommended the development and maintenance of a national security policy in Australia. In 2008, the Australian government committed to regular reviews of its national security and emerging challenges. One outcome of this was the recognition of the fundamental changes occurring in the world and the resulting economic opportunities and security concerns for Australia.

The Australian Defence White Paper (2013), for example, pointed out the current national security concerns, including ensuring Australia's freedom from attack or threat of attack, maintaining Australia's territorial integrity, promoting political sovereignty, preserving hard-won freedoms and sustaining Australia's fundamental capacity to advance economic prosperity for all Australians (Commonwealth of Australia, 2013a, p. 23). It appears that the national security approach contained in the White Paper (2013) is a combination of the traditional military approach (realist paradigm) and the human security approach (CSS paradigm).

This model was expanded in the Defence White Paper (2016), where the notion of border protection was introduced. While the White Paper (2016) acknowledges that 'conflict, insecurity and economic factors will continue to dispossess millions across the world' (Commonwealth of Australia, 2016, p. 53), it concludes that Australian

borders 'are likely to continue to be challenged by international criminal syndicates seeking to smuggle illegal migrants'. The paper does not mention how Australia is prepared to assist refugees and asylum seekers who require protection.

Consequently, there is a tendency in Australia to deter asylum seekers who arrive by boats while dealing with criminal elements that seek ways of 'smuggling other cargoes, such as illegal drugs and guns, across our borders' (Commonwealth of Australia, 2016, p. 53). This position is also expressed in the Foreign Policy White Paper (2017) which, recognizing the growing number of displacements around the world due to conflicts and civil wars (Commonwealth of Australia, 2017a, p. 32), recommended measures to protect borders against irregular migration as 'these challenges could undermine stability in some countries, especially fragile states, and contribute to conflict and irregular migration' (Commonwealth of Australia, 2017a, p. 33). As such, *national security* is concerned with both risks and opportunities (Commonwealth of Australia, 2013c, p. 3). This means that threats to national security are viewed in a multidimensional lens ranging from terrorism, espionage, foreign interference, border integrity, malicious cyber activities, proliferation of weapons of mass destruction, organized crime, coercion and economic sabotage to resource sufficiency, good governance and social cohesion.

While state-based threats are still a reality in the current international security context, threats posed by non-state actors are harder to identify (Hansen, 2004, p. 691). In such an uncertain environment, threat perception and identification have led to tougher national security measures. The first, pre-emption, consists of actions undertaken before the occurrence of the threat. The second, countermeasures, occurs after the threat has actually happened.

There is an extensive body of literature in defence of a sovereign state's right to exclude non-citizens from illegally entering it (Dunne & Hanson, 2009; Cardenas, 2002; Ayoob, 2002; Jacobsen & Lawson, 1999; Bodin, 1992). Central to this is the idea that the human rights of refugees and asylum seekers are incompatible with state sovereignty. Thus, to allow such rights to prevail over state sovereignty would constitute a weakening of and/or assault on the latter, because state sovereignty must be absolute and indivisible. Bodin (1992, p. 1), for example, observed that sovereignty must be understood as the 'absolute and perpetual power of a commonwealth'. Delbruck (1982, p. 569) states that 'sovereignty is often associated with the notion of absolute power or authority of governments and states'. Considered in the realist security paradigm, sovereignty cannot be shared; therefore, it is incompatible with human rights because in realism, 'rules are regularly broken, and agreements last only as long as they benefit the contracting parties' (Dunne & Hanson, 2009). Dunne and Hanson (2009, p. 63) noted that 'If we accept this as a starting point, then the landscape of world politics immediately seems inhospitable to human rights'. In this way, realists conceive human rights law as restricting states' sovereign right to exclude non-citizens (Tomuschat, 2008; Armstrong, Farrell & Lambert, 2007).

In defence of the right of states to protect their borders and determine the movement of people, Wellman and Cole (2011, p. 2) argued that it is the moral right of the state to exclude immigrants and other unexpected guests. Further, 'legitimate political states are morally entitled to unilaterally design and enforce their immigration policies, even if these policies exclude potential immigrants who desperately want to enter' (p. 13). To achieve this, they concluded that states must pay other states to fulfil their commitment to international refugees (p. 130).

Framed in this narrative, state sovereignty is perceived as endangered by the arrival of uninvited guests such as asylum seekers and refugees. As Brysk (2018, p. 10) concludes, ‘contemporary refugees are the bearers of deflated, dysfunctional, or inconvertible rights claims that call into questions of global responsibility’. Similarly, Walzer (1983, p. 64) pointed out that refugees present some risks to host countries but argued that refugees only seek the resources and protection offered by states to their citizens (p. 64).

As discussed in the previous section, it is a state’s sovereign right to determine who stays in its territory. This process is an integral part of a state’s territorial sovereignty¹⁵. The dependence of asylum being granted based on chance and the state’s clemency is much decried by scholars (Freedman, 2015; Valluy, 2009 Crépeau & Nakache, 2006; Henkin, 1994). While seeking asylum is a human right, to be granted asylum is not, and states are not obliged to grant asylum to people who seek it. This means that access to asylum depends on the willingness of states to grant protection or deny it (Fruchterman, 1972). Brysk (2018) describes such reluctance as being part of ‘enforcement gap’ (p. 9), noting:

The first problem refugees face in fulfilment of their rights is the generic human right problem of sovereign monopoly of authority and force by both sending and host states, Both originating and receiving states can block refugee freedom of movement, deny them legal state or recognition, detain them, and prevent their access to essential supplies and services. (p. 15)

Other scholars have gone further, hypothesizing that the right to asylum is actually a state right (see Gil-Bazo, 2015; Goodwin-Gill & McAdam, 2007). This is perhaps because applying for asylum is an individual act while recognition (or refugee

¹⁵ See Article 1 of the Draft Convention on Territorial Asylum, which emerged from discussions in the UN General Assembly in 1974–1975.

status determination) is a political and legal act. Hathaway (1991) observed that refugee status determination is a political tool. Noiriél (1998) noted that the right of asylum is a ‘consequence and not a limitation of the principle of sovereignty’. Henkin (1994) observed that in a situation where asylum continues to depend on a state’s determination on who is a ‘genuine’ or ‘bogus’ refugee, ‘the victim of repression, then has half a right—a right to leave, not a right to be received, to enjoy a haven or to resettle’ (p. 1079).

Access to asylum is increasingly declining as countries are becoming more and more reluctant to protect asylum seekers for fear that they pose serious national security risks. Writing about the increasing resistance towards asylum seekers in Europe and the rise of restrictive asylum seekers policies, Mayblin (2017) argued that asylum seekers have changed in terms of numbers, methods of travel and reasons for flight. Countries have correspondingly tightened their borders to exclude would-be refugees. Unlike Mayblin (2017), who sees links between the current asylum crisis in Europe as a result of post-colonial legacies, Genschel and Jachtenfuchs (2017) stressed that the problem should be understood in relation to the shift from market integration to the integration of core state powers. As Kalir (2015, p. 5) pointed out, ‘the production of anxiety towards non-national other is ... a crucial ingredient in the modern sense-making of national belonging’. As Crépeau and Nakache (2006, p. 4) noted, ‘the stronger the state, the more draconian the measures it can take’.

Crépeau and Nakache (2006) might be partly correct, given the rise in new surveillance and military technologies such as drones, submarines, warships and cameras capable of detecting asylum seekers at a considerable distance and interceding them. Importantly, these technological advances in stronger states are significant in deterring asylum seekers. In doing so, they maintain the intangibility of ‘national

sovereignty and, with that, border control as a convenient tool for distinguishing between “us” and “them” (James, 2012; Crépeau & Nakache, 2006). As will be argued throughout this thesis, such a distinction has an impact on the treatment of asylum seekers by receiving states. One such impact is the controversy over the meaning that each actor attaches to the term *asylum seeker*. Defining *asylum seeker* in such security dimensions produces the effect of naming and shaping the practices of those who draw upon it. As Dickson (2015, p. 437) observed, the situation whereby states securitize asylum seekers is a reflection of the ‘sovereign state to order and regulate the population’. Linking asylum seekers to numerous threats to identity, economy, security, unemployment and infrastructure increases the risk of their rights being curbed for *security reasons*. This provides a sense of comfort and security to host countries as they believe they can at least control their own borders and, therefore, their sovereignty.

This situation may seem unique to Australia. Punitive refugee policies such as encampment, detention and the restriction of access to protection have been diffused from one country to another, meaning that the situation of refugees deteriorates every day as states become reluctant to accept asylum seekers—in the name of sovereignty and/or security—despite the fact that they are signatories to the Refugee Convention. Drawing from Australian and US immigration control measures, Ghezelbash (2015) found that immigration control policies continue to be diffused and transferred between and among nations, whereby nations draw on practices in other jurisdictions when developing immigration law and policy to attract what they perceive as *good migrants* (mostly skilled workers and investors) and deter *bad migrants* (asylum seekers and irregular arrivals). This is a significant shift in the international refugee system. As Siddique and Appleyard (2001, p. 1) observed, ‘what had been originally

designed and how it operated, and what was assumed to be the issue to be addressed, have now changed’.

Under territorial exclusivity measures, asylum seekers and refugees who were once conceived of as victims of oppression are being perceived as security risks in host countries. While fleeing persecution from their countries of origin, refugees and asylum seekers may face death en route to their destination, or prison/detention if they reach their destination. Valluy (2005) calls this practice ‘state xenophobia’. Scholars such as Pickering (2005), Welch (2012a–c) and Grewcock (2009) call it ‘a state crime’. Other scholars have described such practices as ‘policy as punishment’ (Pedersen & Hartley, 2017; Fiske, 2013; Hoffman, 2012; Briskman, 2012; McKay, Thomas & Blood, 2011; Fleay, 2010). However, the exclusion of non-citizens is a sovereign right (Haddad, 2008; Crépeau, Nakache & Atak, 2007; Soguk, 1999). It is the ‘state’s right to do as it wishes, particularly within its own territory, free of external constraint or interference’ (Bilder, 1994, p. 10). As Jones and Smith (2015, p. 943) argue:

The right of the state, moreover, may be expressed in terms of both its right to survive and its right to sustain the political order or constitution. In sum, a political realism infused with ‘reason of state’ emphasizes two features of policymaking: the presentational dimension, which draws upon the prevailing moral and political vocabulary available to make a convincing case; and the deliberative justification for a policy that occurs in the council chamber and not in public.

This observation is very important for this thesis because every state needs to have control over its borders. Failure to do so constitutes an ‘international shame’ (Steele, 2008, p. 13) and, indeed, constitutes a security threat (Gilady, 2018; Huysmans, 1998, 2000). To have control over one’s state border thus becomes not

only a matter of state sovereignty but also a matter of international pride and honour. Haddad (2008), and Bodin and Franklin (1992), observed that refugees are caught between sovereigns. Betts (2005, p. 2) went further, suggesting that enhancement of refugee protection in regions of origin for the purposes of achieving ‘global responsibility-sharing in the provision of access to interim protection and durable solutions’.

One can argue that the term *refugee* is itself in serious crisis as some of its key definitional elements are losing their relevance in the twenty-first century. They continue to suffer multiple challenges: firstly by definitional challenge, where some other aspects of forced migration such as IDPs are not covered; secondly by dimensional challenge, where the rise of globalisation and technologies is making it harder to control the influx and flow of refugees and the cross-border movement of people from sending countries to host countries; thirdly by contextual challenge, whereby the original context of the Refugee Convention is disappearing; and fourthly by protection and compliance deficit¹⁶ in regard to international refugee instruments.¹⁷

Expanding on the fourth problem, increased globalisation has led to borders becoming fragile, especially in weak and failed states; most of which are producers of refugees. In addition to fragile borders which facilitate unchecked cross-border movements of people are the issues of local corruption and poor law enforcement, technologies and infrastructure which hinder both the protection of refugees and compliance with international refugee instruments. For example, those who have

¹⁶ Protection and compliance deficit is used here in relation to host countries international obligations and commitment to mean the reduction of refugee protection rights (such as the right to seek asylum, right to movement, right to employment) for the purposes of limiting access to their countries, controlling the movement of refugees and deterring their arrival in host countries for security, economic or social reasons. Protection deficit may not be confused with protection denial, which may be closely related to *refoulement* or *neo-refoulement*, which consist of refusing to grant protection to asylum seekers.

¹⁷ Instruments such as the UN Refugee Convention and its related protocols.

acquired refugee status may easily and quickly travel to their countries of origin without the knowledge of the host country or country of nationality, which, under the Refugee Convention, would disqualify them as refugees. The refugee regime faces historical and geographical challenges. The circumstances that shape flight have changed (Betts, 2013, p. 2), creating new challenges such as a reluctance to protect. For example, traditional major warfare among Western countries is increasingly obsolete (Mueller, 1989, 2004; Mandelbaum, 1998) and the majority of wars are now fought in developing countries, most of whom are weak and unable to sustain domestic legitimacy and peace (Gibney, 2004; Holsti, 1996; Gray, 1986, 1999a, 1999b). Betts (2013, p. 2) observed that ‘the creators of the refugee regime envisaged that the definition of a refugee would evolve over time’, yet little has been done to update this definition.

The above challenges led to a fifth challenge, perhaps the most critical and the important: the construction of refugees as a threat. As will be demonstrated in later chapters, this challenge is related to the burdens (for example, security, economic and environmental) that host countries incur by hosting refugees.

The relationship between refugees, sovereignty and national security is widely studied. Refugees arrive in host countries *uninvited* as asylum seekers. Given that denial of foreign interference and the right to control cross-border movements of people and goods are the major foundations of the current state system, irregular arrivals of refugees and asylum seekers may be perceived as an assault on state sovereignty. Realists would thus argue that states will only provide protection to asylum seekers and refugees if doing so will help promote those states’ self-interests of power, security, survival and sovereignty. Bigo (2002, pp. 66, 67) observed that interpreting migration as a security problem draws its strength from the way the state

is conceived by the main actors, who are ‘often confused with state apparatus and government’:

The popularity of this security prism is not an expression of traditional responses to a rise of insecurity, crime, terrorism, and the negative effects of globalization; it is the result of the creation of a continuum of threats and general unease in which many different actors exchange their fears and beliefs in the process of making a risky and dangerous society. The professionals in charge of the management of risk and fear especially transfer the legitimacy they gain from struggles against terrorists, criminals, spies, and counterfeiters toward other targets, most notably transnational political activists, people crossing borders, or people born in the country but with foreign parents.

Doomernik (2004, p. 37) shares this view:

It would almost appear as if states need security threats, either because there are institutions or individuals therein who make a living out of identifying and combating such threats to the well-being of the state, or maybe because the political community is in a permanent need of defining the ‘others’ (potentially dangerous) for the benefit of being able to define who we are as people who belong together.

Realists believe that IR is governed by interests defined in terms of power. Israeli (2019) defended the realist world view by arguing that ‘polar powers have the ability to choose to behave in a manner that opposes the systematic dictate’. This means that, in IR, countries choose to behave in a manner that promotes their own interests. Additionally, realism assumes that ‘interest defined in terms of power is an objective category which is universally valid’ (Morgenthau, 2011, p. 5). Realists are not concerned with motives, emotions or ethical preferences. As Morgenthau (2011,

p. 9) observed, ‘universal moral principles cannot be applied to the actions of states in abstract universal formulation’. In this respect, the rights of the state always trump the rights of individuals. Moreover, realists do not identify the moral aspirations of a particular nation with the moral laws that govern the universe (Morgenthau, 2011).

Having the above realist basic tenets in mind, the presence of refugees and asylum seekers can either be perceived as, or constitute, a real threat to hosting countries and their countries of origin. From a realist perspective, the plight of refugees and asylum seekers is linked to national security. Once treated as such, asylum seeker protection becomes more complicated and is even hard to achieve. This is because every state has the right to protect its citizens and exclude non-citizens from causing serious security threats.

Possible security measures need to be put in place to prevent any perceived security threat from becoming real. These measures include tightening border security, detention of asylum seekers who arrive without proper documentation and reducing benefits to would-be refugees—all of which ensure borders are secure and protected, and make the refugee protection regime harsher, harder and punitive. Failure to do so will, according to realist theory, entail the collapse of the state and an assault on sovereignty.

Literature that deals with security threats posed by forced migration (refugees and asylum seekers) to host countries is a recent development in IR. In the early 1990s, scholars were interested in studying the security impacts of forced displacement in developing countries, mostly the African Great Lakes region of Zaire, Rwanda, Burundi and Tanzania (Salehyan, 2008; Salehyan & Gleditsch, 2006; Stepputat, 2004; Lee, 2001; Milner, 2000; Maluwa, 1995; Weiner, 1993a, 1993b). These studies found significant links between refugees and insecurity in both host countries and countries

of origin. Weiner (1993a, 1993b) observed that while conflicts can create refugees, refugees can also cause conflict in host countries. Milner (2000) extensively analysed threats posed by refugees to host countries and distinguished two types of security threats: indirect (grievance and opportunity threats) and direct (the spillover of conflict and refugee warriors). Milner (2000, p. 12) observed that there are no intervening variables between forced migration and ‘threats to state structures’, as the migrants themselves are actively engaged in armed campaigns against their country of origin.

Weiner (1993a, p. 14) suggested that there is evidence refugees have increasingly been found to be mounting terrorist attacks in or from a country of asylum, smuggling arms and participating in drug trafficking. For example, former Australian prime minister Tony Abbot stated, ‘We’ve had three terrorist attacks in Australia and all three of them involved either people claiming to be refugees or the children of refugees’ (cited in Crowe & Lewis, 2017). However, this link between refugees and terrorism was denied by ASIO’s then director-general Duncan Lewis. In an interview with *ABC RN Breakfast*¹⁸, Lewis noted that ‘the refugee programme is not the source of terrorism in Australia’ (ABC, 2017; Hunter, 2017; Riordan, 2017). Lewis stressed the importance of understanding the context of terrorism in Australia:

The refugee programme is not the source of terrorism in Australia. This is the key point, Fran, and I want to try and make this very clear. We have had tens of thousands of refugees come to Australia over the last decade or so and a very few of them have become subject of interest for ASIO and have been involved in terrorist planning. I’m not denying that. I’ve not said that there are no terrorists who have not been refugees or not been the sons and daughters of refugees born in this country. But the context is very important. The reason

¹⁸ A full record of this interview can be accessed via <https://www.asio.gov.au/publications/speeches-and-statements/abc-rn-breakfast-fran-kelly.html>

they are terrorists is not because they are refugees but because of the violent extremist interpretation of Sunni Islam that they have adopted.

As will be discussed, there have been a number of terrorist incidents on Australian soil perpetrated by people from refugee backgrounds. It was reported that, as of 2016, at least 17 known terrorists in Europe entered as refugees while 100 militants were hiding among refugee populations (Simcox, 2018; Copley, 2016; Von der Mark, 2016). As of 2018, around 44 refugees or asylum seekers have been involved in 32 Islamist plots in Europe, resulting in 182 deaths and 814 people injured (Simcox, 2018, p. 2).

Weiner (1993a) identified five categories of refugee threats: opponent of the home country regime; political risk to the host country; threat to cultural identity; social and economic burden; and risk for the home country. Lee (2001, pp. 77–78) described four threats posed by refugees: increase in land and resource use; tensions between newcomers and natives; creation of conflicts between the host country and country of origin; and increase in demographic and ecological strains and economic dislocation. Using the securitization perspective, two frameworks will be used in this thesis: direct security threats versus indirect security threats.

Salehyan and Gleditsch (2006) found that the flow of refugees can destabilize neighbouring countries in many ways: rebel social networks are extended and violence is spread, arms are smuggled from one country to another, and combatants and ideologies are spread, creating bilateral tension between the host country and country of origin (Salehyan, 2008). Milner (2000) described these threats as ‘security burdens’ divided into two categories: indirect threats and direct threats. The former consists of scrambles for opportunities, or ‘opportunity threats’, and ‘grievance threats’. The latter consists of the spillover effects of violent conflict in the state of origin. Milner (2000)

confirmed Maluwa's (1995) observation that unwanted migrants and refugees may cause intercommunal tensions within the receiving state.

These concerns have multiple dimensions, shapes and forms; all fear-based. First is the fear that cross-border movements weaken the ability of the host country to secure its borders (for example, Australia's retrospective recognition of the need to strengthen its border protection). Second is the fear that the presence of refugees in the host country threatens the security of their country of origin as attacks may be launched against the country of origin with support from the host country (for example, the invasion of the DRC by Rwanda and Uganda in 1997, and the diplomatic tensions between Burundi and Tanzania in 1997). Third is the fear that the presence of refugees and asylum seekers threatens the identity, culture, resources and opportunities of host state citizens (for example, refugees *swamping* Australia, and queue-jumpers).

The above three dimensions are the basis of burden-sharing theory in refugee studies (Thielemann, 2018; Betts, 2003; Boswell, 2003). Burden-sharing theory¹⁹ claims that the impact of the refugee influx on the societies, economies and communities of the host countries should be shared internationally and regionally as host countries alone cannot bear the burden (UNHCR, 2013; Boswell, 2003).

2.2.1 Recruitment of refugees as a security risk/threat

Refugees can be viewed as one element of a global security problem (Hammerstad, 2014; Cohen & Deng, 1998; Mandel, 1997, Gurtov, 1991). Mandel (1997, p. 77) stated, 'the refugee dilemma has moved to the center of world concern, and it occupies an important spot on national security agendas to augment its position on the global humanitarian agenda'.

¹⁹ Burden-sharing theory is discussed in greater depth at p. 67.

When refugees are settled close to the border of their country of origin they may pose a potential security and political risk to the host country. This can create tensions between the neighbouring countries (Salehyan & Gleditsch, 2006), especially when one accuses the other of hosting hostile forces. One example is the involvement of Sri Lanka's Tamil refugees in the assassination of former Indian Prime Minister Rajiv Gandhi in 1991 over his perceived accommodation of the Sri Lankan government. Another example is the participation of Rwandan Tutsi refugees in the removal of the Milton Obote administration (1980–1985), when they were actively involved in guerrilla warfare to help Yoweri Museveni seize power in Uganda (Mbeko, 2012, p. 82). In return, Museveni militarily supported these Rwandan refugees to form the Rwandan Patriotic Front (RPF)²⁰. In 1990, the RPF under Paul Kagame (the current Rwandan President) invaded northern Rwanda (Lischer, 2005; Lomo, Naggaga & Hovil, 2001). In 1994, the RPF was able to seize power in Rwanda after the death of then-Rwandan president Juvénal Habyarimana and the subsequent Rwandan genocide (Mbeko, 2012, p. 133).

Host countries can be used by refugees as a base from which to carry out military operations against their countries of origin and a ground for the recruitment of combatants. Several examples illustrate how rebel social networks have spread conflict, even in refugee camps (Salehyan & Gleditsch, 2006). For example, in the 1980s there were reports that Afghan refugees in Pakistan were involved in resistance against the communist regime and its Soviet backers in Afghanistan (Rashid, 2008). As a result, the Pakistani population became radicalized, there was widespread weapons proliferation in Pakistan and the Pakistani state's authority was weakened

²⁰ The foundation of the RPF can be traced to 1979, when Rwandan refugees created what was then known as the Rwandese Refugee Welfare Foundation. This was renamed the Rwandese Alliance for National Unity in the 1980s. It became the RPF 10 years later and took power in Rwanda in 1994. This enabled the restoration of some semblance of state order and an end to the Rwandan genocide.

(Rashid, 2008). In Tanzania²¹, the influx of Rwandan refugees was rapidly followed by insecurity, instability and violence against Tanzanian citizens by refugees in border areas, particularly in the Karagwe, Ngara, Kagera and Kigoma regions (Rutinwa, 1998). Some of the refugees were members of armed factions responsible for the Rwandan genocide, and used refugee camps as a military base and the refugees as a shield (Onoma, 2013; Lischer, 2005; Milner, 2000).

The Tanzanian experience with refugees and asylum seekers is exceptionally important for this thesis in the sense that Tanzania is one of the poorest countries on the planet yet it remains peaceful and has a history of hosting thousands of refugees from neighbouring countries. Following its declaring independence in 1962, Tanzania implemented an open-door policy for refugees²² (Milner, 2009; Chaulia, 2003; Rutinwa, 1999; Daley, 1989). This policy meant that the restrictive definition of persons entitled to refugee status under the Refugee Convention and Refugee Protocol needed to be expanded, and this was done in the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (Rutinwa, 1999, p. 4). Article 1A (2) of this convention defines a refugee as:

Every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

Tanzania has received refugees from Rwanda, Burundi, Uganda and the DRC, and freedom fighters from Zambia, Mozambique, Namibia, Zimbabwe and South

²¹ Tanzania is located in East Africa, bordering the DRC, Zambia, Malawi, Mozambique, Kenya, Burundi and Rwanda. Tanzania became party to the Refugee Convention on 12 May 1964 (two years after gaining its independence) and ratified the Refugee Protocol on 4 September 1968.

²² It is important to note that Tanzanian refugee policy does have the benefit of managing refugees who come from one continent and share the same cultural, historical and racial experience.

Africa. In 1972, for example, Tanzania received refugees from Burundi following ethnic cleansing of the Hutu by the Tutsi. As there were no refugee camps, the refugees were put in rural settlements in Mishamo, Ulyankulu and Katumba (D'orsi, 2016; Miletzki, 2014; Gasarasi, 1987). They were quickly settled in the Tanzanian community (Willems, 2003; Gasarasi, 1990) and were finally naturalized as Tanzanian citizens in 2007–2008. It took around 36 years for these refugees to be naturalized because the government continued to perceive refugees as a security threat (Miletzki, 2014).

In the early 1990s, the number of refugees living in Tanzania grew exponentially as asylum seekers from war-torn countries such as Rwanda, Burundi and the DRC sought refuge there. Between 1993 and 1998, Tanzania hosted a refugee population of around 1.3 million (Whitaker, 2002). As a result, refugees began to strain Tanzania's resources and threaten its national security. To deal with such threats, Tanzania changed its refugee policy from open door to refugee warehousing or encampment.

While the large numbers of refugees in Tanzania gave the nation a good international reputation for granting asylum to those escaping persecution (Milner, 2000, p. 2), it reduced Tanzania's ability and willingness to accept further refugees due to the risk associated with them (Milner, 2013; Ongpin, 2008, Crisp, 2003). Tanzania became overwhelmingly exhausted with refugees (Landau, 2008; Rutinwa, 1996, 2005) and began to take extreme measures to prevent further entrants.

Tanzania's borders became highly militarized and refugees were encouraged to return in their countries of origin despite the risks to their safety. On 31 March 1995, for example, Tanzania closed its border with Burundi to prevent refugees from

Burundi and Rwanda entering its territory (Milner, 2009; Bueno, 2006; Ogata, 2005). Tanzania refused to allow access for the Rwandans fleeing the 1994 genocide.

As the result of what Landau (2008) described as a ‘humanitarian hangover’, Tanzania closed its refugee camps and forcibly repatriated the majority of Rwandan refugees (around 483,000) in December 1996. It did the same with refugees from Burundi and the DRC by imposing implied forced repatriation or induced repatriation. This was promoted by the government’s decision to curb certain refugee rights to promote involuntary repatriation, including closing all markets, schools and churches located in refugee camps, cancelling recreational activities and reducing food rations to refugees. These restrictions were codified in the 1998 *Refugees Act* (Tanzania)²³ and the 2003 National Refugee Policy.

Both restricted refugees’ freedom of movement by prohibiting them from moving more than four kilometres from refugee camps. Penalties for breaching these provisions included six months’ imprisonment and/or a fine not exceeding TSh50, 000 (far beyond the means of most refugees). Tanzania also imposed limitations on refugee economic activity (Cully, 2012; Kamanga, 2005), and it became illegal for a refugee to be employed and earn a salary. In this way, all economic activities which were being undertaken between refugees and the local population practically ceased (Milner, 2009). Consequently, refugees were exposed to exploitation, illegal employment, unemployment and low wages. Mental health conditions also deteriorated as life conditions did.

At the time of writing, Tanzania remains one of the top refugee host countries in Africa, with an estimated 316,308 refugees and 43,186 asylum seekers (UNHCR, 2017). However, tensions are high and Tanzania is unwilling to accommodate more

²³ Act No. 9 of 1998. This came into force in February 1999.

refugees because of the associated burden. On 20 July 2017, then Tanzanian president John Pombe Magufuli urged Burundian refugees to return to their country despite allegations of ongoing human rights abuses and persecutions there (Okiror, 2017). Some of these refugees had lived in what is described as a ‘protracted refugee situation’ (Nordic Consulting Group, 2010, p. 22): a circumstance where refugees find themselves in long-lasting limbo. It is estimated that thousands of refugees in Tanzania have been in such a situation for more than a generation (Nordic Consulting Group, 2010, p. 22). Loescher and Milner (2005, p. 23) found that such protracted refugee situations have domestic and international security implications.

In February 2018, Tanzania withdrew from the UN’s Comprehensive Refugee Response Framework, a programme that provides lasting solutions to refugees including integration in host communities. Among the reasons given for the withdrawal were national security reasons and lack of funding (Tanzania withdraws from UN refugee program, 2018).

Salehyan and Gleditsch (2006) found that refugees can become a security risk or even a threat to both their countries of origin and host countries when they involve themselves in facilitating transnational smuggling of arms, combatants and ideologies. The most illustrative example is the Palestine Liberation Organization (PLO). Palestinian refugees, the majority of whom joined the PLO (in Jordan in 1970, and in Lebanon in 1975) involved themselves in combat activities within their host countries. Another illustrative example is the recruitment of Liberian refugees by insurgent movements in Sierra Leone, resulting in destabilization and violent conflicts during the second half of the 1990s (Hoffman, 2007). Refugees can also serve as domestic opposition groups in the host country, with the material resources and motivation to wage their own armed battles.

Salehyan and Gleditsch's (2006) refugee warrior thesis is widely criticized (Savun & Gineste, 2019; Böhmelt, Bove & Gleditsch, 2018; Thielemann, 2018). Böhmelt et al. (2018, p. 73) found that 'a larger number of refugees can be associated with a higher non-state conflict risk, but not a higher risk of civil war, i.e., state-based conflict'. They also found that a state's capacity to deal with the influx of refugees has what they call a 'moderating effect' on the risk of non-state violence.

The literature shows that the presence of refugees and asylum seekers may have security impacts on both host countries and countries of origin. Savun and Gineste (2019, p. 88) found that 'refugees are more likely to be exposed to violence by the coercive agents of the state in the wake of security crises'. They concluded that the well-being of refugees may be at risk when host countries face a security threat, as 'the repression of refugees is more consistent with a scapegoating mechanism than the actual ties and involvement of refugees in terrorism' (p. 88). Böhmelt et al. (2018) raise a very pertinent element that will be discussed later in this thesis: that there is a correlation between resource scarcity and the attitudes towards refugees and asylum seekers in host countries (See also Thielemann, 2018.) The population of host countries tends to be more opposed to the presence of refugees in their country when they are struggling and competing for the same resources and opportunities. This may generate popular resistance, dissatisfaction and violence towards refugees.

2.2.2 Refugees and political activism in their countries of origin

There is an extensive body of literature exploring the political activism of refugees in their countries of origin (Bekaj & Antara, 2018; Betts & Jones, 2016; Inaka, 2016; Ragab, 2013; Long, 2010). These studies confirm that sometimes refugees can be actively engaged in political activities related to their home countries by advocating for democratic reforms, participating in post-conflict elections as voters,

raising funds for candidates, lobbying candidates, forming governments-in-exile and political movements, and establishing transnational networks (Bekaj & Antara, 2018; Betts & Jones, 2016; Inaka, 2016; Ragab, 2013; Long, 2010).

A study conducted by Long (2010, p. 17) on refugee participation in elections and other political processes in countries of origin revealed several cases where refugees have participated in elections in their countries of origin in Europe, Asia and Africa. Long cites key examples such as the Eritrean independence referendum (1993), and elections in Bosnia (1996 and 1997), Kosovo (1999), Afghanistan (2004), Iraq (2005 and 2010) and Southern Sudan (2010 and 2011).

Research by Inaka (2016) in South Africa on the activities of combatants in host countries reveals how refugees from the DRC have imported violence from their country and unleashed it within the Congolese community in South Africa. Such political activism among refugees has also been reported in Australia, where groups of refugees known as combatants are involved in paramilitary or political organization in Melbourne, aiming to oppose the leaders of their countries of origin (Butcher, 2015).

Although this phenomenon is new, isolated and perhaps not vocal in Australia, it is rampant in South Africa, the US, Canada and Europe (mostly in Belgium, the UK, France and the Netherlands). While lacking a clear structure and chain of command, combatants share a hatred of the governments of the DRC, the Republic of the Congo, Rwanda and Uganda. They have targeted members of their own community whom they suspect of collaborating with the Kabila regime in the DRC and banned music from their home countries. They are also involved in political activism to pressure leaders of their countries of origin and host countries about the political situation in their homelands (RDC: qui sont ces combatants qui s'opposent au président Kabila?, 2017; Rigaud, 2017; Matand, 2012). For example, on 31 December 2011, Leon Kengo

Wa Dondo, former president of the DRC Senate, was attacked by people who identified themselves as combatants when he visited France, resulting in the loss of some teeth (Agence Francaise de Presse, 2012; Boisbouvier, 2012; Duhem, 2012). Other politicians attacked by combatants include President of Rwanda Paul Kagame and Congolese Senator Leonard She Okitundu. Such actions may constitute a potential security risk if not addressed early.

Further, refugees are now receiving education for repatriation²⁴, whereby they [refugees] can undertake education programmes, curriculum and syllabus from their countries of origins; sit for their national exams; and receive certificates, diplomas and degrees issued by their countries of origin—all in violation of the UN requirement to not source information of any refugee’s whereabouts²⁵. Additionally, there are cross-border movements where refugees enter their countries of origin to acquire electoral registration cards. This is contrary to the principle of WFF.

2.2.3 Refugees and perceived challenges to economy and resources

In addition to the security costs highlighted above, asylum seekers and refugees can impact the economies of host countries. This theory, which one can call as *refugee-as-a burden* theory, derives from Peter Schuck’s (1997) argument that refugees and asylum seekers are a burden to host countries. In support of his argument, Schuck (1997) analyses the cultural, demographic, legal, political and economic contexts within which refugees and asylum seekers exist and then analyses state responses to the tensions created by their presence in host countries. Schuck’s (1997) burden sharing theory is supported by the argument that refugees and asylum seekers require processing, food, shelter and all the basic necessities to meet their daily needs, the

²⁴ Another type of education for refugee is known as *education for integration*. This type of education is mostly given to refugees in resettlement countries.

²⁵ See <https://reliefweb.int/report/burundi/congolese-students-take-exams-exile>

costs of which may be hard for a single country to calculate and bear. In addition, scholars such as Gomez and Christensen (2010) and Preston (2014) found that, from the moment of arrival, refugees compete with local citizens for scarce resources including water, food, housing and medical services. According to an Organisation for Economic Co-operation and Development (OECD) report, one application for an asylum seeker can cost a host state up to €10,000 for the first year (OECD, 2017). This cost increases as long as asylum seekers' 'integration is supported by the host countries'. In 2015, for example, Germany²⁶ spent €16 billion (0.5% of its Gross domestic Product (GDP) on migrants, Sweden²⁷ spent €6 billion (1.35% of its GDP) and the US spent US\$1.56 billion (OECD, 2017). Additionally, the presence of refugees and asylum seekers in host countries may increase the demands for education, health services, infrastructure (such as water supply, sanitation and transportation) and, in some cases, natural resources such as grazing and firewood (Puerto Gomez & Christensen, 2010).

Conversely, Milner (2016) found that the refugee-as-a burden theory is hard to measure. Milner suggested a number of indicators to measure such burden, including the number of refugees: in a host country, relative to the national population (refugees per capita) and relative to the wealth of the country (refugees per GDP per capita).

The OECD's (2017) figures give an idea of how costly refugees and asylum seekers can be in host countries in terms of resources allocated for them. In one way or another, their presence in host countries requires some social adjustment and transformation for their accommodation by the host countries. Such transformation will come at a cost to the host country, such as change in the way of life and increased strain on health facilities, schools, infrastructure such as roads and bridges, land,

²⁶ In 2015, Germany received approximately 900,000 asylum seekers (OECD, 2017).

²⁷ In 2015, Sweden received approximately 163,000 asylum seekers (OECD, 2017).

housing, jobs, goods and other services. Thus hosting refugees has economic, social, political and environmental impacts on hosting countries.

The Tanzanian experience may not be generalizable, especially for developed and OECD countries. Accordingly, this section explores the EU's experience of, and response to, refugees.

The massive influx of asylum seekers into Europe around 2013 to 2016 remains one of the biggest challenges the EU has faced since its foundation in 1993 (Ferreira, 2018; Murry, 2017). Although reputed for its legalistic or liberal approach to refugee problems (Kaunert, 2009), the EU reached a crisis point in 2015 when millions of asylum seekers flooded in from war-torn countries in Africa, Southwest Asia and the Middle East.

Prior to this, the EU was the destination for around two-thirds of all asylum seekers who found their way to the developed world. In the past 20 years, more than 6 million people have applied for asylum in the EU (Hatton, 2012, p. 2). Between 2009 and 2015 alone, an estimated 3.5 million asylum applications were received (Percoco & Fratesi, 2018; Kennedy, 2018). In 2015, around 1.3 million asylum seekers, mostly from the Middle East (Syria, Afghanistan and Iraq), Africa (Eritrea, Nigeria, Sudan and Somalia) and Asia (Pakistan), arrived in the EU seeking asylum—the largest mass movement of people since the end of the Second World War (Naumann, Stoetzer & Pietrantuono, 2018). Between 2015 and 2017, this increased to more than 2.6 million (Savage & Siter, 2018; Eurostat, 2017). This mass movement came to be known as the *European refugee crisis*, the consequences of which were dealt with both at the EU and individual country level (De Genova, 2017).

Such large immigration flows foreshadowed serious social, economic and political problems in Europe, such as the overburdening of social welfare programmes

and the rise of far right extremism (Savage & Siter, 2018; Percoco & Fratesi, 2018; Dullien, 2016; Yoon & Chandran, 2016; Kaunert, 2009). According to Matera (2014), the Common European Asylum System has fundamentally changed the concepts of freedom, security and justice in the EU. In addition to security concerns, the 2008 global financial crisis left European countries with few options but to tighten their immigration policies, making access to asylum difficult and reducing the attractiveness of asylum in Europe (Bernhard & Kaufmann, 2018; Thielemann & Hobolth, 2016; Hatton, 2012).

A comparative study of migration policies in the OECD countries between 1980 and 2010 by Helbling and Kalkum (2018) found that while the conditions of entry and sojourn in OECD countries have remained liberal in nature, more restrictive mechanisms now curb migration flows to Western Europe. State practices and management of asylum seekers are geared towards protecting states' borders rather than refugees (Chandler, 2006). The experience of refugees and asylum seekers in Italy, Germany, Austria, France, Greece and the UK serve as illustrative cases of increased hostility towards asylum seekers (Otto & Steinhardt, 2014).

Italy became party to the Refugee Convention on 15 November 1954 and ratified the Refugee Protocol on 26 January 1972. Today, Italy is one of the few countries in Europe to enshrine the right of asylum in its constitution.²⁸ This Italian constitutional recognition of the right to asylum in the Italian legal system is partly seen as a pull factor which attracts asylum seekers to Italy. Between 1999 and 2014, an estimated 494,555 migrants were smuggled into Italy (European Council on

²⁸ Article 10 of the Italian Constitution: A foreigner who, in his home country, is denied the actual exercise of the democratic freedoms guaranteed by the Italian Constitution shall be entitled to the right of asylum under the conditions established by law. The English version of the Italian Constitution is accessible online at http://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf

Refugees and Exiles, 2014). In April 2015, a boat carrying around 900 asylum seekers sank off the coast of Libya while en route to Italy. Today, Italy is among the top destination countries for asylum seekers who arrive in Europe, the majority of whom arrive by boat (Armillei, 2017). It is thus a 'gateway to the EU' (Armillei, 2017). In 2014, 170,000 asylum seekers crossed the Mediterranean Sea to enter Italy.

The increased asylum seekers population was not well received in Italy. Consequently, then prime minister Matteo Renzi called for an EU summit on immigration. During this summit, EU diplomats proposed military operations to destroy ships used by asylum seekers. Armillei (2017) found that asylum seekers who arrive by boat in Italy are being constructed as a 'national insecurity'. Armillei (2017, p. 142) found that:

Racism and discrimination on ethnic grounds come clearly into view, with Italian authorities acting ineffectively to counter human rights abuses, while periodically adopting a highly restrictive immigration policy approach. In 2008, for instance, a right-wing coalition led by Berlusconi capitalized on fears about immigrants and public safety concerns to win elections.

From 2013–2016, the EU witnessed a rise in the number of far right political parties (Halla, Wagner & Zweimüller, 2017; Steinmayr, 2016; Otto & Steinhardt, 2014). One of the major policies for these parties is resistance against mass immigration as they fear Europe is being exposed to refugees from culturally distinct countries who are a strain on European economies (Tondo, 2018; Steinmayr, 2016). An Italian far right party, the Lega, had little popular support prior to 2008, but has now grown into the third-largest party in Italy. It has subsequently been included in coalition governments in Italy, and the Italian government has adopted highly restrictive measures to address mass immigration.

On 15 August 2018, then Italian minister for the Interior Matteo Salvini refused to allow the Italian coastguard ship *Ubaldo Diciotti* to dock in the Sicilian port of Catania for six days as it was carrying around 190 asylum seekers (Squires, 2018; Said-Moorhouse & Messia, 2018). In September 2018, the former Italian deputy prime minister and minister for the Interior announced measures to curb irregular immigration (Robertson, 2018). These measures included the signing of a decree to regulate immigration, reducing the number of people to be granted asylum, deportation and doubling the time of detention for asylum seekers (Sherer, 2018; Squires, 2018).

Additionally, Italy has mounted border protection operations whereby military and contracted civilian vessels, helicopters, airplanes and drones are used for ‘push back’, ‘deportation’ and ‘prevention to leave’ tactics to counter asylum seekers (Cutitta, 2014, pp. 21–37). These tactics mean that coastguard and naval vessels are allowed to forcibly interdict boats carrying asylum seekers from landing on Italian shores and forcibly return them to the high seas without screening to determine if any passengers need protection. Consequently, around 339 asylum seekers drowned after their boat sank near Lampedusa²⁹ while trying to enter Italy in October 2013 (Mackenzie, 2013). Thirty-four more were killed after being fired on by border patrol officers (Henry, 2013).

Germany— another desirable destination country for asylum seekers—became party to the Refugee Convention on 1 December 1953 and ratified the Refugee Protocol on 5 November 1969. Between 2014 and 2016, Germany received around 1.5 million asylum seekers (Grote, 2018). This influx was partly due to the announcement by then chancellor Angela Merkel that her Government would welcome Syrian and Iraqi asylum seekers en masse. The subsequent mass immigration into Germany

²⁹ Lampedusa is a small Italian island, 112 km off the Tunisian coast.

prompted rising support for the *Alternative für Deutschland* (AfD), a far right, anti-immigration party. Founded in 2013, the AfD advocated for moderate legal immigration in order to protect Germany's social, economic and cultural national interests from being endangered by 'an uncontrolled influx of asylum seekers which do not benefit Germany's economy and harm German society' (AfD, 2013, p. 61).

The AfD has become the third-largest party in the German Parliament. Its main political message was opposition to Merkel's *open door* refugee policy (AfD: What you need to know about Germany's far-right party, 2017; Otto & Steinhardt, 2017). Its electoral success reflects the rising anti-immigration sentiment in Germany, especially against Muslims and people of African appearance (Noack, 2017).

In Germany, people with refugee backgrounds, mostly from Iraq, Afghanistan and Syria, were reported to be involved in incidents such as sexual assault (Sims, 2017), the shooting of nine people in Munich on 22 July 2017 and a killing by machete on 24 July 2017. The majority of these attacks were conducted by Muslims, some of whom may have refugee backgrounds. A consequence was the increase in resistance against asylum seekers, particularly Muslims (Kirschbaum & Shalal, 2016). For example, in September 2018, Germany faced xenophobia-fuelled riots in protest over the death of a 35-year-old German-Cuban whose alleged killers were a 22-year-old Syrian man and a 21-year-old Iraqi man (Rawlinson, 2018; Noack, 2018). Subsequently, then chancellor Merkel apologetically admitted that she had failed to protect Germany's borders by welcoming asylum seekers into Germany with an 'empty formula' (Henley, Connolly & Jones, 2018; Kirschbaum & Shalal, 2016; Oltermann & Connolly, 2016; Connolly, Philip & Henley, 2016):

For some time, we didn't have enough control. No one wants a repeat of last year's situation. If I was able to, I would turn back time by many, many years,

so that I could have prepared the whole government and the authorities for the situation which hit us out of the blue in the late summer of 2015. (Merkel as cited in Oltermann & Connolly, 2016)

As a result, Germany implemented measures to reduce its intake of asylum seekers and applications for asylum started to decline. For example, in 2016 approximately 722,400 registered applications for asylum were lodged in Germany (OECD, 2018, p. 10).

Austria has also received a considerable amount of asylum seekers. In fact, its asylum seeker population increased from 28,064 in 2014 to 88,151 in 2015. Between January 2015 and January 2016, 22,435 asylum seeker applications were filed. Consequently, Austria saw the rise of mass support for far right, anti-immigration parties such as the Austrian Freedom Party and the People's Party (Connolly et al. 2016). These parties subsequently won the 2017 elections. As a result, Austria adopted restrictive asylum seeker policy measures and the number of asylum seekers entering Austria slowed dramatically.

In 2015, the UK received around 40,000 asylum seekers, prompting anxiety among the UK population. Right wing parties such as the UK Independence Party capitalized on this (Poddar, 2016; Stewart & Mason, 2016). On 23 June 2016, the UK held a referendum to decide its future in the EU. The *leave* side of the Brexit campaign was anti-European and anti-immigration, with rhetoric that depicted immigration as killing the British national identity (Guild, 2017; Murray, 2017). In the UK, the media played an important role in shaping public opinion regarding asylum seekers and refugees. The media became infused with language describing them as a danger, criminality, risk and threats to the way of life (Malloch & Stanley, 2005; Hall, 1990; Curran, Gurevitch & Woollacott, 1982). Khan (2018, p. 28) noted:

As the recent United Kingdom election and EU referendum have shown, anti-asylum and immigration rhetoric tends to heighten as political elites seek to present a ‘fortress Britain’ immigration stance to win political campaigns.

Consequently, successive UK governments have adopted restrictive measures towards asylum seekers, such as deportation and reduced welfare provision that may qualify as *implied refoulement* (similar to the Tanzania case discussed in Section 4.1). Some have argued that the far right leaders of Europe have imitated Australia’s restrictive asylum seekers policy (Miller, 2018; Polakow-Suransky, 2017). For example, on 27 October 2015, then prime minister Tony Abbott addressed the Second Annual Margaret Thatcher Centre lecture in London, where he advised European leaders to turn back asylum seekers (Clarke, 2015). In his speech, Abbott pointed out that ‘no country or continent can open its borders to all comers without fundamentally weakening itself’ (Abbott, 2015). Abbott told the audience:

It will require some force; it will require massive logistics and expense; it will gnaw at our consciences—yet it is the only way to prevent a tide of humanity surging through Europe and quite possibly changing it forever. We are rediscovering the hard way that justice tempered by mercy is an exacting ideal as too much mercy for some necessarily undermines justice for all. The Australian experience proves that the only way to dissuade people seeking to come from afar is not to let them in. Working with other countries and with international agencies is important but the only way to stop people trying to gain entry is firmly and unambiguously to deny it—out of the moral duty to protect one’s own people and to stamp out people smuggling.

The above experiences suggest not only a policy shift regarding refugees and asylum seekers in Europe (Grütters, Mantu & Minderhoud, 2017), but also that

refugees are being viewed as security threats (Staples, 2017; Henry, 2013; Guild, 2006). Asylum seekers continue to be linked with issues such as terrorism, organized people smuggling, and human and drug trafficking, in the EU as well as in the US and Australia. They are discursively being constructed as security threats to host countries, a strain on their economic stability and a threat to their national identity. The EU is securitizing its asylum seeker policy following fiscal and security concerns about asylum seekers (Facchini & Mayda, 2011). Consequently, two categories of refugees have emerged: unauthorized and authorized arrivals. The former are undesirable as they choose to go to destination countries uninvited. The latter is desirable, depending on their place of origin (preferably European), religious affiliation (preferably Christian), education, skills and cultural background (Mavroudi & Nagel, 2016).

This divide may have been sharpened by repeated terrorist attacks, mostly conducted by people of a particular religion and place of origin. These incidents create a widespread stereotype that links asylum seekers and refugees to the commission of crime and terrorist attacks (Lazardis & Khursheed, 2015). Ferreira (2018, p. 57) observed that:

The adoption of a set of emergency actions, extraordinary measures that go beyond ordinary politics, and the emphasis on a dialectic between migration and security on political narratives, aims to legitimize the securitization practices adopted during the current migratory crisis.

These anti-asylum policies are described as fuelling public anxiety and hostility against asylum seekers (Chandler, 2006). This has led to widespread negative attitudes towards refugees (Hatton, 2012; McLaren, 2003). The EU has adopted the *Système Européen de Surveillance de Frontières*, or Eurosur (see *Règlement (UE) n° 1052/2013 du 22 Octobre 2013 Portant Création du Système Européen de*

surveillance des Frontières (Eurosur)). This system is now operational in 18 EU member states. Eurosur is integrated with National Coordination Centres (Centres Nationaux de Coordination) through which national authorities in charge of borders (custom officers, police and the military) will coordinate their activities (Karamanli & De la Verpilliere, 2014). This is reminiscent of the Dublin Convention of 1990 (European Parliament, 2009; Oakley, 2007), wherein EU countries cooperated to prevent what Hatton (2012, p. 8) called ‘asylum shopping’.

Contrary to burden theories, some studies document the economic benefits of the presence of refugees in host countries (Milner, 2016; Legrain, 2016; Betts, Bloom, Kaplan & Omata, 2014; Jacobsen, 2002; Kibreab, 1991; Chambers, 1986). When refugees are given opportunities and freedom, and are managed effectively, they have positive impacts in host countries by creating jobs, boosting skills, paying taxes and contributing to the economies of host countries. These benefits are explored in detail in Chapters 7 and 8.

It is becoming very hard and expensive to host refugees in the twenty-first century. The number of refugees is increasing so rapidly that the prospect of solutions (repatriation, naturalisation and resettlement) is decreasing. Host countries are becoming fatigued by the security, economic and environmental burdens they suffer for hosting refugees (Nevill, 2018; Salehyan & Gleditsch, 2006; Rutinwa, 2003; Crisp, 2002; Jacobsen, 2001; Milner, 2000; Chambers, 1986). Milner (2000, p. 2) described these burdens as ‘the threats perceived by a host state related to the granting of asylum and the resources required to effectively address those threats’. Jacobsen (2000) distinguishes two categories of threats to refugees: military and non-military threats. Military threats arise when camps or refugees are ‘directly attacked by being shelled or subjected to raids by rebel forces or regular (government) forces of the host or

sending states' (p. 5). Non-military threats relate to violence, crime and intimidation that occurs in camps, resulting from the absence or breakdown of law and order, or sometimes simply as a result of poor planning or policy.

Another example can be drawn from Israel³⁰. Traditionally, Jewish people have been encouraged by their religious texts to welcome strangers and defend the cause of asylum seekers (Carroll, 2008). Israel was considered a good place for refugees and its refugee policy was reputed as one of the most humane in the Middle East (Ben-Nun, 2017a; Bligh, 1998). As such, refugees were not a major policy concern and there were no refugee camps in Israel.

The creation of the State of Israel as a Jewish State in 1948 was intended to provide a *protection haven* for Jewish people scattered around the world in the aftermath of the Holocaust. Since its creation, Israel has experienced uneasy and often hostile relations with its neighbours, although diplomatic agreements became more common from the late 1970s onwards. Israel is vulnerable to, and has experienced attacks from, its neighbours—Lebanon (in the north), Syria (in the north), Jordan (in the west) and Egypt (in the southwest). It has experienced regular hostilities with Islamic countries, particularly Iran.

As further need to protect the Jewish people grew, Israel's refugee policy started to change progressively for security reasons. Immigration to Israel was restricted to Jews only and immigration policy was tightened. On 16 August 1954, the Israeli Parliament, the Knesset, passed the *Prevention of Infiltration (Offences and Jurisdiction) Law*³¹ which outlawed any non-resident from knowingly entering Israel. This law was not originally designed for asylum seekers, but for Palestinian Fedayeen

³⁰ Israel became a party to the Refugee Convention on 1 October 1954 and ratified the Refugee Protocol on 14 June 1968. Immigration in general and asylum in particular should be understood in Israel's historical context.

³¹ Passed by the Knesset on 16 August 1954, see <https://www.jewishvirtuallibrary.org/jsource/History/1954law.pdf>.

or armed militia members who attempted to infiltrate Israel (Ben-Nun, 2017a; Grant, 2015). However, it has been used to restrict access to asylum in Israel.

The refugee situation was exacerbated with the influx of African asylum seekers in 2005. Between 2006 and 2013, Israel received around 64,000 asylum applications and deported some 20,000 asylum seekers (Wilman, 2018). In 2012, the number of asylum seekers in Israel reached 60,000 (Kalir, 2015). Currently, it is estimated that there are around 38,000 asylum seekers in Israel. Most are from Eritrea, Sudan and Somalia (Ziegler, 2018; Plaut, 2017; Krakauer, 2014). Israel has built a 230-kilometre-long fence along the Israel–Egypt border to stem this flow of refugees.

The Israeli Population and Immigration Authority estimated that from 2006 to 2013, there were 65,000 African unauthorized asylum seekers in Israel (State of Israel, 2015). This has triggered public opposition, with Israel preferring protection of its security and demographic objectives over its international law obligations (Perry, 2010). On 10 January 2012, the Knesset amended the *Prevention of Infiltration Act* such that any non-resident who enters Israel without authorization is referred to as an ‘infiltrator’ and that ‘an infiltrator is liable to imprisonment for a term of five years or to a fine of five thousand pounds or to both such penalties’ (*Prevention of Infiltration Act 1954*, article 2). The Minister of Defence is responsible for administering the implementation of this law (article 35) and asylum seekers can now be detained indefinitely (The plight of African migrants in Israel, 2014), or receive inducements for their voluntary or forced repatriation without any legal recourse (Human Rights Watch, 2012)³².

³² *The Times of Israel* revealed that Israel signed an agreement with Uganda in August 2013 for Uganda to absorb African asylum seekers deported from Israel. See <http://www.timesofisrael.com/israel-to-send-african-migrants-to-uganda/> and <http://www.haaretz.com/news/national/premium-1.583764>

In 2017, another amendment was made to the *Prevention of Infiltration Law 1954* (Ofir, 2017). This amendment, known as the *Deposit Law*, requires that 20% of the earnings of asylum seekers legally employed must be deducted from their salary and put aside until they leave Israel (Relief Web, 2017). Thus, employment is purposely rendered less attractive to asylum seekers by reducing their wages and entitlements, making their lives increasingly difficult. This entices asylum seekers to leave Israel voluntarily, either to return to their countries of origin or third countries such as Rwanda and Uganda (most of whom do not have a good track record of upholding human rights). A Human Rights Watch report (2014b) concluded that Israeli treatment of African asylum seekers is making their lives miserable.

It is somewhat alarming that Israelis, who previously enjoyed the protections of the Refugee Convention, are now denying others those same protections. Israeli politicians claim that the presence of asylum seekers poses ‘an existential threat to the Jewish state’ (Kalir, 2015). Israeli Prime Minister Benjamin Netanyahu has repeatedly claimed that “‘infiltrators” were threatening Israel’s Jewish social fabric’. These claims are not unique and mirror those of conservative and right wing politicians worldwide. Rather than a unique undertaking, Israeli’s policy is another example of the measures states can and do take when they perceive a threat to their national interests. The decidedly realist approach sees actions taken by the Israeli government to curb, to some extent, refugees’ rights in order to protect the safety of Israeli nationals (whom the Israeli state has the primary responsibility of protecting).

2.3 The compliance-based theory and the multidisciplinary approach

One of the challenges facing the international refugee regime in the twenty-first century is that it has become so expensive to comply with. The cost of compliance

can be seen in every sector of life in host countries. By ‘compliance’ I mean the requirement to protect refugees as humanely as possible per the UN Refugee Convention without jeopardizing the attributes of statehood. This raises the concept of ‘Sovereignty by Procuration’³³; the fact that every convention to which a state adheres becomes a wilful manifestation of that state sovereignty and not otherwise.

States may not comply with their international commitments for many reasons, such as a lack of resources and capacity to comply, domestic political constraints, lack of expectation for reciprocity and national interest (Magnarella, 2003). Human rights scholars such as Henkin (1999) argue that respecting international law in general and human rights in particular would solve the plights of refugees. Realist scholars such as Morgenthau argue that human rights matter less. Interdisciplinary scholars such as Slaughter simply call for dialogue. This diversity plays an important role at the theoretical and practical levels because immigration cannot be understood in isolation from other disciplines. According to Mearsheimer (2019, p. 7), ‘by 2019 the liberal international order was in deep trouble’³⁴. The reluctance of states to comply with their international commitment to grant asylum to asylum seekers is one such trouble. With the recent vast increase in the number of people in need of protection, compliance with some aspects of the protection of refugee rights is becoming harder.

In this regard, international conventions on refugees and asylum seekers are in no way intended to undermine the sovereignty of their signatories; rather to magnify them. This can be explored through the principle of *pacta sunt servanda* contained in article 26 of the 1969 Vienna Convention on the Law of Treaties³⁵, which stipulates

³³ Sovereignty by Procuration is a process whereby a sovereign country wilfully extends its sovereignty to international treaties and conventions to which it is a signatory through ratification.

³⁴ Mearsheimer (2019, p. 9) defines an ‘order’ as ‘an organized group of international institutions that help govern the interactions among the member states’.

³⁵ Adopted on 23 May 1969 in Vienna and entered into force on 27 January 1980. Australia became a party to this treaty on 13 June 1974.

that ‘every treaty in force is binding upon the parties to it and must be performed by them in good faith’. In addition, articles 2(1) and 11 require states to express their consent to a multilateral treaty by ratification (consent given after signature) or accession (consent given without prior signature). From this fundamental rule of international law derives a consensus among international law scholars that ‘national law constitutes no justification for non-compliance with treaty obligations’ (Trone, 2003; Lukashuk, 1989; Grotius, 1625).

Nation States are considered to be rational actors and sovereign. They freely operate and are supposed to comply with their international commitment as matters of sovereignty (Ginsburg, 2006). In other words, compliance implies adherence to rules that states, as sovereign and rational actors, have ratified. However, compliance with international law is a very complex matter. Some (mostly realist) scholars argue that international law, being a body of moral rules without enforcement or an erosion of state sovereignty, should not be complied with.

In this vein, states may not invoke the provision of their internal laws, including their constitutions, as justification for ‘failure to perform a treaty’ (Vienna Convention, article 27). The same applies to any country (including Australia) going against its international obligations regarding any issue on which it has consented to respect (Posner, 2003). In being a signatory, Australia has proclaimed an intention to be bound by such a convention and pre-committed to defend such a convention whenever any member state behaves in a manner contrary to such a convention.

In the case of failure to observe such obligations, which constitutes a breach of responsibility, there must be reparations, sanctions, penalties, condemnation or public shaming enacted by the international community. Slaughter (2012, p. 613) correctly

pointed out the need for both international law and IR to cohabit as ‘more of best work is being done in team to form the rules and the reality of the international system’.

Australia is a signatory to myriad international treaties and conventions to which its courts refer. In other words, Australia is legally bound to comply with those treaties and conventions because they have become part of its domestic law—this includes the Refugee Convention. If this is the case, why does Australia treat asylum seekers as a security concern? Are refugees and asylum seekers such a security threat that they warrant Australia disregarding its international pre-commitments and obligations?

Fukuyama (2011, p. 245), a critic of realism, agrees on the importance of the law in binding a community together. The Refugee Convention is an expression of procuration, which may be defined as an act by which a person may surrender power to another person to act in his/her place³⁶. It exists to constitute the cornerstones of human rights alongside other human rights treaties: the UDHR; the International Covenant on Civil and Political Rights³⁷; the International Covenant on Economic, Social and Cultural Rights³⁸; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment³⁹; and the Convention on the Rights of the Child⁴⁰.

By virtue of these and other treaties and conventions, ‘refugees require additional rights, and greater respect for their human rights’ (Henkin, 1994). By

³⁶ Procuration may be express or implied. Express procuration is made by the express consent of the parties, while implied procuration occurs when an individual sees another managing their (the former’s) affairs and does not interfere to prevent it.

³⁷ This was adopted on 16 December 1966 and it came into force on 23 March 1976 (except article 41). Australia implemented it on 13 November 1980 (except article 41). Article 41 was ratified on 28 March 1979 (on 28 January 1993 in Australia).

³⁸ Adopted on 16 December 1966, it was ratified on 3 January 1976 (on 10 March 1976 in Australia).

³⁹ This was adopted on 10 December 1984 and implemented on 26 June 1987 (on 7 September 1989 in Australia).

⁴⁰ Adopted on 20 November 1989, this was ratified on 2 September 1990. It was implemented in Australia on 16 January 1991.

ratifying these⁴¹, states commit themselves to a range of provisions including allowing citizens of other states to enter their borders on humanitarian grounds (for example, due to fear of persecution, torture and/or execution) and not to arbitrarily detain them. In all of the above refugee instruments, the rights of refugees are granted as an integral part of the international refugee regime. Importantly, Australia is a signatory to all of these international agreements.

States may fail to comply with their international commitments when they are faced with a lack of adequate resources and the institutional capacity to deal with the challenges that refugees and asylum seekers can bring to their country. For example, a state might be willing to comply with its commitment to refugees but lack the financial means to do so. This lack of resources and capacity may include an absence of biometric security checks, corrupt law enforcement institutions, and poor data and information management systems, administrative and bureaucratic apparatus, public policy and economic capacity. As a result, the public may start to feel unhappy and uncomfortable about reduced government service delivery. This in turn may increase grievances of among both the local population and refugees, thereby escalating the possibility of violence.

States may not comply with their international commitments when doing so can impact their domestic political landscape. Valluy (2009) observed a cycle of increasing numbers of asylum seeker applications being rejected in Western countries as a result of domestic political constraints such as electoral causes and politicians' beliefs that refugees' claims were false. Valluy (2009) concluded that such refusal by states to grant asylum continues to undermine asylum and relegate asylum seekers to

⁴¹ Regional refugee instruments exist, such as the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa and the 1984 Cartagena Declaration on Refugees, which regulates refugee issues in Latin America.

hiding. While Henkin (1994), Valluy (2008), and Crépeau and Nakache (2006) agree on the overwhelming power of the state in granting asylum, Behrman (2016, p. 3) is principally concerned that the law and asylum are becoming fundamentally incompatible to the point that the law plays an instrumental role in ‘eliminating spaces of protection, not just from one’s persecutors, but also from the biopolitical grasp of sovereign power’.

States are unlikely to comply with an international commitment in which the level of reciprocity is non-existent. Many asylum seekers and refugees are now from Africa and the Middle East; regions that were not the original beneficiaries of the Refugee Convention. In fact, more than 90% of the world refugee population now comes from Africa, Asia and Latin America (Asavei, 2013, p. 44). The majority of today’s main refugee countries were not independent or UN member states when the Refugee Convention was drafted and adopted (Chimni, 2009; Valluy, 2008; Shacknove, 1993) with a Eurocentric approach and ‘focussed on European refugees’ (Burnside, 2017, p. 197). Valluy (2008, p. 35) similarly argued that ‘the given definition of refugees is a product of the domination of Western states who have funded the UNHCR since its creation and who have imposed on the rest of the world their own idea of the right of asylum’.⁴² Since refugees are now mostly from poor and non-European countries, there is a tendency to equate asylum with poverty, which creates an asymmetry of expectation and reciprocity. The current beneficiaries of the refugee regime were not intended to benefit from it but are accidental beneficiaries of a system not designed for or by them. In this way, the refugee crisis has an economic aspect attached because the intended beneficiaries of the existing refugee system are

⁴² The original reads, ‘*la définition ainsi donnée est également le produit d’une domination des Etats occidentaux qui financent depuis sa création le HCR et sont parvenus à imposer au reste du monde leur conception du droit d’asile*’ (Valluy, 2008, p. 35).

Europeans. Hyndman and Mountz (2008) described this as ‘neo-refoulement’, a geographically based strategy of preventing the possibility of asylum through a new form of forced return.

States’ cooperation in dealing with refugees and asylum can be traced to the international codification of the protection of refugees, which itself is a twentieth-century phenomenon. It is clearly enshrined in the Refugee Convention⁴³ adopted by the UN General Assembly in 1951. This Convention and its 1967 Protocol constitute the cornerstone of the international refugee regime. In this context, a regime is a set of ‘implicit or explicit principles, norms, rules and decision-making procedures around which actors’ expectations converge in a given area of international relations’ (Krasner, 1983, p. 2). Osherenko and Young (1993, p. 1) described a regime as ‘the rules of the game that determine the character of recognised social practices’. Keohane and Nye (1977, p. 19) defined regimes as ‘sets of governing arrangements’ that include ‘networks of rules, norms, and procedures that regularize behavior and control its effects’.

Thus, a regime is not only a set of rules and norms, but also the intersection between the rules and how they are complied with, how they are implemented and how effective they are. First and foremost, regimes require compliance, which means a state of conformity between an actor’s behaviour and a specified rule, regardless of what causes or triggers this compliance (Raustiala & Slaughter, 2002; Koh, 1997). Secondly, regimes require implementation. Implementation is the process of putting commitments into practice, which is a critical step towards compliance (Raustiala & Slaughter, 2002). In fact, the absence of the above-mentioned elements can render a

⁴³ The Refugee Convention is a multilateral treaty among UN member states that defines who a refugee is, outlines the rights of people granted asylum and delineates the responsibilities of member states that grant asylum.

regime to be ineffective and thus useless, especially when signatory member states decide not to comply with their own commitments.

The international system is full of anarchy (Havercroft & Prichard, 2017; Mearsheimer, 2002; Frankel, 1996; Art & Jervis, 1986; Gilpin, 1981; Waltz, 1979; Herz, 1950; Schwarzenberg, 1941; Dickinson, 1916). ‘Anarchy’⁴⁴, in IR, does not necessarily mean chaos or disorder. It can describe a self-help system in which nation states operate without any other authority above them and in pursuit of their natural interests, mainly sovereignty, security and statehood. Additionally, in an anarchical international system, sovereign entities interact with one another without any superior authority; a sovereign ‘does not habitually obey any other body or person’ (Austin, 1832, p. 118) because the law is supposed to be the sovereign’s command. Considering Bodin’s (1992) view of ‘absolute sovereignty’, it is clear that, since the rise of human rights, sovereignty has evolved into its highest and most sophisticated state. Human rights have become the essential extension of state sovereignty rather than an assault on, and erosion of, state sovereignty, contrary to the arguments of Ayoob (2002), Jacobsen and Lawson (1999), and Cardenas (2002).

In an anarchical state system, the effectiveness of international regimes (or success in terms of compliance) mostly relies on a state’s willingness to comply with those regimes. In the case of Australia, for example, it is important to note that international treaties and conventions to which Australia is a signatory become part and parcel of Australian domestic law upon their ratification by the Australian Parliament. In doing so, Australia expresses its sovereign right to freely adhere to an international commitment, comply with it and implement it.

⁴⁴ Anarchy in this sense does not mean the absence of order but the absence of an overarching authority other than individual states.

However, in regard to compliance with the international refugee regime, countries around the world are becoming more and more reluctant to fully comply with the Refugee Convention, especially when dealing with asylum seekers who arrive by boat. One reason for such reluctance that is advanced by some Australian politicians is Australia's sovereign right to protect its borders and control who arrives in the country, and the conditions under which they arrive (Howard, 2010; Howard, 2003). Lack of state willingness may lead to non-compliance as international law is relatively weak compared to domestic laws (which are enforced by domestic authorities). Thus, states will commit to, and implement, an international obligation so long as this does not negatively affect its national interests (Scott, 2004; Gurowitz, 2004; Guzman, 2002; Koh, 1997).

In such a system, migration laws and policies are tightened, especially in many destination countries. This leads to a decrease in legal opportunities for migrants and an environment conducive to migrant smuggling (Crépeau & Nakache, 2006). As Crépeau and Nakache (2006, p. 4) concluded, 'If stricter border controls are imposed, more people will turn to irregular means of migrating, including resorting to smuggling organizations, because they will feel they have little choice'.

While forced migration has existed since the presence of humanity (see Chapter 1), its impact on the national security of host countries appears to be neglected, considered as somewhat insignificant, and limited to matters of domestic law enforcement, local politics and policy rather than national security (Adamson, 2006, pp. 165–199). The forced displacement of individuals was not a particular concern for policymakers and practitioners until the twentieth century (Betts & Loescher, 2010; Betts, 2009b; Koslowski, 2006). Prior to this, individuals were not considered as subjects of IR and only state behaviour mattered. In this way, IR theorists have

‘bypassed the study of refugees, and forced migration studies’ (Betts & Loescher, 2010; Betts, 2009a, 2009b). As Nail (2018, p.15) noted:

Political theory from Plato to Rawls has largely treated the migrant as a secondary or derived political figure of relatively little importance. Political theory has tended to privilege citizens and states over migrants and their circulations.

One might argue that this marginalisation of forced displacement in IR may be partially caused by the fact that forced migration was once considered a ‘temporary phenomenon’ and did not require serious theorizing (Betts, 2009a, 2009b; Rystad, 1992; Weiner, 1985).

Forced migration and the massive displacement of people have long been relegated to the analysis of the *low politics* of international economics rather than the *high politics* of international security concerns (Betts & Loescher, 2010; Betts, 2009b; Hyndman & Mountz, 2008; Koslowski, 2006; Henkin, 1994). Central to the emergence of the *reluctant states* perspective is its proposal that the whole refugee system has in fact bypassed state sovereignty and represents a serious security threat to the nation states system. This way of thinking remains predominant among realist scholars of IR (Walt, 2010; Doyle, 2007; Mearsheimer, 2001; Keohane, 1983). Realism conceives of military might and force as a means to achieve security, mostly due to human nature and the anarchic international state system (Bell, 2017; Bew, 2015; Kissinger, 2014; Elman & Jensen, 2014;). In addition to this system, realist scholars mention survival as a cause of both security and insecurity (Lobell, 2002; Mearsheimer, 2001). They argue that states as rational actors always seek security because of the uncertain intentions of other states. As a result, nation states enjoy the right to exclude non-citizens from illegally entering a sovereign country (Dunne &

Hanson, 2009; Cardenas, 2002; Ayoob, 2002; Jacobsen & Lawson, 1999; Bodin, 1992).

In its examination, this chapter looks at asylum seekers by focusing on two important elements of analysis: national security and humanitarianism. On the one hand, asylum seekers continue to be perceived as a security threat due to the nature of their arrival (mostly irregular), which is sometimes facilitated by people smugglers who enable them to illegally enter foreign territories. On the other hand, asylum seekers are perceived as victims of oppression and atrocities. Asylum seekers are fleeing persecution in their countries of origin, face the possibility of death en route to their destination and endure prison or detention if they are fortunate enough to arrive. This prompts debate on how international refugee law and human rights law are being applied in national refugee policies. The rights of refugees are being curbed by some state practices, leaving them with fewer rights and in deplorable conditions (Henkin, 1994). This may be because of the unclear intentions and motives of the drafters of the Refugee Convention (Tiedemann, 2016; Einarsen, 2011) which are open to debate and controversy (McAdam, 2011). This chapter explores these matters by comparing state practices regarding the treatment of refugees and asylum seekers in Tanzania, Israel and the EU.

The literature discussed in this thesis, and in this chapter in particular, is numerous and scattered. It covers areas broader than political science to include many disciplines such as law, economics, sociology, history, religion, human geography, demography, IR, political theory and more. This diversity plays an important role at the theoretical and practical levels because immigration cannot be understood in isolation from other disciplines.

First and foremost, there is a relationship between immigration and national security (Mogire, 2016; Milner & Loescher, 2011; Salehyan & Gleditsch, 2006; Lischer, 2005; Stedman & Tanner, 2003; Jacobsen, 2002; Milner, 2000; Weiner, 1993). In dealing with refugees, states may first consider their national interest; this means they ensure that the people seeking asylum do not pose any anticipated risks—health, security, socio-economic or otherwise. Secondly, there is a relationship between immigration and economics that is important to understand. When refugees arrive in host countries, they affect in one way or another the economy of host countries. Jobs, taxes, rentals, productivity, workforce participation rate, and demand for goods and services are all affected. Thirdly, there is a relationship between immigration and demography. Immigration brings in more people, thus putting pressure on the health system, environment, infrastructure, demography, identity, culture, and values and beliefs of host countries. Yet immigration also helps solve labour and skills shortages, and can address the age balance in an ageing population.

No single state can claim to deal effectively with the matter of refugees and asylum seekers. The collaboration between IR, international law and human rights law continues to be increasingly important in the study of refugees and asylum seekers as the matter sits ‘between domestic and international politics and brings to the fore the interdependence between the two’ (Haddad, 2008). This calls for an interdisciplinary approach. ‘Interdisciplinarity’ is a post–Cold War phenomenon that has been significantly expanded and enriched in recent years. Kenneth Abbott and Anne-Marie Slaughter have, for example, extensively investigated the integration between international law and IR (Beck, 2009). One of the significant contributions of their work is the call for dialogue between international law and IR. This perspective enriches the understanding of the international context within which the rights of

people seeking asylum emerged, are developing and and can be implemented. As Slaughter, Tulumello and Wood (1998, p. 370) observed, ‘the interest in interdisciplinary collaboration may be understood as the result of responses by members of each discipline to developments in the external environment they seek to explain and shape’.

Asylum in host countries has always differed from country to country based on domestic policies, needs and interests. This chapter analyses, compares and contrasts the treatment of refugees in key countries. The chapter also demonstrates that there is a rise in the securitization of asylum worldwide as countries are becoming more and more reluctant to comply with the international refugee law. As will be demonstrated further, countries are increasingly taking a security approach rather than a humanitarian approach towards refugees and asylum seekers, with ‘the production of anxiety towards non-national others ... a crucial ingredient in the modern sense-making of national belonging’ (Kalir, 2015).

As previously outlined, the reluctant state perspective conceives the *irregular arrivals* of refugees and asylum seekers in host countries as restricting a state’s sovereign right to exclude non-citizens (see Tomuschat, 2008; Armstrong, Farrell & Lambert, 2007). This way of thinking is defended by many. In defence of the *right* of states to protect their borders and determine the movement of people, Wellman and Cole (2011, p. 2) for example, argued that it is the moral right of the state to exclude immigrants and other unexpected guests.

At this junction, it is significant to observe that under the reluctant states perspective, the principle of non-refoulement⁴⁵ and territorial exclusivity cannot be concomitantly followed by states. When territorial exclusivity and non-refoulement

⁴⁵ The principle that states should not send refugees back to their respective countries when they are likely to be subjected to persecution.

come into conflict (for example, national security versus asylum), tough border protection will always be invoked due to the following reasons. Firstly, the granting of asylum is the prerogative of a state not asylum seekers. Secondly, as long as the international state system is anarchic, security remains every state's imperative. In circumstances where granting asylum is in conflict with state security, primacy goes to the latter.

As previously noted, the international system is anarchical. In other words, states operate as sovereign entities with no superior authority. In this regard, the law is supposed to emanate from sovereign's⁴⁶ command. States' compliance with international laws and commitments has for long time been a point of debate among major schools of IR. Central to this debate is to what extent states—which are supposed to be bound by their domestic laws—should comply with international law, which is made outside the domestic arena and lacks enforcement mechanisms. Liberal internationalists argue that international institutions and norms should be respected and complied with, while realists are sceptical about the need to comply with international law. Unlike liberal internationalists, realists argue that states cannot comply with international law when such compliance is not in those states' national interest (Mearsheimer, 2019, 1994; Morgenthau, 1985).

In the absence of an enforcement mechanism for international law, international institutions and their established order are likely to succumb to sovereign states. Mearsheimer (2019, p. 8) predicted that such an order (that is, the liberal international order) is bound to fall and the right of state sovereignty destined to prevail. Realists argue that any rational state actor will not comply with a treaty or

⁴⁶ In representative democracies the people are sovereign. They give power to the government through their elected officials to represent them. The actions of these elected officials are thus legitimate sovereign actions.

regime when doing so would jeopardize its self-interests such as power, sovereignty and security (Mearsheimer, 2019). States may comply with their international obligations for many reasons including inducement, national interest, expectation for reciprocity, international reputation and strong domestic public opinions. For example, civil wars continue to produce refugees who, in turn, create domestic resistance among the populations of host countries who themselves increasingly come to perceive such arrivals of asylum seekers as a failure to control their borders, thus creating perceptions of security threats. As a result, nationalism is rising in host countries alongside the perceived need to protect state sovereignty, jobs and national identity.

States, as actors in IR, will usually act in a manner that does not damage their international reputation. They may not be willing to be associated with, or reputed as, a *rogue*, failed, undemocratic or recalcitrant country that does not play by the international rules agreed to by other states. For example, when the Refugee Convention was being drafted from 1949–1951, Australia did not agree with its Western allies on the universal definition of the term *refugee* and the principle of non-refoulement due to Australia's racial discrimination policy (Ben-Nun, 2017b). Writing about the significance of the principle of non-refoulement in the protection of the rights of refugees, Ben-Nun and Caestecker (2017, p. 10) stressed:

The drafters of the 1951 Refugee Convention understood the implications of their decision to endorse the *non-refoulement* principle in its most stringent prohibitive form, as it imposed upon states the negative duty of not returning refugees back into the hands of their tormentors “in any manner whatsoever”.

However, Australia found itself in a difficult position during the negotiations because failure to agree with its allies in the context of Cold War may have seen Australia sidelined with the communist countries. States do not operate in a vacuum; they are

bound by domestic and international frameworks that create legal constraints, responsibilities and obligations towards each other and citizens. Ben-Nun (2017b, p. 67) articulated Australia's reluctance to accept the universalistic definition of refugees and the principle of non-refoulement as follows:

At its outset, the 1951 Refugee Convention was intended to solve the refugee problems primarily of Europe. The countries represented at the drafting table were broadly divided into what commonly became known as the 'Europeanists vs. Universalists' political camps. Concerning *non-refoulement*, the 'Europeanists' advocated for a broad scope of protection for refugees, yet within the limited geographical area of Europe.

Australia's restrictive immigration policy is explored in depth Chapter 4. The above discussion illustrates the fact that state sovereignty continues to play a large role in refugee status determination.

2.4 Conclusion

This chapter discussed this thesis's theoretical framework, positioning it in the explored literature in the field of IR—especially the national security context. It raised the need to adopt a compliance-based theory, demonstrated by merging the explored theories to enable a clear understanding as to why states choose to comply with their international commitments, specifically the international refugee regime.

Furthermore, I discussed the mounting global reluctance to protect refugees and asylum seekers as required by the Refugee Convention by showcasing other countries' policies and their shift from open-door immigration to harsher policies to deter asylum seekers, thus demonstrating that this is not unique to Australia. In the face of increasing numbers of asylum seekers, sovereign states are confronted with the

challenge of how to reconcile their international commitment towards refugees with the need to maintain border control and border integrity. Faced with such a dilemma, the primacy of sovereignty prevails and states act to protect their sovereignty, secure their citizens and ensure control of their borders, usually at the expense of asylum seekers' rights. The case studies in this chapter—Tanzania, Israel and the EU—support the argument that a restrictive refugee policy is not unique to Australia. The challenges associated with refugee protection, including terrorism, people smuggling, money laundering, and health and environment threats, all fuel the securitization of asylum seekers by host countries.

The shift from a liberal and humanitarian approach to harsher and more pragmatic refugee policies (as demonstrated in the case studies in this chapter) are driven by the multiple challenges and risks—security, economic and political—that refugees present to the national interests of host countries. For example, the Tanzanian case showed over 50 years of government hospitality towards refugees turn into hostility in the face of the challenges associated with refugee protection. Consequently, Tanzania closed its refugee camps and forcibly repatriated refugees. The humanitarian perspective (viewing asylum seekers as victims of oppression and atrocities) has increasingly been superseded by the national security perspective (viewing asylum seekers as a threat). This raises the debate on how international refugee law and human rights law are being applied in national policies concerning refugees and asylum seekers.

Chapter 3: Creating the threat: migration as a *security threat* to Australia

Introduction

Immigration has always been crucial to Australia since the foundation of the Commonwealth of Australia in 1901. To understand the threat perception in the development and formulation of the country's asylum policy, one needs to understand how the immigration policy has evolved over the years since foundation. In this chapter, I review threat-centric migration policies in Australia and the securitization of the refugees—particularly asylum seekers who arrive by boats. I do so by reviewing historical records from the early days of Australian federation to the Howard era. This will help to shed light on the political narrative of threat regarding refugees and asylum seekers in Australia.

I have divided this chapter in two major parts. The first explores the historical development of immigration policies in Australia. It reviews the long history of Australian selective and restrictive immigration policies, especially the treatment of refugees and asylum seekers (who were mostly perceived as a *security threat*). The second part of this chapter looks at multiple threat perceptions that may exist in Australia. It explores the literature surrounding the different approaches regarding threat perceptions from multidisciplinary backgrounds, with some scholars perceiving the exclusion of others as a *sovereign act* of a state and others as a *state crime* or *human rights abuse*. The aim of this second part is to understand different interpretations of why, and explanations as to how, refugees and asylum seekers may be perceived as a threat.

3.1 Part I Historical development of immigration policies in

Australia

Australian reluctance to welcome asylum seekers has a long history. Its origin can be traced back to the early years following federation in 1901, during which time restrictive immigration laws were enacted to exclude non-white people from migrating to Australia. These restrictive laws included the *Immigration Restriction Act 1901* (Cwlth)⁴⁷, *Pacific Island Labourers Act 1901* (Cwlth)⁴⁸ and *Naturalization Act 1903* (Cwlth)⁴⁹. Together, these acts established a solid ground for racial discrimination laws which came to be known as the White Australia Policy (WAP) (DIBP, 2017, p. 12).

According to Dunstan (1999, pp. viii–xii), the WAP was founded in ‘fear’ and racial ‘prejudices’. It included suspicion of what was ‘foreign’ and ‘unknown’. In other words, threat perception was first and foremost based on *suspicion*, which later became the foundation for Australia’s reluctance to commit itself to the international refugee regime in its early years of federation (Neumann, 2004). For example, the *Immigration Restriction Act 1901* placed certain restrictions on immigration and also provided for the removal of prohibited immigrants (McAdam & Chong, 2019; DIBP, 2017; Higgins, 2017, Neumann, 2004).

During federation in 1901, Australia’s immigration threat perception was conceived on fear of racial contamination from people of other races; the undesirable immigrants (refugees and asylum seekers included). These races, ‘alien and servile’ according to Sir William McMillan, had to be prevented ‘from so occupying large

⁴⁷ The *Immigration Restriction Act 1901* was enacted to prohibit entry into Australia of all any person who failed to pass a dictation test of 50 words or more in a European language.

⁴⁸ According to the DIBP (2017), the *Pacific Island Labourers Act 1901* was passed to reduce the numbers of South Sea Islanders working in the sugar industry in Queensland and northern New South Wales.

⁴⁹ The *Naturalization Act 1903* prohibited ‘Aboriginals, Asians, Africans and people from the Islands of the Pacific’ from applying for naturalisation. The same act prohibited non-Europeans from bringing their spouses or children to Australia.

territories in Australia, as to mix and interface, not merely among themselves, but with our own people' (Australia, House of Representatives 1901, *Official Debates, Hansard*, vol. 36, p. 4626). Such threat perception evolved to include fear of the Chinese, the Japanese, Malaysians, Australian Aboriginals and Africans.

As time went on, Australia's threat perception also grew. During the Second World War for example, Australia had to face Japan and the perceived threat became tangible due to Japan's plan to invade Australia in early 1942 (Commonwealth of Australia, 1992; Frei, 1991). Australia's fear of the threat posed by Japan increased after the fall of Singapore on 15 February 1942 and the bombing of Darwin on 19 February 1942 (Commonwealth of Australia, 1992). With the battle of the Coral Sea in May 1942, the Japanese invasion menace became real and Australia felt vulnerable (Department of Veterans' Affairs [DVA], 2020; Stanley, 2008; Ross, 1994; Commonwealth of Australia, 1992; Clayton, 1986). With the country largely underpopulated, then Minister for Immigration Arthur Calwell, under then Prime Minister Ben Chifley concluded that Australia to increase its population if it were to survive both militarily and economically. Calwell (1945) warned the Australian people in the following terms:

If Australians have learned one lesson from the Pacific War now moving to a successful conclusion, it is surely that we cannot continue to hold our island continent for ourselves and our descendants unless we greatly increase our numbers (Australia, House of Representatives 1945, *Commonwealth Parliamentary Debates*, vol. 184, p.4911).

This warning prompted a significant change in Australia's directions. Subsequently, Calwell visited Europe in search of ships and immigrants. In his departing speech, Calwell (1947) stated:

The mission on which I am now embarking is vital to the nation. I am going abroad to seek ships or immigrants. If we have no ships, we shall get no immigrants. Without immigration the future of Australia we know will be both uneasy and brief. As a nation we shall not survive.

During this time, Europe was a war-devastated continent with millions of people displaced as a result of the Second World War or fleeing from communism (Wyman, 1998)⁵⁰. On 21 July 1947, while in London, Calwell secretly signed an agreement on behalf of Australia with the International Refugee Organisation (IRO)⁵¹ to resettle around 12,000 refugees. In Australia, only Chifley and Calwell were aware of the agreement. To ensure that Australia upheld its WAP, Calwell sent immigration officers to refugee camps in Europe to select refugees that met certain criteria. They had to be healthy, young, blonde, attractive and Balt. Although the International Refugee Organisation insisted that refugees should be resettled without discrimination by race and religion, no Jews were among those selected (Calwell, 1972).

From these refugees, 60% of whom were Catholic, Calwell found his ‘New Australians’ to avoid Australia ‘perishing’—180,000 were resettled in Australia (Markus, 1984). Calwell (1945) stressed:

We make two things clear, first to the British people, and then to other peoples who might make good Australian citizens. The one is that Australia wants, and will welcome, new healthy citizens who are determined to become good Australians by adoption. The second is that we will not mislead any intending immigrant by encouraging him to come to this country under any assisted to unassisted scheme until there is a reasonable assurance of his economic future.

⁵⁰ Most of these refugees were from Poland, Lithuania and Ukraine.

⁵¹ The International Refugee Organization (IRO) was founded on 20 April 1946 to deal with the massive problems of refugees caused by Second World War.

Calwell began the massive population movement to Australia (Zubrzycki, 1995) but his immigration policy started to face resistance from the public. The new Australians were suspected of taking jobs. To deal with mounting pressure, Calwell signed a deal with local trade unions to only offer unattractive jobs to refugees. Consequently, engineers, doctors and any other highly qualified refugees did not reveal that they held these qualifications as Australia would not resettle them.

Australia was among countries which used [a] selective immigration regime which favoured applicants from certain countries, partly to preserve the cultural homogeneity of the Australian nation' (Bolger, 2016; Department of Immigration and Citizenship, 2013; Griffith, 2006; Tavan, 2005; Neumann, 2004; Jupp, 2002; Jordens, 1999; Coughlan & McNamara, 1997; Takkenberg & Tahbaz, 1990). While Australia was resettling displaced white persons from Europe, it continued to deport Blacks and Asians (including Chinese, Malaysians and Indonesians) based on their race. Guided by the WAP, immigration officers were instructed not to select Jews, Blacks and Asians. Tavan (2005, p. 11) described this approach as parallel to 'social Darwinism or racism'. It consisted of exclusionary politics whereby Australia chose to close its doors on migrants from Asia, Jews and blacks (Ben-Nun, 2012; Coughlan & McNamara, 1997; Takkenberg & Tahbaz, 1990).

3.1.1 Threat perception after the Second World War

After the Second World War, communism became recognized as both an ideological and physical threat to Australia's national security. On 2 March 1949, then prime minister Ben Chifley created ASIO to address the mounting threat of the communists in Australia (McPhee, 2015; Horner, 2014). ASIO was to deal with the espionage, sabotage and any other dangers that could result from the subversive actions of Australian nationals acting against the security of Australia in relation to the

Soviet Union. ASIO was charged with monitoring the movements of Soviet embassy staff, telephone interceptions, technical operations and infiltrating the Australian Communist Party (Horner, 2014). ASIO also had to tackle the communist infiltration of Australia via refugee waves from Europe so security checks of refugees were implemented. Since then, the fate of refugees in Australia has been in the hands of ASIO, which is tasked with the control of travel and checking the arrival of undesirables by sea and at airports (Horner, 2014). Any refugee wishing to settle in Australia has to undergo security assessment. In case of an adverse security assessment, refugee status will be refused or revoked.

In November 1949, the Chifley Government was defeated by the Liberals under Robert Menzies. Calwell was replaced as minister for Immigration by Harold Holt. The WAP and ASIO remained in place. In the 1950s, the perceived threat shifted from the Soviet Union to Asia. The Australian government dealt with this by ensuring that all Asians born outside Australia had to wait 15 years before becoming Australian citizens. (For British citizens, it took just one year). Additionally, Asians had to pass the now-infamous dictation test put in place by the then Department of Immigration; failure of which would result in deportation. As the Australian Government proceeded with massive deportations of Asians, its international reputation deteriorated. However, Menzies went further and argued that Australia must be prepared to adopt what he termed as an ‘adventurous policy of migration’ (Neumann, 2004, p. 28) that would welcome anyone who had the vigour and enterprise to come to Australia, as long as they were from Europe or the US⁵². Nevertheless, to improve its image, the Australian government introduced the Colombo Plan in 1951⁵³.

⁵² Robert Menzies (1894–1978) served as Prime Minister from 1939 to 1941 and from 1949 to 1966. He is Australia’s longest-serving prime minister, having served 18+ years.

⁵³ The Colombo Plan was introduced to assist sponsored Asian students to study in Australia.

3.1.2 Threat of the universalism of the Refugee Convention: 1950s–1960s

The WAP played a significant role in the drafting of the Refugee Convention. For example, Patrick Shaw, then Australian ambassador to the UN, tabled an amendment⁵⁴ that perceived Article 3 of the Refugee Convention as a potential infringement of Australia's immigration policies (Ben-Nun, 2012, 2014). Australia's most virulent opposition was against this very article (Ben-Nun, 2012), which stipulated that 'the Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin'⁵⁵. Such opposition from the highest level of government is described by Valluy (2005) as 'state xenophobia'⁵⁶. In its objection to the draft Refugee Convention, Australia was concerned about the potential universal nature of the convention. Australia was afraid that the convention would accord protection to non-European refugees (who did not qualify for such protection under the WAP) and those who entered Australia on tourist or student visas but were technically refugees according to the convention (Neumann, 2004), as well as allowing non-Europeans (especially impoverished Chinese refugees and West Papuans) to enter Australia in massive numbers. Australia imposed restrictions to exclude others (non-Whites) from entering Australia, mostly targeting Asian migrants, and stopped Chinese settlers, labourers and gold-diggers from entering Australia (Lui, 2006).

Additionally, Australia was opposed to any attempt by the drafters of the Refugee Convention to enact changes that would significantly influence Australia's

⁵⁴ *Draft Convention Relating to the Status of Refugees. Denmark: Amendment to the amendment proposed by Australia for Article 3*, UN Doc. No. A/Conf.2/20 (3 July 1951).

⁵⁵ Art.3 of the 1951 UN Refugee Convention.

⁵⁶ State xenophobia is different from other types of xenophobia (such as popular xenophobia and contest xenophobia). State xenophobia is crafted and designed by legitimate authorities for political ends, such as election. It can be expressed through speeches, ministerial press releases, administrative reports, policy and the actions of state apparatuses such as the police. They voluntarily or involuntarily stigmatise foreigners as a problem, risk or threat (Valluy, 2005).

discriminatory and selective immigration regimes (Ben-Nun, 2012; Neumann, 2004).

As Ben-Nun (2014, p.7) noted:

Most of the Australian amendments were aimed at blocking the adoption of clauses that contradicted Australian (and Canadian) immigration laws. With the European states housing most of the refugees from the Second World War, this position seemed morally untenable. If all states had equal humanitarian obligations, the limiting of these via selective immigration policies, leaving Europe to deal with its vast refugee populations, seemed rather unfair.

It is clear that the perception of asylum seekers as a threat existed in the Australian psyche long before Australia experienced any influx of *boat people*. The prospect of asylum seekers approaching by sea seems to have been a concern of the Department of Immigration in the 1950s (Neumann, 2004). Australia ratified the Refugee Convention with the reservation that its provisions did not extend to Papua New Guinea (PNG) (Ben-Nun, 2012; Neumann, 2004). As Grewcock (2007, p.118) notes:

Australia ratified the 1951 UN Refugee Convention in 1954 but only on a limited basis. The government exercised the option to limit the Convention's application to events occurring in Europe prior to 1951 and did not sign the 1967 Protocol until 1973.

This meant that Australia did not recognize the universal and generic definition of *refugee*. Australia also reluctantly became party to the Refugee Protocol in 1973, partly because of its 'solidarity with its Western allies' (Neumann, 2004, p. 86). Had Australia's amendment been endorsed, the Refugee Convention's text would have been harmed significantly because it demanded that refugees comply a priori with immigration procedures and the requirements for sojourn in Australia (Ben-Nun, 2012).

Largely guided by its WAP, the Australian delegation became reluctant to accept the universalistic nature of the Refugee Convention, which they perceived as a key that would open Australia's borders to the 'undesirable'. There was fear that any such move would mean that the government of the day lost control over who should enter and stay in Australia. With such a threat perception, Australia opposed any potential changes to the Refugee Convention if these went against the WAP.

3.1.3 Threat perceptions: from the abolition of the WAP to the end of the Cold War

The WAP as the guiding principle of Australia immigration was gradually abolished in 1970s (Theophanous, 1995, p. 6; Department of Immigration and Citizenship, 2013; DIBP, 2017). This shaped how Australia responded to non-European immigrants in general and asylum seekers in particular. Prior to Australia's ratification of the Refugee Convention, Australia's Department of the Interior defined refugees as 'persons of German nationality, or former Austrian or German nationality, or Czechoslovakian or former Czechoslovakian nationality, against whom there is political discrimination' (Neumann, 2004, p. 24). This definition was tailored to fit Australia's restrictive immigration policy. For example, in 1947, a senior official from the UN Relief and Rehabilitation Administration urged Australia to resettle 30,000 refugees, but then Immigration minister Arthur Calwell rejected the proposal, partly because there were Jewish refugees among them (Neumann, 2004, p. 29). Using the threat construction model, McMaster (2001, p. 1) found that Australia's policy of discrimination during the existence of the WAP was constructed towards the group it perceived as 'others': the 'hordes from the north', or the 'yellow peril'.

However, this selective practice started to disappear with the introduction of less restrictive and less discriminative laws. For example, the Whitlam Labor

Government took measures to remove race as a factor in Australia's immigration policies. In 1971, Gough Whitlam became the first Australian leader to visit Indonesia. He promised to end White discrimination and appointed Albert Grassby as minister for Immigration in 1972. While Grassby scrapped the WAP, his popularity in Australia suffered greatly as a result of popular resistance to its abolition. He received abuse and threats. In the 1974 election, the Whitlam Government was re-elected but Grassby lost his seat. With the controversy and unpopularity surrounding the Department of Immigration, no member of parliament wished to head it. As a result, the second Whitlam Government was formed without an Immigration Department, the first time Australia had lacked one since 1947.

Grassby introduced a number of policy reforms that reversed the xenophobic attitudes in Australia's immigration policy. These included: making available to non-Europeans, for the first time, the assisted passage programme; introducing, in July 1973, an easy visa system whereby tourists and other short-term visitors from non-European countries could, like most Europeans, obtain a visa without the careful checks previously used; giving greater emphasis in immigration to family reunion; providing assisted passage for Vietnamese orphans and, later, adopted Vietnamese children and orphans from any country; and instigating the first amnesty in Australia for illegal immigrants (Theophanous, 1995).

3.1.4 The Malcom Fraser era and the immigration policy shift

Australian security strategy in the 1970s was heavily influenced by the US-Australia security alliance. In this post-White Australian era, Australia was caught up in the US-Vietnam war from 1962 to 1972. The impact of this war was felt in Australian refugee policy in the 1970s, especially during Malcolm Fraser's time as prime minister.

The Fraser Government introduced a new immigration and refugee direction to replace the Whitlam Labor Government's policy. In 1975, the Fraser Government passed the *Racial Discrimination Act 1975* (Cwlth), which declared any discrimination based on race to be illegal. As a result, the first boat carrying Vietnamese asylum seekers landed in Australia in April 1976. This boat opened the door to what would be called Australia's boat people (Phillips, 2014). On 24 May 1977, the Fraser Government went further by introducing a new immigration approach guided by the following four principles: a humanitarian commitment and responsibility to admit refugees for resettlement; sovereignty (the decision to accept refugees must always remain with the government of Australia); the provision of special assistance for the movement of refugees in designated situations or for their resettlement in Australia; and resettlement of refugees elsewhere⁵⁷. As Stats (2015; p.69) observed, the Fraser Government's policies became 'the seeds of the contemporary Australian model of asylum'.

For the first time in Australian immigration history, a more humanitarian approach was adopted. However, security and strategy remained at the centre of policy making as the alliance between the US and Australia continued to play a key role in Australia's foreign relations. As the new approach was taken in the midst of the Indo-Chinese refugee crisis, it consequently opened the floodgate for the first ever asylum seekers arriving in Australia by boats from Indo-China. These predominantly came from East Timor, China and Vietnam (Allen, 2020). The first wave of Vietnamese asylum seekers arrived in Australia by boat in April 1975. Between 1976 and 1977, boats continued to arrive on an almost daily basis. It is estimated that more than 80,000

⁵⁷ Australia, Senate 1977, Debates, Speech by Senator Cotton, 24 May, p. 1263. https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;adv=yes;orderBy= fragment_number.doc_date_rev;page=6;query=Dataset%3Ahansards,hansards80%20Decade%3A%221970s%22%20Year%3A%221977%22%20Month%3A%2205%22%20Day%3A%2224%22;rec=13;resCount=Default

Vietnamese moved to Australia as a result of the US–Vietnam War⁵⁸, thanks to the Fraser Government’s immigration shift. The majority were refugees (Thomas, 2015).

From the above, one can infer that there was a big shift in the refugee policy paradigm during Fraser’s leadership. The security and the defence policies also shifted: from expeditionary combat to the protection of the homeland, with the primary focus being the ability of Australia’s armed forces to independently defend Australia’s air space and waters; especially in the Northern Territory, from where attacks by Indonesia against Australia would likely be mounted. This shift in defence and security strategies could indicate Australia’s desire to remain self-reliant for its own security.

3.1.5 Threat perceptions during the end of the Cold War

In the 1990s, communism, Japan and the Soviet Union were no longer regarded as major threats. However, fears of ‘invasion’ by Asians was overwhelming as the Asian countries continued to be perceived as restive and hostile in many Australian debates about the nation’s future (Philpott, 2004). The Keating Government introduced mandatory detention of asylum seekers in the *Migration Amendment Act 1992* (Cwlth), and asylum seekers were placed in jail-like detention centres with severe and often traumatic environments (Canty & Benjamin, 2007; Jupp, 2002). In the above context, threat perception regarding refugees and asylum seekers (especially those arriving by boats) became more and more clear: asylum seekers who arrived by boats had to be detained for breaching the *Migration Amendment Act 1992* (Cwlth). In their analysis of Australia’s mandatory detention system, Bashford and Strange (2002, pp.

⁵⁸ The US–Vietnam War, also known as the Second Indochina War or simply the Vietnam War, officially started on 1 November 1955 (when the US Military Assistance Advisory Group [MAAG] was reorganized into country-specific units and MAAG Vietnam was established) and ended on 30 April 1975 (with the fall of Saigon and official surrender of South Vietnam). Over 23,000 US personnel were deployed to Vietnam under MAAG Vietnam before the Gulf of Tonkin incident in August 1964 gave US president Lyndon B Johnson an official *casus belli* and authorization to deploy US ground combat forces. In truth, the US had been indirectly involved in Vietnam since the (unrecognized) declaration of independence by Vietnam in September 1945 and subsequent First Indochina War, providing military equipment and advisors to the French Army and later the South Vietnamese Government. The war caused mass civilian deaths (estimated between one and three million) and displacement.

500) observed that mandatory detention should be equated to ‘quarantine’ and ‘the internment of “enemy aliens” in wartime’, because such practices held non-criminal and often non-citizen populations in custody without any form of trial.

At this junction, one would understand that threat perception regarding refugees and asylum seekers during the Keating Government era could be described as a ‘sovereign act’ where asylum seekers who arrived by boats were regarded as breaching Australia’s sovereignty by entering ‘illegally’. As a result, they were to be detained in relation to the Keating Government’s policy of mandatory detention of asylum seekers who arrived by boats (Simon, 2008, p. 1).

In May 1992, Phillip Ruddock, then shadow minister for Immigration, Local Government and Ethnic Affairs, submitted *a matter of public importance* to the House of Representatives in which, he condemned the Keating Government for ‘abysmal failure to maintain control of entry to Australia for permanent settlement’ (Australia, House of Representatives 1992, *Official Debates, Hansard*, p. 2358). Ruddock also accused the government of failing to maintain ‘the integrity of Australia’s immigration programme, particularly the refugee component’ (Australia, House of Representatives 1992, *Official debates, Hansard*, p. 2358) (Medcalf, 2015; O’Doherty & Lecouteur, 2007). In his speech, Ruddock described Cambodian asylum seekers as ‘boat people who have jumped the queue’ (Australia, House of Representatives 1992, *Official Debates, Hansard*, Tuesday, 5 May 1992, p. 2358). In reply, Gerry Hand, the minister for Immigration, Local Government and Ethnic Affairs, stated:

Those opposite have to be serious about this. They have tried to score a cheap point at my expense about the way I have been trying to address the intake and the current dilemma that we have with the large number of people in the queue. The honourable member and I have no disagreement about the people in the

queue and case by case. (Australia, House of Representatives 1992, *Official Debates, Hansard*, 5 May, No. 183, p. 2363)

This interaction portrayed the government as having lost control of entry into Australia so Hand decided to refine the process for entry to prove the government was managing the immigration system. He introduced the Immigration Amendment Bill 1992 to detain what he described as ‘unlawful non-citizens’(Australia, House of Representatives 1992, *Official Debates, Hansard*, 5 May, No.183, p. 2363). The bill had some special particularities: defining entry into Australia and mandatory detention of asylum seekers. The bill required any asylum seeker who entered Australia to be detained for up to 273 days on the grounds of being an ‘unlawful non-citizen’ until their visa status had been determined (Penovic, 2013; Simon, 2008). The most important aspect of the bill was that even a court could not interfere with the period of custody (Australia, House of Representatives 1992, *Official Debates, Hansard*, 5 May, No.183, p. 2373):

The most important aspect of this legislation is that it provides that a court cannot interfere with the period of custody. I repeat: the most important aspect of this legislation is that it provides that a court cannot interfere with the period of custody. No law other than the Constitution will have any impact on it. The amendment provides that those boat people already in Australia will be in the new custody from the date this Bill receives the royal assent. In other words, the 273 days will commence on that date. For those unauthorised boat people who arrive in Australia between 27 April and 1 December this year, custody will start when the person is detained ... Designated persons not in custody on the date of royal assent may be detained without warrant and kept in custody. This will mean that persons who have escaped from custody since arriving in

Australia and those who may have been released from custody must be taken back into custody. In those cases the 273 days will start to run on the day they are taken back into custody.

From the above, one may argue that refugees and asylum seekers have undoubtedly been perceived by subsequent Australian governments as a threat to Australian borders. As a result, subsequent governments have taken, in one way or another, measures that protect Australian borders against asylum seekers: deterring their arrival in Australia by boats by making it illegal⁵⁹ (Higgins, 2017).

Mostly dealt with by section 189 of the *Migration Act 1958*, a person (a would-be refugee) suspected to be an unlawful non-citizen may be detained by a police officer or an immigration officer. The duration of such detention determined in section 196 of the *Migration Act 1958*. It is this policy is applied to asylum seekers who arrive by boats while its first and foremost intention was meant to be for other type of migrant. Pickering (2007) observed that the laws have been tightened to deter would-be refugees from entering Australia. Grewcock (2009) suggested that Australia's enforcement of its border restrictions against aliens normalized the perception of unauthorized migrants as a threat. For the first time, refugee and humanitarian cases were given four-year temporary protection visas (TPVs), rather than permanent residence, under the *Migration Amendment Act 1992* (Cwlth) (Jupp, 2002, p. 51). This policy proved unviable and was suppressed in 1993 under Nick Bolkus (minister for Immigration and Ethnic Affairs from 1993 to 1996), only to be revived again under the Howard Government (Jupp, 2002).

⁵⁹ The Australian Government's official position is that any person who arrives in Australia by boat for the purposes of seeking asylum is an 'illegal maritime arrival'.

3.1.6 Threat perceptions in 2000s

After the end of the Cold War in 1991, new security threats emerged—especially in the early 2000s—making it difficult to protect public order and security. Increasing globalization and terrorism, and the rise of non-state actors at the international level, have significantly raised the importance of securitization; regardless of whether such are internally or externally driven (Acar & Deniz, 2021; Dora, 2021). Such threat perception had a role to play in Australia’s refugee policy formulation, especially after the 9/11 terrorist attacks in the US. Led by the requirement to protect Australian borders against the growing terrorist threats and in response to the so-called *Tampa* incident⁶⁰, the Howard Government (1996–2007) created the so-called Pacific Solution⁶¹ under which asylum seekers were sent to ‘declared countries’ for visa processing rather than mainland Australia (Coombs, 2013; Fleay, 2010; Simon, 2008).

Devetak (2004, pp. 101–109) noted that the Australian Government’s actions during the *Tampa* incident were framed as follows:

On 26 August 2001 Australia came under attack. To extinguish the threat to Australia’s national security, three days later, Prime Minister Howard swiftly deployed crack SAS troops who successfully averted an invasion of the mainland by the enemy, thus preserving Australia’s territorial integrity and national sovereignty.

⁶⁰ The *Tampa* incident occurred in August 2001. The Norwegian freighter *MV Tampa* was refused access to Australia’s shores by the Howard Government after rescuing 438 asylum seekers from a distressed vessel in international waters. After several calls from the *MV Tampa* requesting permission to land in Australia were refused by the Australian Government, the *MV Tampas*’s captain—citing international law—declared a state of emergency and sailed for an Australian port. When the *MV Tampa* entered Australian waters, then prime minister Howard ordered Australian Special Forces (from the Australian Special Air Service Regiment) to board the ship. This brought censure from the Government of Norway, which claimed that the Australian Government had failed to meet its obligations to distressed mariners under international law.

⁶¹ The Pacific Solution was introduced by the Howard Government in 2001 in response to the rising number of boat arrivals in Australia. The policy consisted of intercepting asylum seekers at sea and transferring them to processing centres located in Nauru and Manus Island, PNG.

Grewcock (2013) observed that the number of asylum claims received across all industrialized countries is relatively smaller than the population of a single refugee camp in north-eastern Kenya known as Dadaab. White (2014, p. 15) called the Australian Government's approach an 'exaggeration' and 'immigration panic'. Available evidence suggests that the treatment of refugees and asylum seekers by successive Australian governments is contrary to Australia's international obligations (Human Rights Watch, 2014a; Australian Human Rights Commission, 2013; Mares, 2001) and constitutes a state crime (Grewcock, 2009; Pickering, 2005).

Since the Tampa incident in 2001, successive Australian governments have been criticized for taking harsh and draconian measures against refugees and asylum seekers (Pedersen & Hartley, 2017; UNICEF Australia & Save the Children Australia, 2016; Campbell, 2014; Human Rights Watch, 2014a; Australian Human Rights Commission, 2011, 2013; Fiske, 2012; Soutphommasane, 2011; Hoffman, 2010; Fleay, 2010; Dunstan, 1999; Amnesty International, 1998, 2001, 2016). This confirms that immigration in Australia is a contentious and highly political issue (Dicker & Mansfield, 2012, p. 9). In 1988, the Australian Defence Force (ADF) supported the activities of Coastwatch⁶² and the Department of Immigration and Multicultural and Indigenous Affairs in national surveillance under *Operation Cranberry*. On 3 September 2001, the ADF led (rather than played a supporting role in) *Operation Relex* to extend the government's border protection policy 'to prevent, in the first instance, the incursion of unauthorised vessels into Australian waters such that, ultimately,

⁶² Also known as Australian Coastal Surveillance Organisation, was an operational branch of the Australia Customs Services in charge of the security of the Australian coast. It is currently a now part of the ABF in charge of civil maritime security.

people smugglers and asylum seekers would be deterred from attempting to use Australia as a destination’⁶³.

Most importantly, in order to establish the Pacific Solution, the Australian Parliament passed the *Migration Amendment (Excision from Migration Zone) (Consequential Provisions) Act 2001*⁶⁴ and *Migration Amendment (Excision from Migration Zone) Act 2001*⁶⁵ in September 2001. These allowed the Howard Government to deal with asylum seekers who arrived by boat in Australia as ‘unauthorized’ arrivals. Consequently, the Royal Australian Navy was tasked with interceding any boat carrying asylum seekers and transferring the persons to offshore refugee processing centres located on Nauru⁶⁶, and on Manus Island in PNG⁶⁷.

Similarly, the Christmas, Ashmore, Cartier and Cocos (Keeling) Islands were excised from the migration zone with the sole intention of deterring and discouraging asylum seekers arriving by boat. Boats carrying asylum seekers were intercepted at sea and either returned to Indonesia (boat ‘turnarounds’) or removed to third countries in the Pacific (either Nauru or Manus Island) (Gleeson, 2016; Higgins, 2017; Phillips, 2014).

The main push for the Pacific Solution was to enable the processing at offshore facilities of what the Australian government described as ‘unauthorized maritime

⁶³ Further details on Operation Relex were released by the Senate Foreign Affairs, Defence and Trade Legislation Committee (1 June 2006). *Estimates, Defence*. Canberra: Parliament of Australia. Question WI9 (Senator Nettle). Retrieved from https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Former_Committees/maritimeincident/report/c02

⁶⁴ The *Migration Amendment (Excision from Migration Zone) (Consequential Provisions) Act 2001* (Act No. 128, 2001) was enacted to ‘make consequential provision for dealing with unauthorised arrivals in places excised from the migration zone under the *Migration Act 1958* for purposes related to unauthorised arrivals, and for related purposes’ (see <https://www.legislation.gov.au/Details/C2004A00888>).

⁶⁵ The *Migration Amendment (Excision from Migration Zone) Act 2001* (Act No. 127, 2001) was enacted to ‘excise certain Australian territory from the migration zone under the *Migration Act 1958* for purposes related to unauthorised arrivals, and for related purposes’ (see <https://www.legislation.gov.au/Details/C2004A00887>).

⁶⁶ On 10 September 2001, Australia signed an Agreement with Nauru in which the latter agreed to accommodate asylum seekers on its territory for processing purposes. This Agreement was replaced by a Memorandum of Understanding signed on 11 December 2001.

⁶⁷ For which Australia signed a Memorandum of Understanding with PNG on 11 October 2001.

arrivals'. This meant that any person who entered Australia at one of these places and became an unlawful non-citizen was classified as an offshore entry person and, as such, could not make a visa application in Australia. Offshore entry persons could be taken to declared countries for processing. Nauru and PNG were confirmed as declared countries and participants in the Pacific Solution (Mansted, 2007). From September 2001 to 2008, 1637 people were detained in the Nauru and Manus Island offshore processing facilities under the Pacific Solution (Phillips, 2012); 1153 (70%) of them were resettled in Australia or other countries (Evans, 2008).

The Howard Government essentially expanded the Keating Government's mandatory detention policy (Fleay, 2010, p. 7) and restructured the Australian asylum seeker policy through 'institutionalised and territorial manipulation of the state'. The idea behind the framework was that asylum seekers who arrived by boat not only posed a threat to Australian interests, but also violated Australian laws and sovereignty (Weber, 2019; Chambers, 2015; Rogalla, 2007). Howard (2010, p. 394) observed:

There was a growing feeling that Australia had lost control of its borders ... In the process, public support for orthodox immigration and an orderly humanitarian refugee program began to erode.

Philip Ruddock⁶⁸ helped to implement the Pacific Solution, including boat turnarounds and mandatory detention, and was widely considered as the mastermind behind the policy. O'Neill (2008, p. 199) observed that Ruddock 'fought hard for his policies, he was one of the most determined, knowledgeable and involved leaders the immigration department had ever seen'.

There was thus little, if any, correlation between increased refugee arrivals and the harsh immigration measures of the Pacific Solution. The Howard Government

⁶⁸ Philip Ruddock led the Department of Immigration and Indigenous Affairs from 1996–2003.

conservative ideology and the fear of terrorism may have played a significant role in this policy development based on a threat-centric approach. Refugees and asylum seekers were only ever a small part of overall immigration to Australia. For example, until July 2001, asylum seeker boat arrivals were not an issue in Australia, aside from the Vietnamese. Between July 2001 and February 2008, 1637 people entered Australia by boat and were detained in the Nauru and Manus Island detention centres (Peterie, 2019; Weber, 2019; Evans, 2008). This number of arrivals is relatively small compared to that for the 2009–2010 financial year. During this period, the Australian Humanitarian Program made up just 7% of permanent additions to the Australian population by migration⁶⁹; that is, the number of visas issued for humanitarian purposes was less than 7% of the total immigration programme. Clearly, the magnitude of entry by humanitarian visas has not reached a crisis level. As a result, it led to exclusionary policy preferences and determined who should or should not seek asylum in Australia. As Pickering (2005, p. 24) observed, the ‘power of language in [the] representation of deviance provides the base for not only discourse of deviancy to be developed but also state response to that deviance’.

The Howard Government admitted more people to Australia than the Labor Government before it—a fact Ruddock uses to defend himself against accusations of xenophobia. Ruddock stated in an interview that, ‘I think the Pacific Solution and all of the measures that we put in place to restore confidence in the immigration program was [for] dealing with the Pauline Hanson phenomenon’ (as cited in O’Neill, 2008, pp. 226–227)⁷⁰. Ruddock explained that:

⁶⁹ Note that the 2009–2010 financial year was the point when Australia passed the 750,000 mark in terms of its intake of refugees and humanitarian entrants (Refugee Council of Australia, 2011, p. 3).

⁷⁰ Pauline Lee Hanson is the founder and leader of Pauline Hanson’s One Nation Party. At the time of writing she is serving as a Senator representing Queensland. She previously served as Member of Parliament for the electorate of Oxley (elected in the March 1996 election). She had initially been the Liberal candidate but the Party disendorsed her during the election campaign because of comments she made about Australian Aboriginals.

Hanson was a political opportunist of the first order, and she found it easy enough to go out and identify these issues and to express them in that way and people not fully informed, related to those sorts of arguments ... She tapped into anxiety about immigration which people couldn't easily identify as being related to skills change, or the family reunion rorting or the border protection issues and they get a simplistic explanation, they [think] "Oh gee, we'll stop them all" (as cited in O'Neill, 2008, pp. 226–227).

In his autobiography, former prime minister Howard (2010, p. 259) confirmed that 'Hanson appealed very strongly to many traditional National Party supporters. Thus, she became an electoral gift to the Labor Party'.

From this it can be deduced that the Pacific Solution did not deal with asylum seekers as a policy issue; rather it was the result of dispositional fear politicized and securitized to meet the political needs of the time. Ruddock was clear on this:

I am saying one of the factors we had to deal with was ... Pauline Hanson ... and you know ... we were not xenophobic population at all, we were a population that was concerned to have good immigration policy, that would deliver a program of 80,000 when Labor left office, but 160,000 when we left. (as cited in O'Neill, 2008, pp. 226–227).

The above dispositional fear seems to have been coupled with political conservatism framing asylum as a threat. As discussed in Chapter 2, granting of asylum is the prerogative of a state, not of asylum seekers themselves. As long as the international state system is anarchic, 'security' remains every state's imperative. The Howard Government sought to deter the arrival of unauthorized asylum seekers by expanding the previous (Keating) Government's mandatory detention policy, excising Australian islands for migration purposes to prevent asylum seekers from accessing

Australian immigration processes, and granting temporary rather than permanent protection visas (Fleay, 2010, p. 7). Ruddock stated, ‘You know what really worked? I mean the Pacific Solution is part of it, temporary entry was part of it, processing was part of it’ (as cited in O’Neill, 2008, p. 227). While Ruddock is believed to have succeeded in ‘stopping the boats’ under what he termed ‘consumer protection’ (O’Neill, 2008, p. 227), his policies were criticized internationally and domestically as contravening Australia’s international commitments as signatories to the Refugee Convention and Refugee Protocol.

3.1.7 ASIO’s role in threat detection

As noted previously in this chapter, ASIO was not created to deal with the issue of refugees and asylum seekers. Instead, ASIO’s role expanded over time until the agency became pivotal to border integrity and border protection. ASIO also continued to play an important role in monitoring the threat of terrorist activities in Australia (Blaxland, 2015). For example, the organization was used for refugee security vetting (see Blaxland, 2015; Horner, 2014). Due to the increased politicization of ASIO’s work—mainly dominated by the Labor Party—its activities started to draw serious questions over civil liberties versus national security.

At the time of writing, ASIO’s major roles include the identification of activities that may be harmful and represent a serious threat to the integrity of Australian borders, advising law enforcement agencies and departments of potential security threats, and managing and disrupting such threats (if possible, at their earliest stage) (ASIO, 2019; McPhee, 2015; Horner, 2014). Currently, ASIO plays a significant role in ensuring that every person who enters Australia undergoes security and background checks. Thus the role of ASIO is vital when it comes to the security screening of asylum seekers who arrive by boat, including vetting of their personal

character, health and potential security threat. As will be discussed in Chapter 6, ASIO assists the Department of Home Affairs with security assessments prior to granting asylum to refugees.

ASIO's involvement in border security is underpinned by the assumption that 'some adversaries seek to exploit Australia's borders to further their own interests or harm us [Australia]' (ASIO, 2019). When it comes to the potential security threats that may be posed by asylum seekers, ASIO recognizes that the mass displacement of people in some parts of the world, especially in South Asia and the Middle East, can lead to many seeking refuge in Australia; 'either through regular migration or refugee processes, or through irregular processes by employing the services of people smugglers to circumvent official pathways' (ASIO, 2019). A consequence of such movement is the proliferation of people smuggling, and terrorists may infiltrate groups of asylum seekers utilising such services. Thus, people smuggling may facilitate the entry of terrorists into Australia.

To summarize this first part, it is worth mentioning that Australia appears to be the victim of its own mindset. In other words, perceiving refugees and asylum seekers as threats is what Australia chooses—that is, fear instead of hope. This anxious perception toward refugees and asylum seekers has been discussed in this part of to show the evolution of Australian refugee and asylum seeker policy throughout history, resistance toward refugees, immigration management, the immigration bureaucracy's firm commitment to control, and, above all, majority domestic political opinion in support of Australian refugee policies such as the WAP, mandatory detention of asylum seekers, the Pacific Solution, interdiction and deportation regimes to deter asylum seekers from landing on mainland sovereign territory, the refugee swap deals and so forth are clear manifestations of how threat perception has evolved in Australia.

These policies have helped the Australian Government to deter asylum seekers who arrive by boats.

3.2 Part II. Threat perceptions, self-protection and the asylum seeker avoidance policy

In the first part of this chapter, I have discussed the historical development of Australia restrictive immigration policy and the threat construction regarding aliens and undesirables (refugees and asylum seekers included). In this second part, I analyse how asylum policies have anchored the perception of asylum seekers as threats to Australia. 'Threat perception' is, according to Cohen (1978:93), 'the decisive intervening variable between action and reaction'. Defined as such, it entails then the pre-emptive capacity to interpret and perhaps to predict what is likely to happen militarily, economically and culturally if nothing is done to counter designated threats. Perceived direct and indirect threats require self-protection measures (countermeasures or avoidance of the threatening agent) regardless of the intent.

For years, scholars have studied attitudes towards refugees and asylum seekers in Australia. There are studies that correlate Australia's threat perception regarding refugees and asylum seekers with earlier exclusionary immigration policies (Bolger, 2016; Burke, 2008; Maley, 2003; McMaster, 2002), insecurity and suffering of others (Burke, 2008; McMaster, 2002; Burke, 2001), racism and conservatism (see Bolger, 2016; Kuhn, 2009; Manning, 2006). Philpott (2004, p. 64) argued that the vilification of asylum seekers which originated in colonial Australia continues in discursive practice. The more Australians experience 'irregular maritime arrivals', the more avoidant (reluctant, fearful and unhappy) they became toward immigrants (refugees and asylum seekers included).

One part of the literature exploring threat perception regarding refugees and asylum seekers focuses on the role of racism in responding to asylum seekers who arrive in Australia by boat (see Bolger, 2016; Kuhn, 2009; Manning, 2006). These studies found a relatively strong correlation between the securitization of asylum seekers with remnants of racism in Australia. This literature is sometimes close to the human rights approach, focusing its analysis on Australia's treatment of asylum seekers who arrive by boats and relating it to the legacy of the WAP which has, in many ways, significantly impacted current Australian immigration and refugee policies; culminating in the harsh, punitive and inhuman treatment of asylum seekers (Fleay, 2008; Romano, 2007; Neumann, 2004). Manne (2003) observed that the 'fortress Australia' mentality is a remnant of the exclusionary nationalism of the WAP. Under Australia's historically strict immigration controls, only narrow grounds existed for processing asylum claims (Birrell, 1994). Jupp (2006, p. 700) observed that there is 'nothing random about Australian immigration' and that what Australia is currently facing is a result of a well-organized, planned and regulated immigration system. Fear for Australian vulnerability has produced an obsession with maintaining border control and protection (Stephenson, 2007, p. 158).

Another area of literature on refugees and asylum seekers focuses on opinions and attitudes towards them in Australia (Augoustinos & Quinn, 2003; Marr & Wilkinson, 2003; Pedersen, Attwell & Heveli, 2005). These studies found a considerable amount of anxiety towards asylum seekers who arrive by boats in Australia and, as such, they continue to be framed as a threat to national security. Additionally, evidence suggests that many Australians regard asylum seekers, especially those who arrive in boats, 'with fear and loathing' (Soutphommasane, 2011, p. 2).

The reasons for such anxieties vary from person to person. For example, Maley (2001, p. 5) observed that ‘domestic political considerations have prompted an anti-refugee rhetoric amongst Australian politicians’. Fears of being invaded or overwhelmed by an Asian world have characterized Australian debates (Burke, 2008, Philpott, 2004; Maley, 2003; McMaster, 2002). These studies found that the threat-centric rhetoric continues to cause panic while conceiving immigrants as ‘others’ and a risk. As Burke (2001) observed, Australian political figures have often portrayed Australia as vulnerable to loss of sovereignty and have incited levels of fear and anxiety that are disproportionate to the actual threats. Based on security concerns, asylum seekers who arrive by boat in Australia are constructed by politicians and the media as ‘illegal migrants’, ‘queue jumpers’, ‘security threats’, ‘economic burden’ and ‘swamping Australia’ (Abbott, 2009, p. 26; Hanson, 1996). These labels are a clear indicator of Australia’s growing anxiety about refugees and asylum seekers. Soutphommasane (2011, pp. 1–8) described such securitization and/or politicization of boat arrivals as an ‘unedifying and destructive development in the political culture’. However, scholars have sought to expand securitization to include the role of the media in spreading the threat-centric panic. The role of some conservative commentators and journalists in the media in depicting asylum seekers and refugees as a threat is widely studied (Lueck, Due & Augoustinos, 2015; Klocker & Dunn, 2003). Klocker and Dunn (2003) observed adoption by the media of negative political rhetoric about asylum seekers results in the latter being presented as ‘illegal’ and a threat to Australia. Such media and political rhetoric invoke a constant fear in the general population. This fear is exacerbated by a lack of public debate and remains a socio-political construct through which stereotypes and popularized labels are spearheaded by shifting ‘the

public view from the structural reasons for asylum seeking to the individual behaviour of those who arrive in Australia by boat' (McKay et al. 2011, p. 16).

The considerable literature examining host communities' social perceptions of refugees suggests that perceptions of threat are a real concern in Australia. Scholars such as Pedersen, Hartley, Heveli, Hansen and Griffith have extensively researched this issue (Pedersen, Attwell & Heveli, 2005; Pedersen et al. 2005). Pedersen and Hartley (2017) found that there was a strong inverse relation between the legitimacy of asylum seekers and the legitimacy of the government. They found that the more participants felt the government was legitimate, the more they felt that asylum seekers were illegitimate and favoured tougher immigration policies.

Louis et al. (2007) found that the general public feels threatened when their social status and position are threatened by admitting asylum seekers, and when asylum seekers do not have a legitimate claim to residency. They also confirmed that social attitudes towards asylum seekers are generally negative, especially when opinions are mediated by perceptions of procedural justice (for example, the fairness of regulations and policies) and distributive justice (for example, the quality of life deserved by refugee claimants versus Australian citizens). Neumann (2004) also found that Australian attitudes towards newcomers have vacillated over the last 100 years, as evidenced by public policy and community opinions. Louis et al. (2007) and Neumann (2004) found that detention has a negative impact on the mental health of detainees and exacerbates other traumas. The question to be asked here is how the attitudes toward refugees and asylum seekers shape policy preferences in Australia. In the next section, I will examine threat perception and policy responses as a framework to understanding this question.

3.2.1 Threat perception as a *sovereign act*

Threat perception can be linked to many other factors such as preserving national culture, defending liberal values and the rule of law, protecting the economic and social rights of citizens, and giving meaning to democracy (Taylor, 2006; Farnham, 2003; Fordham, 1998). Studies examining Australia's securitization of asylum seekers and refugees confirm that politicians play a significant role in the securitization discourse of refugees in Australia occurs to the extent of manipulating the information and 'distorting the character' of refugees in the name of *national interest* (Maley, 2001, 2003; Higgins, 2017, McAdam & Chong, 2019). Maley (2003, p. 353). However, the use of national interest as a criterion for policymaking and justification presents some limitations. Not only does it invoke a realist *raison d'état*; it also gives an impression of an egotistical society. When used in immigration policy as a criterion for selection of who should be granted asylum, the 'healthy are favoured over the poor, the more skilled over the less skilled' (Glass, 2008). Most importantly, national interest as a criterion is difficult to reconcile with individual interests within a state⁷¹, because the nation itself is composed of different interests held by different people. Thus the calculation of national interest is both complicated and unpredictable (George & Keohane, 1980, p. 229). Howard (2010, p. 394) observed that it was the increase in unauthorized boat arrivals in 2001 that raised such public anxiety:

There was a growing feeling that Australia had lost control of its borders ... In the process, public support for orthodox immigration and an orderly humanitarian refugee program began to erode.

Australia's anxiety about refugees and asylum seekers continues to be used as 'political capital' to mobilize voters' support in elections. Kazimierz, Field, Maclellan,

⁷¹ State is used here in its international relations meaning. It does not have its Australian connotation (as a federation). It is hereby interchangeably used to mean nation or country in this phrase.

Meyer and Morris (2007, p. 12), for example, observed that in the 1990s, asylum seekers who arrived by boat came to be seen as a dangerous group and were perceived as a threat to the Australian public, resources and way of life because they had entered Australian territory without authorization. Therefore, mandatory detention of unlawful asylum seekers was perceived as essential to maintaining Australia's security.

Threat perception is first and foremost a reactive psychological response to a perceived danger. As such, its first determining ground is the psychology of the decision maker rather than the existence of an actual threat because of the possibility of 'misperception'. As a result, the desire to determine who enters one's territory and the conditions under which they remain therein may be preconditioned by the decision maker's perception of the threat. In Australia, it is attached to fear of the outside world, the desire to protect Australian society from 'being swamped' (Hanson, 1996) and the effort to protect Australian jobs and way of life. Steele (2008, p. 2) observed that such a security threat is prompted not only by a state's need to survive but also by ontological security needs whereby 'states pursue social actions to serve self-identity needs, even when these actions compromise their physical existence'.

In contrast to classical realists who see state survival (physical security) as paramount to state behaviour, Steele (2008) found that the ontological security of states is more important as its fulfilment affirms a state's self-identity. This is perhaps why the refugee and asylum seeker issue remains highly politicized (Haddad, 2008). The purported need to control Australia's border and sovereignty continues to gain partisan support (Every & Augoustinos, 2008). This is perhaps an exercise in Westphalian sovereignty by excluding external actors from a given territory (Krasner, 1999; Soguk, 1999). Hyndman and Mountz (2008) observed a shift in the protection of refugees from the legal domain (where international instruments to protect refugees

are applicable) to the political domain (where migrant flows are managed; preferably in regions of origin). This shift is part of state-centric international relations discourse which prefers to externalize asylum from a legal dimension to a political one (Hyndman & Mountz, 2008). However, this shift, or ‘territorial anxiety’ (Stephenson, 2007, p. 159), cannot be illuminated without understanding the role that Asians and Australian Aboriginals have played as ‘necessary others’ in its construction.

3.2.2 Threat perception and the criminalization of asylum

Threat perceptions can result in drastic measures being taken for deterrence and risk minimization. In this regard, there is significant research on the historically ambivalent relationship between Australia and asylum seekers (see Tavan, 2005; Neumann, 2004; Jupp, 2002; McMaster, 2001). These studies have analysed in detail the criminalization by the Australian government of asylum seekers who arrive by boat by making reference to criminal law and security enforcement strategies. These studies also highlight a series of policy measures taken by the Australian government in pursuit of Australia’s right to protect its borders. Such measures include the introduction of a mandatory detention system (Hartley & Pedersen, 2007; Neumann, 2004), criminalization, securitization, cutting funds and denial of human rights.

A considerable number of studies have been undertaken by criminologists (Welch, 2012b, 2012c; Weber & Grewcock, 2011; Weber & Pickering, 2011; Grewcock, 2009; Pickering, 2005; Lambert, Pickering & Alder, 2003) and human rights activists (Pedersen & Hartley, 2017; Campbell, 2014; Fiske, 2012; Hoffman, 2010; Fleay, 2010) on the criminalization of asylum seekers and refugees in Australia. Using a criminal justice approach, criminologists including Pickering (2005), Welch (2012c) and Grewcock (2009) adopted a state crime framework to explain Australia’s policy response to asylum seekers. These scholars tend to agree that the criminalization

of immigration in Australia has historically served functions of exclusion and control of asylum seekers, from which the powers to exclude and punish those irregular arrivals have been enhanced. Pickering (2005, p. 18) observed that refugees and asylum seekers are ‘dressed in the clothes of criminals’ and national sovereignty has become the focus of the Global North’s⁷² response to forced migration. Described in such security terms (national identity, sovereignty, and scrambles over resources and opportunities), asylum seekers who arrive by boat in Australia are posited as illegal migrants, queue jumpers, security threats, economic burdens, swamping Australia, bullies and criminals (Pickering, 2005; Welch, 2012b). Mitsilegas (2015) saw the rise of the ‘law of the border’ to be detrimental to the ‘borders of law’.

Asylum seekers are regarded as ‘unauthorized’ migrants instead of ‘forced’ migrants, which does not offer them room for state protection. Pickering (2005) and Grewcock (2009, 2013) are against a construction of refugees as ‘deviants’ (Welch, 2012b), as these labels alienate, criminalize and abuse asylum seekers. Grewcock (2009) argued that Australia’s treatment of asylum seekers as ‘illegal migrants’ should itself be regarded as criminal—as a state crime:

The construction of the unauthorised migrants as the outsider is perhaps the most powerful legitimizing process underpinning the implementation of border controls. It rests at the centre of legal perceptions of the legitimate migrant and sustains wider and more complex cultural and ideological expressions of identity, difference and threat. (p. 271)

This is, perhaps, an indication that there is anxiety towards aliens in general and refugees and asylum seekers in particular. Bob Carr, former minister for Foreign Affairs, went further, suggesting that Australia needs ‘more hard-edged assessment’

⁷² The term Global North is referred to here in terms of the world economic divide the developed countries (the north) and the developing nations of the world (the global south).

(as cited in Jones, 2013) for asylum seekers because the problem of refugees has changed (Mares, 2013). During an interview on the ABC's *Lateline*, Carr linked this change to many factors such as 'people smuggling', people coming to Australia as 'economic migrants' and the increase in the number of people seeking asylum in Australia, which pushes aside what he called 'our generous humanitarian intake as part of our regular migration program' (as cited in Jones, 2013). It is obvious that there are political and economic reasons that push states to curb the rights of asylum seekers. Chiswick (2001) observed that 'imported goods do not vote, but 'imported' people do vote, or at least have political influence' (pp. 74–85). This mindset is held by politicians who fear the political future. Politicians use rhetoric that encourages domestic audiences to engage in debates that have benign outputs for security (McLean, 2016; Martin, 2015).

Studies have suggested that such threat perception was used to divert the public's attention from the economic and political problems that Australia was facing (Tazreiter, 2017; Vasta, 1996; Balibar & Wallestein, 1991). Significantly, most Australians are rarely involved in asylum seeker debates.

Studies (Hugo, 2013; Menadue, Keski-Nummi & Gauthier, 2011; Department of Immigration and Citizenship, 2006) reveal that refugees and asylum seekers, if managed effectively, are not an economic burden but instead contribute significantly to Australia's economy. Menadue et al. (2011) found positive contributions made by refugees and asylum seekers, and refuted that they are a threat to Australia's national security; claiming that asylum is not exclusively a national security issue (Menadue et al. 2011, p. 5) and thereby contradicting many views about refugees.

The Refugee Council of Australia (RCOA) (2011) found that refugees have made significant contributions to Australia, including expanding consumer markets

for local goods, opening new markets, bringing in new skills, creating employment and filling empty employment niches. A study undertaken by the RCOA for the Australian Department of Immigration and Citizenship found that:

Australia's refugees and humanitarian entrants have found success in every field of endeavour, including the arts, sports, media, science, research, business and civic and community life. Refugees' stories are extremely diverse; however, there are some commonly mentioned 'ingredients for success' including having had community support; feeling motivated to 'give back' to society; and having access to training, English classes, mentoring and cultural, sporting and volunteering activities. (RCOA, 2010, p. 3)

Conversely, Kazimierz et al.'s (2007) detailed analysis of the costs that refugees and asylum seekers pose to Australia found that the price of protecting refugees was 'too high'. For instance, there is a cost in taxes, a reduction in available social benefits per head, and a burden to employment and infrastructure, all of which might create discomfort and constitute a potential 'threat' that can be used and manipulated by political opportunists. That study examined possible overheads to Australia (in human, financial, rule of law and democratic system, regional and international system of protection costs), but it (intentionally or mistakenly) overlooked potential security expenses (for example, for increased border security to fight the rise in people smuggling and incidences of terrorism). Also of concern was the cost to Australia's international reputation.

3.2.3 Threat perception and refugee human rights

Australia has historically been a refugee resettlement country. This humanitarian side of the Australian immigration system has attracted significant attention. There are numerous studies on the journeys of refugees to Australia (Clark,

2016; Hoffman, 2010), Australian attitudes towards refugees and asylum seekers (Pedersen & Hartley, 2017), inhumane detention of asylum seekers (Fleay, 2010), riots in detention centres (Fiske, 2012), and the mental health of refugees and asylum seekers. These studies share a criticism of what they describe as Australia's harsh, punitive and inhuman treatment of asylum seekers (mostly in detention centres) which they consider to be a gross violation of human rights (Pedersen & Hartley, 2017; Fiske, 2012; Hoffman, 2010; Fleay, 2010).

Importantly, the majority of these studies have focused on the actual personal experiences of refugees and asylum seekers (Pedersen & Hartley, 2017; Campbell, 2014; Fiske, 2012; Hoffman, 2010; Fleay, 2010). They are largely advocacy studies reflecting social work and activism within a sociological approach. Such case studies appear to present an increasingly human rights-friendly narrative that depicts refugees and asylum seekers as victims of harsh and punitive treatment by states. Kenny and Fiske (2013) explored some of the complex legal and ethical issues that occur when managing and treating these cases. These authors identified numerous human rights abuses relating to the right to life, self-determination, privacy, and freedom from inhumane and degrading treatment which resulted in hunger strikes by asylum seekers in detention (Kenny & Fiske, 2013).

Steel et al. (2004) found that parents and children held in Australian immigration detention centres presented at least one current psychiatric disorder; 26 disorders were identified among 14 adults and 52 disorders were identified among 20 children. Mares and Jureidini (2004) explored the psychological distress among adults and children in detention and found that refugee experiences of immigration detention offer compelling evidence that detention has impeded efforts to address their mental

health needs. They noted that there was very little support and few interventions provided. Mares and Jureidini (2004) put the issue in the following terms:

These questions persist while mandatory indefinite detention of all unauthorised arrivals remains a central plank of Australian immigration policy and law. The infants, children and adults described live on our soil but outside the structures that protect citizens from dehumanising indefinite incarceration, ongoing traumatisation and, particularly for children, exposure to violence in a developmentally impoverished environment. (p. 526)

Some studies on Australia's response to refugees and asylum seekers suggest that Australian refugee policy continues to be largely guided by Australia's interests, not by the needs of those seeking asylum (Briskman, 2012; Fleay, 2010). McCleary (2011) asserted that the construction of maritime asylum seekers as a problem has commonly been addressed within a broad securitization framework or through explanation of maritime asylum seekers as 'the other', but that neither of those frameworks adequately explained that the issue involves pertinent humanitarian obligations. Briskman (2012, p. 175) described Australia's attitude towards refugees and asylum seekers as an 'adversarial approach that has taken hold of the rights of asylum seekers'. McCleary (2011) described such an attitude as a 'reverse humanitarian' framework, suggesting that actors have used this construct to demonize and dehumanize maritime asylum seekers within the very context that is supposed to provide protection. This argument mirrors that of criminologists discussed earlier in this section in that both conclude that Australia has violated the rights of asylum seekers by failing to meet the standards of the Refugee Convention.

Populist and conservative politicians are on the front line in portraying immigration in general, and asylum seekers in particular, as a threat. This can be seen

in calls to reduce immigration intake levels and turn back boats carrying asylum seekers on the grounds that asylum seekers represent a danger to the Australian infrastructure, housing market and way of life. Yet, accompanying this is the notion that Australia is 'exceptionally charitable and that resettled refugees were evidently grateful' (Jupp, 2002, p. 196). Such rhetoric is represented to electoral constituencies to mobilize massive political support. Maley (2001) confirmed that domestic political considerations have prompted an anti-refugee rhetoric among Australian politicians. This creates fear of the 'other', or an 'us versus them' mentality, intersecting both national identity and politics as portrayed in media discourse (McAllister, & Cameron, 2014; Horin, 2010).

Evidence suggests that there is widespread public support for politicians who view asylum seekers as a threat to Australian sovereignty, identity and security (Dunn, Klocker & Salabay, 2007). As Hartley (1995, p.152) observed, under the policy of assimilation 'immigrants were to become like Anglo-Australians and should discard their language and traditions in favour of the Anglo-Australian way of life'. Haslam and Pedersen (2007, p. 208) observed that the Australian public's attitude towards asylum seekers has been unsympathetic and often hostile. Many Australians hold negative attitudes towards immigrants (refugees or otherwise) that do not fit with the Australian way of life' (Nickerson & Louis, 2008; Louis et al. 2007; Pedersen et al. 2006; Gelber, 2003). Haslam and Pedersen (2007, p. 208) also observed that the Australian government has fuelled such attitudes through its attempts 'to manipulate public opinion with fear-mongering rhetoric'.

Although Haslam and Pedersen's (2007) study talks more generally about threat (not specific to national security), it demonstrates how the attitude of the general public attitude is negative towards asylum seekers. They found that 'asylum seekers

are treated with mistrust and, at times, outright hostility' (Pedersen et al. 2006). Neumann (2004), Jupp (2002, p. 196), McMaster (2001, p. 1) and Mares (2001, p. 179) challenged the assumption of Australian generosity towards refugees prior to the Howard Government, and even prior to the 1977 elections. As previously mentioned, Howard (2010) considered the increased number of unauthorized boat arrivals in 2001 as the cause of this.

However, evidence suggests that the Howard Government constructed this belief to instigate fear among the Australian population to fight the growing popularity of Pauline Hanson (O'Neill, 2008, p. 226). As previously discussed, former minister of Immigration and Indigenous Affairs Philipp Ruddock stated that all the measures put in place to restore public confidence in the immigration programme were intended to deal with the Hanson phenomenon (O'Neill, 2008, p. 226). It was important that Hanson should be dealt with by the Coalition Government, because she posed a serious threat to its political survival both within and outside government (Howard, 2010, Abbott, 2009; O'Neill, 2008). For example, in the 1998 Queensland election, Pauline Hanson's One Nation Party won 11 seats that the Coalition had believed would be returned to Coalition candidates. This resulted in a Labor victory in Queensland (Abbott, 2009, p. 50). Ruddock acknowledged Hanson's pragmatism and opportunism (O'Neill, 2008, p. 227). In his autobiography, Howard (2010, p. 257) acknowledged that Hanson 'should be corrected' but said he felt no need to make her a 'martyr'. As Frye (1947, p. 264) put it, 'the centre of reality is wherever one happens to be, and its circumference is whatever one's own imagination can make sense of'. Hanson significantly impacted Australia's immigration policy (Jupp, 2002, p. 138). In fact, the Howard Government implemented policy measures that were originally advocated by Hanson (Jupp, 2002, p. 138) in order to combat her growing popularity. Examples

include the introduction of TPVs to replace permanent residence and the excision of Christmas Island from the Australian immigration zone (Jupp, 2002, p. 138).

Mares (2001, p. 179) has argued that the challenge asylum seekers pose to border patrol is one of the main reasons why the *Migration Act 1958* has changed so frequently. Yet, that study does not mention what that ‘challenge’ is. Since the first boat of asylum seekers arrived—the *Kein Giang*, with five Vietnamese men on board—in April 1976, asylum seekers who arrive by boats have been ‘feared’ and constructed either through ignorance or duplicity as ‘illegal’, ‘unauthorized’, ‘queue jumpers’ and ‘economic opportunists’.

Evidence suggests that the Australian public feared that ‘escalating world refugee totals presented the threat of Australia being swamped by people of alien culture’ (Jupp, 2002, p. 196). Pauline Hanson is repeatedly quoted as arguing that Asians are inundating Australia and thus putting the nation at risk. This panic about alien invasion has invoked a variant of xenophobia directed against those who arrive by boat (Crock, 2010; Pedersen et al. 2008; Lawrence, 2007; Pedersen et al. 2006). Suhnan et al. (2012, p. 17) suggested that prejudice against people smugglers was significantly greater than prejudice against asylum seekers, and that there ‘was a strong relationship between prejudice and false beliefs’.

Campbell (2014, p. 59) demonstrated that the Australian government constructs asylum seekers as a ‘potential threat’ and that this is inconsistent with human rights. Pickering (2005) suggested that the government logic of polarisation of refugees and asylum seekers informs the discourse of deviance and the state response to that deviance. The power of language in framing asylum seekers and refugees as deviant is observed in multiplied binaries employed to describe them as bogus/genuine, refugees/boat people, law abiding/criminal, legal/illegal and good/evil

(Pickering, 2005, p. 24). There exists a widespread perception that Australia is being flooded by waves of asylum seekers arriving by boat, a perception that continues to strongly influence government policy and to be an emotive and divisive political issue (Phillips, 2014, p. 3).

However, some evidence suggests that while Australia's response to the plight of refugees and asylum seekers is very 'tough', the problem is 'small' (Grewcock, 2013; Suhnan et al. 2012, Koser, 2010; Jupp, 2002). Koser (2010, p. 4) observed that Australia is not undergoing an asylum crisis. In this regard, the policy measures taken to deal with tasylum seeker problem was not proportionate to the problem that Australia was facing. That is to say, the Australian government (intentionally or unintentionally) cultivates panic among the public through its asylum seeker-related policies and actions (see Martin, 2015, p. 304).

Contrary to the popular perception that asylum seekers arriving by boat are illegal migrants, it is not illegal to seek asylum under the Refugee Convention⁷³. This is perhaps why scholars such as Glendenning (2015, pp. 27–33) have argued that it looks strange, harsh and punitive for Australia to treat asylum seekers as a security concern as this denies asylum seekers their fundamental human rights by treating them as if Australia was at 'war with them'.

3.3 Conclusion

This chapter outlined the long history of immigration policy in Australia, especially its treatment of refugees and asylum seekers. It discussed how Australian immigration policy has changed over time; mostly built on racial discrimination, fear of non-Whites, and the construction of refugees and asylum seekers who arrive by boat

⁷³ Article 31 of the Refugee Convention recognises that asylum seekers who enter countries without valid documents or a visa have good cause for entering those countries and, therefore, cannot be treated as illegal entrants.

as posing a security threat. The chapter demonstrated that while Australia is a migrant country and a signatory to the Refugee Convention, it has developed an ambivalent relationship with asylum seekers, especially those who arrive by boat.

This chapter reviewed the literature on policy direction and argued that although the WAP was officially abolished in the 1970s, it has continued to shape modern Australian politics in general and immigration policy in particular. In support of this argument, the chapter explored subsequent immigration policies—the mandatory detention of asylum seekers and the Pacific Solution. The chapter argued that the construction of refugees and asylum seekers as a threat has been an ongoing theme of Australian politics and has intensified in recent years as a result of political opportunism and fearmongering.

The next chapter argues that the ambivalent relationship between host countries and refugees due to potential security threats is not unique to Australia. For security reasons, countries around the world have taken measures that curb the rights of refugees in the name of national security.

Chapter 4: Methodology

Any study must be guided by a methodology (Bryman, 2008; Bryman & Bell, 2007; Blaxter, Hughes & Tight, 2006). A research methodology is ‘a way to systematically solve the research problem’ (Kothari, 2004, p. 8). Kothari (2004) distinguished ‘research methodology’, which is a science of studying how research is done scientifically (p. 8), from ‘research methods’, which are all those ‘methods/techniques that are used for conduction of research’ (p. 7). King and Horrocks (2017, p. 7) described these methods as ‘procedures we use to collect and analyse data’.

In this chapter, I provide details of my methodological approach as well as a justification for the use of such methodology in this study. The chapter describes the various stages of the research, which includes: the epistemological framework; the processes involved in selecting participants, data collection and data analysis; the research location; and the research design. The chapter also includes descriptions of the types of interviews conducted, the interviewee sampling strategy, the way I conducted the interviews and the analysis of the interview data.

In doing so, I map the research questions onto data collection methods and outline the ethical considerations and precautions taken during the research, especially in regard to the Australian political context which has restricted access to, and publication of, information related to asylum seekers arriving by boat.

Section 4.1 explores the epistemology of this research, mapping out the contextual approach that the research used. Section 4.2 presents the research method, detailing the qualitative research method and the justification of its usage. Section 4.3 describes the research location, section 4.4 presents the research design, section 4.5

outlines the data collection, and section 4.6. outlines the ethical considerations and precautions. Section 4.7. details how the data was analysed.

4.1 Epistemological framework

As discussed in previous chapters, the present research into security threats posed by refugees and asylum seekers in Australia is situated within the multidisciplinary field of national security studies. Security and international studies are often understood as a discipline of IR, encompassing an understanding of what makes humans feel secure or insecure and how these threats can be countered and prevented in future. Contemporary national security covers a wide range of issues ranging from low politics (for example, the economy, environment, diseases and climate change) to high politics (for example, cybercrime, people's radicalization, military intervention, power, civil war and terrorism).

While this thesis largely draws from securitization, it also considers the complexity and the complementary nature of its research topic. As discussed in Chapter 2, this research covers immigration, human rights law, economics, sociology, history, religion, human geography, demography, history and more. Dealing with such diverse knowledge requires an interdisciplinary approach consisting of integrating information, data and theories from multiple disciplines 'to advance fundamental understanding or to solve problems whose solutions are beyond the scope of a single discipline or field of research practice' (Barković, 2010, p. 952). A multidisciplinary approach requires the ability to carefully retrieve and select evidence that is both relevant and useable. It also requires intellectual self-discipline and interdisciplinary knowledge; lack of either results in overlooking or excluding important evidence outside one's area of expertise. There are two forms of data collected: primary (interviews with refugees and others) and secondary (critical analysis of extant

literature). My first question was: What direct and indirect threats (if any) do refugees and asylum seekers pose to Australia? My second question was: What are the public attitudes towards refugees and asylum seekers? The public's perception of indirect and direct threats by refugees and asylum seekers, and attitudes towards them, were ascertained from an analysis of data collected from interviews, speeches, parliamentary debates, briefing notes and media releases of public officials in Australia.

Drawing insights from the CSS literature, the analysis is limited to the language of politicians who have influenced the refugee discourse in Australia. A focus on how this discourse has impacted policy formulation, especially the framing of asylum seekers as a threat, forms the core of this thesis and enables an understanding of how politicians' rhetoric and style can shape issues to influence the media and public opinion (McDonald, 2008a, 2008b, 2011). My third question was: Is the public attitude towards refugees and asylum seekers related to general threats or specific security threats they pose to Australia?. In question four I asked: How have these perceptions shaped Australia's refugee and asylum seekers' policy over the years? The answers have been analysed from data collected through interviews.

Based on the literature, pre-identified themes taken from explored literature help to understand political discourse and the metaphors of political elites that have influenced attitude toward refugees and asylum seekers in Australia. These attitudes have resulted in negative narratives such as: refugees pose a threat to borders and to the economy; refugees are a burden to Australia's welfare system; asylum seekers are clients of people smugglers; refugees have a lack of integration and cohesion; and refugees are job takers.

This thesis attempts to locate the discourse on refugees in Australia within the international context; comprised of rules and norms regulating the flow of asylum seekers and to which Australia has solemnly agreed to be bound as a sovereign country in order to determine how refugees and asylum seekers are managed. This means having the will, ability and capacity to conduct its affairs in relation to agreed international standards. Australia is also considered as a sovereign country; that is, a country with the full capacity and freedom to determine its own destiny.

4.2 Qualitative research

This research is qualitative in nature, with the main focus being to understand the alleged security threats posed by refugees and asylum seekers in Australia. Qualitative research is social research based on observations made in the field and analysed in non-statistical ways (Flick, 2018; Brinkmann, 2015; Kvale & Brinkmann, 2014; Miles, Huberman, & Saldana, 2013; Dooley, 2003). Shank (2002, p. 5) argued that qualitative research is ‘a form of systematic empirical inquiry into meaning’. Two aspects are important in this definition. First, that qualitative research involves ‘a systematic enquiry’ that is *planned, ordered and public*, following rules agreed on by members of the qualitative research community. The second aspect is that it is an ‘empirical enquiry’, meaning that it is grounded in the world of experience. Qualitative researchers try to understand how others make sense of their experience. Further, qualitative research takes an interpretive and naturalistic approach. Qualitative researchers study things in their natural settings, attempting to make sense of or interpret phenomena in terms of the meanings people bring to them (Brinkmann, 2015; Denzin & Lincoln, 2005). Kothari (2004, p. 5) noted that the ‘qualitative approach to research is concerned with subjective assessment of attitudes, opinions and behaviour’. Qualitative research uses participants’ observations, interviews and personal

documents in order to generate results either in a non-quantitative form or in a form which is not subjected to rigorous quantitative analysis (Kothari, 2004).

A qualitative approach was chosen for this study because the available research did not make external statistical generalizations or inferences about a population. Instead it attempts to understand the security threats posed by refugees and asylum seekers in Australia by posing and answering research questions through a series of interviews conducted for this purpose. While these questions may be interpretive, they are qualitative in nature as they strive to make sense of, or interpret, phenomena in terms of the meanings people assign to them (Onwuegbuzie & Leech, 2007; Denzin & Lincoln, 2005). Therefore, some of the gathered data in this research has characteristics that cannot be measured and/or quantified. The outcomes of this research aim to describe what is occurring within the refugee policy discourse by understanding participants' refugee experiences or experience with refugees. However, they have the weakness of relying heavily on the abilities, skills, personal interpretations and judgments of the researcher (Denscombe, 2007; Cohen, Manion & Morrison, 2007; Bell, 2005).

4.3 Research location

This research was conducted in Western Australia (WA). WA might not be representative of Australia but immigration is a federal matter. Thus any such issue that affects WA also affects Australia at the federal level. The research location was selected due to this researcher's awareness of the presence of both potential participants in that state and several refugee detention centres. Interviewing policymakers and decision makers (government and political party officials) in Canberra or elsewhere was unfeasible due to the political context at the time of this research.

4.4 Research design

Research design is the ‘conceptual structure within which research is conducted’ (Kothari, 2004, p. 31). As per this definition, a research design is a blueprint for data collection, measurement and analysis. In this way, the research design outlines ‘what the researcher will do, from writing the hypothesis and its operational implications to the final analysis of data’ (Kothari, 2004, p. 32). In other words, research design is a plan for connecting the conceptual research issue to the relevant empirical research by stating what data is required, the methods used to collect and analyse the data, and how such data will answer the research questions.

The task in this thesis was twofold: firstly, to examine the security threats posed by refugees and asylum seekers to Australia; and secondly, to assess the public’s attitudes towards refugees and asylum seekers and the threats they pose to Australia, and the policy directions of government as a response to perceived threats. In so doing, this study investigated different allegations of threats posed by refugees and asylum seekers in Australia to assess their accuracy and legitimacy. The first type of threat consists of direct security threats: that is, threats caused by the spillover of conflict from countries of origin (such as direct armed attacks). This is explored in Chapter 6. The second consists of indirect security threats such as intensified scrambles for opportunities, or opportunity threat and grievance threats (explored in Chapter 7).

This investigation departed from the prism of two types of perceived security threats with regard to the granting of safe haven to asylum seekers.

The analysis and investigation of possible security threats focuses on the contention that refugees and asylum seekers are a threat to Australia’s security. It was noted that every country has the right to exclude aliens from its territory, and that there

are security and economic considerations that any country has to take when dealing with refugees.

The research questions asked in this thesis (see Section 1.3) are largely unanswered in the relevant literature. My personal experience in this research presents both strengths and some limitations. My personal and professional lives reveal several strengths. Firstly, I was motivated to endure many challenges related to this study, some of which could have easily discouraged me. However, I never lost my courage and determination to finish this project, regardless of several challenges I encountered during my research period. Secondly, my background helped me with direct experience I could rely on when addressing key points as I have lived some of things that I have presented in this thesis.

My background was not only a source of strength in this study. It also constituted a limitation in many ways. Firstly, this experience might be unique to me and not to others. Secondly, this personal experience may lead to bias in the research and may prompt concerns over methodology, neutrality, potential for exaggeration and provocation, non-representative samples and ethical considerations. Thirdly, some participants may have retained, omitted or withheld some information on the assumption that I already knew it. Others might have done so to avoid irritating me, triggering past memories, or being perceived as racist or anti-refugee. An additional limitation was the time frame of this thesis, during which the Australian political landscape kept shifting. During the research period, Australia underwent significant governmental changes that saw refugee and asylum seeker policy and practices frequently being altered. This resulted in numerous events that changed the significance of the gathered data.

Some of these limitations were anticipated and all ethical measures were taken to minimize potential concerns. Understandably, these concerns continued after the time of writing due to the different stances researchers took before, during and after the research process. For example, prior to the collection of data, some researchers may have intended to defend or oppose refugees. Jacobsen and Landau (2003, p. 185) called such an approach ‘advocacy research’. Such solidarity with either refugees or the government distinguishes academic research from advocacy research.

My research was designed with caution and consideration towards people’s misery and suffering. It delves into sensitive research topics (Deana et al. 2012; Wellings et al. 2000) and constitutes research into others’ suffering (Turton, 1996). The research required participants to discuss their attitudes, beliefs and behaviours towards refugees and asylum seekers; something many would consider to be personal and private information.

In researching sensitive issues (in this case, those surrounding asylum seekers and refugees), a researcher must consider a range of issues (Stanković, 2021; Schweitzer & Steel, 2008; Liamputtong, 2007; Jacobsen & Landau, 2003) including methodology, sampling, ethics, informed consent, and data, storage and analysis (Brinkmann & Kvale, 2008; Christians, 2005). In addition, sensitive research may present potential effects on the personal life experience and security of the researcher (Lee & Lee, 2012; Lee, 1993; Lee & Renzetti, 1990). These concerns and aspects must be addressed so as to produce ethical and quality research that minimizes the risks to participants. Jacobsen and Landau (2003, p. 1) observed that ‘much of the current research on forced migration is based on unsound methodology, and that the data and subsequent policy conclusions are often flawed or ethically suspect’. This is especially apparent when research is conducted in the midst of situations such as a humanitarian

crisis or a tumultuous political environment. The latter was present during the research period.

Additional problems that might arise include ‘non-representativeness and bias, issues arising from working in unfamiliar contexts including translation and the use of local researchers, and ethical dilemmas including security and confidentiality issues and whether researchers are doing enough to ‘do no harm’ (Jacobsen & Landau, 2003). The present research noted and addressed these potential methodological, ethical and political problems. Letters were sent to politicians requesting their participation in the study. No positive responses were received. Some cited the government’s policy of not revealing what Michael Pezzullo⁷⁴, Secretary of the DIBP, described as ‘operational matters’ that could be used by ‘people smugglers’ (as cited in Packham, 2014). Evidence from Wilson (2014) suggested that the Abbott Government decided to crack down on information released about Abbott’s military-led campaign to stop the boats, including whether any asylum seeker vessels had been turned back. Thus, the political context at the time of this research entailed the utmost and legally enforced secrecy on asylum seeker issues, rendered the sample size of the participants as small, and forced this researcher to rely on official documents, public statements, press releases and interviews by politicians at various ministerial levels.

4.4.1 Participant sampling and recruitment

Forty-five people were interviewed for this research. The population of interest for this study were individuals of refugee background, those who had worked with

⁷⁴ Michael Pezzullo became secretary of the Australian Department of Immigration and Border Protection (renamed the Department of Home Affairs in 2017) in October 2014. Prior to that, Mr Pezzullo was chief executive officer of the Australian Customs and Border Protection Service, where he was responsible for border-related intelligence, offshore maritime security, national security and law enforcement programmes, integrity and professional standards, and corporate operations.

refugees in the capacity of refugee service providers and the ‘non-refugee participants’ who had encountered refugees in their daily life. People who identified themselves as *asylum seekers* were excluded from the research due to ethical considerations.

Participants were selected using a purposive sampling method based on the researcher’s knowledge of a population (Etikan, Musa & Alkassim, 2016; Babbie, 2013; Patton, 2002). In other words, the researcher deliberately makes a choice of participants based on the qualities, knowledge or experience they possess. This method is used in qualitative research to identify and select in-depth information (Suen, Huang & Lee, 2014; Cresswell & Plano Clark, 2011).

In addition to the purposive sampling technique, snowball sampling was used to select ‘non-refugee informants’ and service providers. Snowball sampling consists of the collection of data from the few members of the target population the researcher can locate, then asking those individuals to provide the information needed to locate other members of that population (Babbie, 2013; Noy, 2008). Snowball sampling helps a researcher access participants through contact information provided by other participants (Noy, 2008).

Having had a refugee background, I have pre-existing knowledge of the field and people. This network was used to contact possible informants who in turn introduced the researcher to other participants. All informants who were friends/relatives were excluded from the research.

4.4.2 Interviews with people from refugee and non-refugee backgrounds

The first category in this cohort consisted of people who identified themselves as being of a ‘refugee’ background. They may have arrived in Australia as resettled refugees or by boats as ‘asylum seekers’, but their refugee status had been approved at the time of conducting the interview.

Table 3: **Refugee participants**

| No. | Code | Gender | Age | Date of arrival | Level of education | Date of interview |
|-----|------|--------|-----|-----------------|--------------------|-------------------|
| 1 | AR | M | 45 | 2006 | University | 11/6/2013 |
| 2 | CK | M | 21 | 2003 | University | 5/5/2013 |
| 3 | DK | F | 22 | 2013 | University | 17/01/2014 |
| 4 | DN | M | 45 | 2005 | University | 22/05/2013 |
| 5 | FK | M | 33 | 2005 | High school | 17/01/2014 |
| 6 | GK | M | 21 | 2004 | High school | 22/05/2013 |
| 7 | IJ | F | 60 | 2005 | High school | 18/01/2014 |
| 8 | IM | F | 58 | 2001 | University | 11/6/2013 |
| 9 | JB | M | 56 | 2013 | University | 11/6/2013 |
| 10 | KLA | F | 48 | 2001 | University | 23/06/2013 |
| 11 | KT | M | 21 | 2010 | University | 12/6/2013 |
| 12 | LG | M | 38 | 2006 | High school | 28/05/2013 |
| 13 | LMSC | F | 27 | 2010 | University | 28/05/2013 |
| 14 | MAK | M | 45 | 2010 | University | 2/4/2014 |
| 15 | MM | F | 50 | 2003 | High school | 24/05/2013 |
| 16 | MOM | M | 38 | 2006 | High school | 24/04/2014 |
| 17 | MRM | F | 60 | 2010 | High school | 24/04/2014 |
| 18 | RC | M | 35 | 2009 | High school | 24/04/2014 |
| 19 | RK | F | 60 | 2006 | High school | 24/04/2014 |
| 20 | RT | M | 51 | 2009 | High school | 24/04/2014 |
| 21 | SB | M | 30 | 2006 | High school | 24/04/2014 |
| 22 | SO | F | 39 | 2011 | University | 24/04/2014 |
| 23 | SS | F | 30 | 2013 | High school | 22/03/2014 |
| 24 | YJ | F | 33 | 2006 | High school | 22/03/2014 |

Table 3 shows the sample of refugee participants, which is almost an even split between males and females. Ages ranged from 21 to 60 years. On average, at the time of interview, they had lived in Australia for about 12 years, although there was a small number of recent arrivals.

4.4.3 Non-refugee sample

The second category in this cohort consisted of people who identified themselves as ‘non-refugee’. They represent ordinary individuals who do not identify

themselves as ‘refugees’, are not politicians and do not influence refugee policy formulation, but who have experience with refugees (for example, living with refugees as neighbours) and are aware of the security threats refugees might present. The majority of these participants were educated up to the tertiary level and had been employed for at least the past six months. Participants were selected on the basis of their awareness and experience of refugee and asylum seekers involvement in activities such as terrorism; armed robbery; arms, people and illicit drugs smuggling (that is, direct threats); and competition over opportunities including employment, identities and scarce resources (that is, indirect threats).

Table 4: Service providers and/non-refugee participants

| No. | Code | Gender | Age | Status | Date of Interview |
|-----|------|--------|-----|---------------------|-------------------|
| 1 | AN | F | 33 | Service provider | 24/05/2013 |
| 2 | CS | M | 50 | Non-refugee | 24/04/2014 |
| 3 | GT | F | 21 | Service provider | 17/01/2014 |
| 4 | HBM | M | 23 | Non-refugee | 24/04/2014 |
| 5 | KF | M | 22 | Non-refugee | 17/01/2014 |
| 6 | KL | M | 21 | Service provider | 05/05/2013 |
| 7 | KR | M | 39 | Non-refugee | 24/04/2014 |
| 8 | LA | F | 40 | Service provider | 11/06/2013 |
| 9 | LS | M | 48 | Non-refugee | 09/07/2013 |
| 10 | MA | F | 38 | Non-refugee/teacher | 11/06/2013 |
| 11 | MIT | F | 21 | Non-refugee/teacher | 22/05/2013 |
| 12 | MO | M | 58 | Service provider | 23/06/2013 |
| 13 | MOT | M | 37 | Non-refugee | 24/04/2014 |
| 14 | MR | M | 30 | Service provider | 12/06/2013 |
| 15 | NN | M | 39 | Service provider | 18/01/2014 |
| 16 | PGP | M | 68 | Non-refugee/pastor | 22/05/2013 |
| 17 | RC | M | 38 | Service provider | 28/05/2013 |
| 18 | SOO | F | 30 | Service provider | 28/05/2013 |
| 19 | SS | F | 45 | Non-refugee/teacher | 11/06/2013 |
| 20 | SS | F | 45 | Service provider | 02/04/2014 |
| 21 | VG | F | 58 | Non-refugee | 12/04/2014 |

4.4.4 Interviews with refugee service providers

Non-government organisations were chosen because they represent refugee service providers. The following WA-based organizations were approached: the

Metropolitan Migrants Resource Centre; Coalition for Asylum Seekers, Refugees and Detainees; Legal Aid; Ethnic Community Councils and RCOA. The majority of these organisations receive government funding, especially through the DIBP. Some organizations were suspicious of this research and fearful of revealing information. Others refused to participate due to the sensitivity of the topic, given the political context during the research period and the associated potential for funding cuts.

4.4.5 Data collection methods

This study used in-depth interviews to collect data. In-depth interviewing ‘involves conducting intensive individual interviews with a small number of respondents to explore their perspectives on a particular idea, program, or situation’ (Boyce & Neale, 2006, p. 3). This technique is important for studying and understanding the relevance of alleged threats posed by refugees and asylum seekers to Australia.

In-depth interviews are useful when a researcher wants to explore new issues, and are used to collect detailed information that provides a clear context to other data by offering a more complete picture of a particular event or issue. To Kothari (2004, p. 98), in-depth interviews are synonymous with semi-structured interviews. Kothari (2004, p. 98) observed that unstructured interviews are characterized by their flexible approach to questioning because they do not follow a system of predetermined questions and standardized techniques of recording information. Semi-structured interviews offer much greater freedom for the interviewer to ask questions and subsequently follow up with supplementary questions if needed. They also offer the interviewer the opportunity omit certain questions if the situation so requires.

This researcher conducted one-on-one, in-person interviews. This enabled direct contact with the interviewees, allowing the researcher to observe respondents as

completely as possible to properly understand their meanings. Questions were open ended to allow respondents to elaborate on points at their leisure, with some probing questions used to obtain additional information (see Appendix 1). Gaps in information and understanding in the literature were identified, thus delineating what needed to be sourced.

4.5 Data collection

This section explores how my data was collected. As stated earlier, this research sought to conduct in-depth interviews for government officials, refugee service providers and people of both refugee and non-refugee background. For various reasons explained previously, I failed to recruit government officials as participants. Therefore, the thesis relied on two data sources: primary and secondary.

Primary data was sought in the form of interviews conducted from 2013 to 2014. During this period, I conducted forty-five semi-structured interviews with service providers, refugees and non-refugees. In-depth key informant interviewees were purposely chosen, based on the roles of participants and their involvement in refugee- related issues.

Secondary data was sought from publicly available information, political speeches, parliamentary debates, reports and policies on refugees and asylum seekers. As discussed previously due to the inability to involve politicians in the study, I was forced to reconsider my approach and relied on publicly accessible sources such parliamentary debates, speeches by politicians, ministerial media releases and interviews (including those with prime ministers), websites, reports, media releases, legislations and policies to understand government official position on this matter. This led me to adopt critical discourse analysis (CDA) as an approach to analyse the data.

This research purposively targeted government officials (political elites), NGOs, refugees and non-refugees. Government officials were chosen because of their roles in influencing and shaping refugee policy formulation, implementation and/or enforcement. The target population in this category comprised members of parliament and leaders of political parties.

4.6 Ethical considerations

Ethical conduct is paramount for any research, and it is the primary responsibility of researchers to ensure that their research is undertaken in an ethical manner. Ethical responsibilities include ensuring that the well-being of participants is not negatively affected by the research, and that there is mutual respect and trust between participants and researchers. Ethical behaviour ‘helps protect individuals, communities and environments and offers the potential to increase the sum of good in the world’ (Israel & Hay, 2006). Additionally, a ‘research study that does not adhere to the highest ethical standards will be at risk of losing the trust of a community, and either failing to obtain honest responses to questions or failing to engage participants altogether’ (Ellis et al. 2007)

Ethical considerations become more complex and even challenging when researching refugees, asylum seekers and IDPs (Akesson et al. 2018; Merry et al. 2014; Dávila, 2014). Among the challenges associated with researching refugees and asylum seekers include the methodological and ethical difficulties that this cohort may present (Obijiofor et al. 2018; MacKenzie, McDowell & Pittaway, 2007; Pernice, 1994). Additionally, researchers studying refugee issues may face cultural differences and diversity, contextual differences between refugees and host communities, problems with translation of instruments, issues with sampling and sample size, prejudice, observation of etiquette, the backgrounds of respondents. The population usually fears

violence or persecution, may be mobile, may not be homogeneous and may speak multiple languages (Obijiofor et al. 2018; MacKenzie, McDowell & Pittaway, 2007; Pernice, 1994). In addition to the above issues, researchers working with refugees and migrants face the possibility that trauma might be triggered by their research (Schweitzer & Steel, 2008). All of these factors raise considerable methodological and ethical questions that researchers must be aware of and anticipate in dealing with refugees.

While the methodological and ethical complexities and challenges in undertaking research involving refugees and other vulnerable groups are well known and recognized, the practical solutions to these difficulties remain another challenge to researchers.; a number of whom who have called for flexibility in research ethics (Petrova, Dewing & Camilleri, 2016; Øye et al. 2016; Gombert, Douglas, McArdle & Carlisle, 2015; Guillemin & Gillam, 2004). Noting the methodological and ethical hurdles that refugee research can present, Øye, Sørensen and Glasdam (2016) advocated for flexibility in research ethics in qualitative research; that is, ethical consideration should be flexible and adjusted depending on the circumstances (Øye et al. 2016).

Possible methodological and ethical challenges were taken into consideration prior to commencing this research, and were raised and addressed in the ethics approval application to the Curtin University Human Research Ethics Committee, the approval of which was granted on 15 April 2013 under No. HR 48/2013.

4.6.1 Harm minimization

This thesis explored people's experience of refugees and asylum seekers using a wide range of cohorts, including refugees. It was anticipated that the storytelling involved in the interviews could trigger memories of trauma, deprivation, violence,

stress, victimization, racial vilification, social isolation, criminalization, feelings of loss and persecution, guilt, human right abuses, fear, mistrust, discrimination, negative stereotyping, violence and mental health issues. Such research can only be ethically justified if it aims to alleviate that suffering and not exaggerate it. The three key elements to be considered are: the questions to ask, the audience to address and the environment (or people) to study (Schmidt, 2007; Birman, 2005). All appropriate steps were taken to ensure that the research did not expose respondents to risk (Commonwealth of Australia, 1999, para 1.14).

Interview questions were carefully framed to minimize harm. Prior to interviews, participants were informed that the research had ethics approval and were provided with the contact details of the committee (see Appendix 2).

Participants were informed that there was no anticipated risk for any person participating in the study (Commonwealth of Australia, 1999). They were asked to tell the researcher if they felt distressed or uncomfortable at any point and were informed that immediate support could be arranged (at no expense to them) (Commonwealth of Australia, 1999, para. 1.17). Participants were informed that they could withdraw from the study or request that their information be withdrawn at any time, with no consequence (King & Horrocks, 2017, p. 34; Commonwealth of Australia, 1999, paras 1.8, 1.10).

4.6.2 Informed consent

The respect of participants' autonomy to freely provide informed consent for their participation is vital in any ethical research (Commonwealth of Australia, 1999, para. 1.7). A person is believed to freely consent to participate in research when such participation is not 'subject to any coercion, or to any inducement or influence which could impair its voluntary character' (Commonwealth of Australia, 1999, para. 1.10).

A researcher must seek the consent of participants before commencing any data collection. This involves the provision of written documents outlining possible risks and benefits, and obtaining the voluntary participation of all individuals taking part in the study (Commonwealth of Australia, 1999, para. 1.9).

Participant consent was obtained prior to interviews. Participants were made aware of what they were agreeing to and of their rights, including the rights to decline to participate, withdraw at any time and/or have their data withdrawn with no repercussions. Every participant was given a participant information letter (see Appendix 3) and statement of consent form (see Appendix 4) (Commonwealth of Australia, 1999, paras 1.9, 1.10). The process of obtaining informed consent can be problematic due to barriers in language, culture, educational background and social norms (Leaning, 2001). Those who could not read English were provided with an interpreter. After confirming that the participant understood the purpose of the research and their rights, they were asked to sign the consent form. Some participants decided to remain anonymous and gave verbal consent without signing the consent form. All interviews were audio recorded and transcribed.

4.6.3 Confidentiality and anonymity

The anonymity and privacy of participants is critical to safeguard their well-being and minimize harm (Merry et al. 2014; MacKenzie et al. 2007). Confidentiality entails the protection of participants' identities (Bresler, 1995, p. 34) and ensures that information and data is handled and stored securely, and anonymized when presented (King & Horrocks, 2017). This was undertaken in this research. All information was treated in a strictly confidential manner, interviews were only discussed with this researcher's thesis supervisors and information was anonymized.

4.6.4 Audio recording

Interviews were audio recorded with participants' consent (some expressed the wish to not have their interviews recorded). Interviews were conducted in places determined by participants, where they felt comfortable and secure (participants' homes, places of employment and cafés). All information was treated in a strictly confidential manner.

4.7 Data analysis

According to Dey (1993, p. 31), data analysis is a process of resolving data into its constituent components to reveal its characteristic elements and structure. 'In qualitative research, researchers 'break down the data in order to classify it, and the concepts we create or employ in classifying the data, and the connections we make between these concepts, provide the basis of a fresh description' (Dey 1993, p. 31). Through this process, reconceptualization of the data was achieved.

All recorded interviews were transcribed and then thematically analysed to identify recurring themes. Patterns appearing across several observations revealed different cases under study. Babbie (2013, p. 390) called this approach 'cross-case analysis'. However, Onwuegbuzie, et al. (2009, p.5) describes this analytical approach as 'constant comparison approach'. Constant coding comparison consisted of three stages: first an open coding, a stage where data is shrunk into small units and the researcher attaches a descriptor, called codes, to each unit (Leech and Onwuegbuzie, 2007, 2008; Strauss & Corbin, 1998). Then comes the axial coding; a stage where the codes are categorized. Finally, via selective coding, the researcher develops one or multiple themes that express the content of each of the groups. Themes in this study were compared and contrasted and linked to the literature and thesis research questions. Under each theme, participants identified a number of issues. Case-oriented

analysis was used to understand particular cases by looking closely at the details of each (Huberman & Miles, 1994) and cross-checking these against the literature.

The first step in data analysis was to develop thorough and comprehensive descriptions of participants by describing the context of their acts, the intentions and meanings of their actions, and the processes in which they are embedded. For example, one participant recalled that they fled from Burundi to the DRC and then to South Africa, from where they were resettled in Australia. To give the researcher a picture of why asylum seekers do not stay in transit countries, this respondent was asked why they did not stay in their first country of asylum. This case is explored in Chapter 8.

Additionally, CDA was used to analyse documents. Weiss and Wodak (2003, p. 11) argued that the foundation of critical discourse analysis is based on 'classical rhetoric'. For this thesis, this means identifying differences and similarities between the cohorts of participants. CDA is a form of analysis which studies 'discourse' and is mostly related to the study of language (Fairclough, 1995). This approach aims to analyse texts, discourse, rhetoric, conversations, speeches or any other communicative events (Van Dijk, 2001). Using CDA, I have analysed threat perception as presented in different political speeches, media releases, national security strategies, the Defence White Papers (2009, 2013 and 2016) and the Australia in the Asian Century White Paper (2016) which were then translated into policy preferences regarding refugees and asylum seekers. CDA, as an approach, is particularly fit for this study, given the perceived intentional secrecy around the implementation of the Coalition Government's OSB. This refugee policy demonstrated both the difficulties researchers face gaining government cooperation, and other explicit legislative and policy barriers. As will be illustrated in chapter 6, some of these barriers are not surprising as they may have existed for legitimate reasons, given the paramount need of confidentiality in

Australia's military-like refugee policy. They may also be justified as minimizing potential risks for asylum seekers.

Political Discourse Analysis (PDA) covers a variety of political communicative events and talks within a particular political context (Chomsky & Foucault, 2015; Hay, 2002, 2013; Fairclough & Fairclough, 2012; Chilton & Schäffner, 2002; Chomsky, 2004; Schaffner, 1996). PDA is 'identified by its actor or actors vs politicians' (Van Dijk, 1997, p.12). These communicative events include, but are not limited to, political arguments, contentions regarding how to act on things through speeches, media releases, bill readings, and policy and legislative preferences that politicians and public figures have uttered.

In this thesis, I explored political discourse framing asylum seekers and the refugees as a threat from 2009-2017. I have analysed several narratives of the securitization of asylum translated in policy measures and legislation preferences by successive governments (Labor-Liberal/Coalition) during this period.

In undertaking my empirical analysis, I have completed a thorough review of documents⁷⁵ regarding refugees and asylum seekers in Australia from 2009 to 2017. This period is critical in the history of immigration in Australia because of how asylum seeker policy direction became an election agenda and over-militarized in the daily political language. These documents included *the Migration Act 1958*, *Australian Border Force Act 2015*, political speeches, media releases, parliamentary debates, the Asian Century White Paper, the national security strategy, the Labor Non-advantage Policy and the Liberal OSB.

Policy preference, which informs political discourse, is not to be understood in isolation (Johnson, 2007:14). Instead, it should be understood in relation to the

⁷⁵ Media releases and politicians' speeches, in particular, ensured a broad variety of texts and opinions.

historical and socio-economic context of the time to reflect how issues are constructed in discourse and how one policy is preferred over another. PDA as a process aims to uncover the way refugees and asylum seekers are discursively constructed by political actors, the actions and narratives of whom may result in legislation and policy preferences that are constructed on the basis of possible threat perception and threat-mitigating political narratives. These preferences include: deterrence of asylum seekers who arrive by boats; threat perception under border protection narrative; forcing boats to turn back to Indonesia; transferring asylum seekers to the neighbouring island nations of Nauru and PNG; and creation of the Australia Border Force (ABF).

Given the secrecy around the issue of asylum seekers and refugees in Australia, the data was drawn from the language of politicians discussing refugees and asylum seekers. This involved deeper understanding of the threat perception in the political sphere. It also provided an explanation of why threat perception may lead to certain policy preferences over others by analysing threat language, its explanation, and its relationship to refugee and asylum policy. Reading through this corpus led to the identification of the key issue to be explored. Drawing from the CSS literature, especially how issues can be securitized, the analysis is limited to political speeches that refer to refugees, boat arrivals and people smugglers as a threat to national security.

In doing so, this thesis emphasizes the need for an interdisciplinary approach to understand how people's experiences can shape their language in spreading knowledge, shaping power and organising institutions to be prepared for a possible threat.

The interviews with all participants examined why the non-refugee informants believe that refugees and asylum seekers are a security threat (Chapters 5, 6 and 7).

Following from existing Australian experience with asylum seekers, the investigation of direct security threats consisted of examining perceived attitudes vis-à-vis direct and indirect threats (including the potential exacerbation of pre-existing intergroup tensions in Australia). The following four themes were covered.

The first theme examines Australia's securitization of asylum seekers. Using a discourse analysis of political speeches, this theme relates to two specific questions: What direct and indirect threats (if any) do refugees and asylum seekers pose to Australia? (Q. 1); and How have these perceptions shaped Australia's refugee and asylum seeker policy over the years? (Q. 4)

The second theme explores whether the public's attitude towards refugees and asylum seekers is related to the security threats they pose to Australia. The data gathered on this theme has helped to shed light on why and how Australia's anxiety about refugees is increasing. For example, does it matter which mode of arrival an asylum seeker uses to reach Australia? Do resettled refugees from overseas refugee camps pose any security threat to Australia? This theme was explored to explain Australian's anxiety about refugees and asylum seekers vis-à-vis the socio-demographic composition of Australia (that is, the threat to identity). Data from this theme helps to answer question 2: What are the public's attitudes towards refugees and asylum seekers, and the threats they pose to Australia?

The third theme explores non-refugee informants' awareness of the alleged security threats posed by refugees and asylum seekers to Australia. Respondents were asked about their personal contact with refugees and asylum seekers (as neighbours, customers, colleagues, students, co-workers, etc.) to determine perceptions of possible security threats posed by refugees and asylum seekers. Respondents were also asked if their contact with refugees or asylum seekers had influenced their attitudes and/or

opinions towards asylum seekers, and whether they had any anticipatory fear of nothing being done to deter refugees and asylum seekers from arriving in Australia (Chapter 7). The information helps to answer the key questions and contributes to the intended framing by type of security threat (direct/indirect).

Research data was analysed using NVivo. This software assisted me to manage, organize and integrate my data characteristics in the sample and developed consistent generalizations and conclusions based on theming, comparing, contrasting and interpreting the data. Constant themes (those repeatedly and frequently discussed by participants from all cohorts) were considered part of the theory-building processes if linked and related to the research questions. The theory-building process refers to the ensemble of claims about which we can generate ideas to interpret how things are and should be. They are considered as they provide the basis for theory development (that is, theory that guides the research and, in turn, changes as new findings point to improvements) and contribute to understanding security threats posed by refugees and asylum seekers in Australia.

4.8 Conclusion

In this chapter I have discussed methodology that was used to collect my data and analyse it. I have indicated that this study is qualitative in nature and, like other qualitative researches, it has used interviews a method of data collection. The analysis of such data consisted of non-numerical examination and interpretation of observations. From these observations, meanings and relationships were discovered in order to make sense of the data collected.

The study uses two types of data: primary data and secondary data. Primary data were interviews from multiple interviews that I conducted from 2013 to 2014. Secondary data were drawn from political speeches, media releases. This publicly

available data allowed me to analyse asylum securitization in Australia. It noted that a discourse analysis of publicly available political speeches, legislation/policy documents on asylum seekers and refugees will be utilized to understand how representations in the discourse can shape the way politicians perceive threats.

Chapter 5: Australia and its asylum seeker crisis 2009-2017

A means of exploring the securitization of asylum policy in Australia is through an examination of relevant legislation, political speeches and acts. In this chapter I analyse the ways political discourse constructs refugees and asylum seekers as a threat in Australia. It focuses on the period 2009 to 2017. This period is selectively chosen for three basic reasons: firstly, it was during this time that Australia asylum policy altered after the Howard Government's Pacific Solution was scrapped by Kevin Rudd. Secondly, this period also involved multiple changes in the government whereby the issue of asylum policy recurred as an election issue. Thirdly, from 2009 to 2013 Australia experienced an increase in the number of asylum seekers who arrived by boats compared to during the Howard era.

The chapter comprises four main sections. In the first section, I start by mapping out the Australian national security strategy in order to understand the country's security outlook and approach. In the second section, I analyse the discourse of threat and the asylum policy preferences during the Rudd-Gillard-Rudd Labor Governments and the Liberal-National Party Coalition Governments of Abbott and Malcolm Turnbull. Thirdly, through three lenses of analysis of threat perception, I investigate the construction of refugees and asylum seekers as 'threatening agents' against whom policy measures have to be taken in order to protect Australian borders and sovereignty (radicals), resources (economics) and lives at sea (humanitarians).

The last section analyses the impacts of the securitization of asylum policy to Australia (humanitarian smuggling), neighbouring countries (such as Indonesia), the international community (international reputation) and refugees (protection denial).

5.1 The national security strategy and securitization of the asylum policy

In this section, I consider empirical features of political discourse on refugees and asylum seekers which construct them as a threat to national security through an examination of parliamentary debates, speeches and/or media releases. Using speech acts and their ‘implications’, I start by examining Australian national security strategy. This is important because it helps the reader to understand Australia’s perception of its national security threats, what they are and how to counter them. In doing so, this section will position asylum policy in Australia in the broader security context of border security, people smuggling, terrorism and other organized crimes as determinant factors in perceiving asylum seekers and refugees as a ‘threat’, and curbing, restraining or at least stretching rights to asylum for those seeking it in Australia (especially those who arrive by boats). This section seeks to examine how Australia conceives its national security outlook and what factors have led to the construction of threat perception in discourses related to refugees and asylum seekers.

Australia’s national security approach is clearly stated in its Defence White Papers (2009, 2013 and 2016), in which the pillars of security are outlined and strategies established. The analysis of these White Papers has shown that the overall security approach in Australia is broad and multi-sectorial; so are the threat perceptions. The Defence White Paper (2009) titled *Defending Australia in the Asian Century* acknowledges Buzan’s broader national security approach (p.20) with particular emphasis on secure borders, stability in the region and secure neighbours (p.41). Such a security approach broadens the term ‘security’ in keeping with the CS identified in the literature review.

While broadening the security approach, Defence White Paper (2009) also emphasizes economic prosperity and acknowledges the many security challenges that may come with globalization, terrorism, proliferation of weapons of mass destruction, climate change and resource security (p.39). While state-based threats are still a reality in the current international security context, threats posed by non-state actors exist and are sometimes harder to identify (Hansen, 2004, p. 691). It is, perhaps, with awareness of the emerging security challenges posed by non-state actors that the Joint Standing Committee on Foreign Affairs, Defence and Trade (2000) recommended the development and maintenance of a national security policy in Australia. Towards the end of the decade, the Australian government committed to regular reviews of its national security and emerging challenges. One outcome of this was the recognition of the fundamental changes occurring in the world and the resulting economic opportunities and security concerns for Australia.

In support of a commitment to regular reviews, the 2013 Australian Defence White Paper reports on the then current national security concerns, including ensuring Australia's freedom from attack or threat of attack, maintaining Australia's territorial integrity, promoting political sovereignty, preserving hard-won freedoms and sustaining Australia's fundamental capacity to advance economic prosperity for all Australians (Commonwealth of Australia, 2013a, p. 23). It appears that the national security approach contained in the white paper is a combination of the traditional military approach (realist paradigm) and the human security approach (the CSS paradigm). As Pezzullo⁷³ noted, 'Managing the **security and integrity of Australia's borders** is essential for the prosperity and the protection of the Australian community' (Pezzullo, 2013). Based on previous discussions in Chapters 2 and 3, this implies that border security and integrity are not only paramount for Australia's security but are

also essential elements of Australia's sovereignty. When, for example, Pezzullo (2013) states that 'border ... is in fact a strategic **national asset**', he suggests that not controlling borders is a sign of weaknesses, loss of sovereignty, insecurity and poor law enforcement.

Building on the previous defence documents, the 2016 Defence White Paper expanded the notion of 'threat perception' to include military and non-military approaches (direct and indirect security threat) to keep Australia safe and protect Australia's way of life for future generations. This suggests that Australia's security approach is not only focused on countering threats posed to Australia by other state-actors but also non-state actors. While the 2016 White Paper acknowledges that 'conflict, insecurity and economic factors will continue to dispossess millions across the world' (Commonwealth of Australia, 2016, p. 53), it concludes that Australian borders 'are likely to continue to be challenged by international criminal syndicates seeking to **smuggle illegal migrants**' (p. 53).

The 2016 Defence White Paper does not mention how Australia is prepared to assist refugees and asylum seekers who arrive by boats to seek protection. Instead, it states that its most basic defence strategy is; a secure, resilient Australia'' (p.17). A secure Australia, according to this white paper, is one capable of deterring, denying and defeating 'any attempt by a hostile country or non-state actor to attack, threaten or coerce Australia' (p.17). 'Threat perception', as constructed under the 2016 Defence White Paper, would thus regard asylum seekers who arrive by boats as breaching Australia's border and sovereignty. As Pezzullo further notes, 'Our **adversaries**, those who are trying to **breach the border**, circumvent our systems, and who on occasion seek direct insider support for their activities, are quick to adapt and prepared to **use infiltration and corruption** as a strategy' (Pezzullo,2013). At this junction, it should

be noted that Pezzullo does not directly mention refugees and asylum seekers as a target. However, the policy renders them as ‘adversaries’ and thus a target. Further, it does not distinguish asylum seekers from economic migrants. In support of this view, Scott Morrison, the then minister for Immigration, noted ‘Anyone seeking to illegally enter Australia, who is impacted by these conflicts or other events or situations, who comes illegally by boats, will not be resettled in Australia, in accordance with the Government’s policy’ (Morrison, 2013).

From this, Morrison may have been considering three factors: one, the threat (asylum seekers hereby framed as illegal maritime arrivals); two, the threatened entity (Australia and its sovereignty, borders, welfare system and way of life); and three, the agents (people smugglers). Framed in this context, uncontrolled arrival of people (be they refugees or not) and goods means insecurity and vulnerability to Australia.

As demonstrated above, Australia’s security strategy as outlined in successive Defence White Papers has expanded to include non-traditional military threats. These defence documents have laid down ambiguous foundations for the securitization of asylum seekers as there is no clear delineation between asylum seekers who arrive by boats and illegal migrants who also arrive by boats. In such an uncertain environment, threat perception and identification may lead to tougher national security measures which penalize both categories of arrivals on an equal basis, with tougher asylum policy preferences constructing asylum as a threat. As the next section will demonstrate, the threat-centric perception that exists in Australia’s security strategy has ramifications for policy preferences as it conflates refugees and asylum seekers with other traditional and military threats contained in successive defence strategies involving pre-emption⁷⁶ and countermeasures⁷⁷.

⁷⁶ These consists of measures undertaken before the occurrence of the threat.

⁷⁷ These occur after the threat has actually happened.

5.2 Discourse of threat perception in Speeches and Commentaries: Radical, Economical and Humanitarian Threat Perceptions

Australia's threat perception regarding refugees and asylum seekers must be understood in conjunction with other related policy preferences contained in the national security strategy, white papers, anti-people smuggling laws, terrorism laws, population policy, and financial and economic growth policies. Taken together, these policies and legislature determine what Australia perceives to be a threat.

When Julia Gillard became prime minister of Australia in 2010 after ousting Kevin Rudd, she changed Australia's asylum policy to strengthen existing asylum policies inherited from the previous Rudd Government. In her famous speech to the Lowy Institute on 6 July 2010, Gillard outlined her asylum seeker policy: 'Today I am announcing steps to strengthen Australia's border protection arrangements. I am setting out the long-term approach we will take to dealing with the pressure of the unauthorised arrivals' (Gillard, 2010). The term 'unauthorised arrivals' denotes individuals whose presence is illegal and thus undesired. The language of the illegality of certain asylum seekers becomes first and foremost an element justified by their mode of arrival, and is a determining factor which sets moral, humanitarian, economic and sovereign principles to be considered before that may be recognized as refugees. In addition, this same mode of arrival determined whether an eminent threat was perceived, deterred or contained.

In announcing the strengthening Australia's border protection arrangements, Gillard acknowledged that the existing policies were inadequate, given the increasing number of boat arrivals. As she observed, 'Of course there are racists in every country, but expressing desire for a clear and firm policy to deal with a very difficult problem does not make you a racist' (Gillard, 2010). Note that while Gillard acknowledged

there may be a perceived relationship between hard asylum policy directions and racism, she maintained that her policy was not racist. However, it confirms the belief that a strong asylum seeker policy preference was needed to curb asylum seeker arrivals. While the Gillard-Labor Government was securitizing asylum to appeal to Liberal voters, in practice it advocated for humanitarian realism. As Gillard (2010) noted:

Our nation will not leave children to drown⁷⁸. We are Australians and our values will never allow us to embrace this kind of evil. So, inevitably, the so-called strategy of turning the boats back would become a strategy of rescuing asylum seekers from the water, with all the risks that entails to lives of defence and customs personnel.

In this statement, not only was Gillard contradicting her predecessor's humanitarian approach to asylum; she was also launching an ambivalent asylum policy in which tougher borders were required in theory but appeared in practice as more humanitarian.

Australia's defence and security strategy is thus broad and complex. Not only does it involve many actors; it also anticipates the capacity of Australia to pre-empt long-term threat perception, potential enemies that may be harmful to Australia's national interest, growth opportunities and economic development. As Gillard pointed out in her speech:

People like my own parents who have worked hard all their lives can't abide the idea that others might get an inside track to special

⁷⁸ During this time, many asylum seekers used leaky and overcrowded fishing boats during their voyages to Australia. On 16 April 2009, asylum seekers from Afghanistan drowned when their boat exploded off Ashmore Reef near Christmas Island. On 15 December 2010, twenty-seven asylum seekers were drowned after a rickety a boat carrying them sank off the coast of Christmas Island.

privileges. And that finally, if this were to happen, it would offend the Australian sense of fair play. (Gillard, 2010).

To analyse this statement, let us consider using Van Dijk's model of CDA, which consists of a model based on four categories: context, action, power and ideology (van Dijk, 1997). Van Dijk's analysis of texts consists of several structures supporting each other. This is to say that words have meaning in the contexts that these words are being used in. As with Gillard's speech, one may focus on policy and strategy implications, and look at the language used and the aspects that they stand out for. First, Gillard's policy preference is constructed as a response to certain 'pressure'. Association of asylum seekers with unauthorized arrivals has an impact on the public's perception of asylum seekers as a 'threat' to established legality, the consequence of which should be punishment by established authority. To understand this, it is important to remember the discussion in Chapter 4 regarding threat creation and threat perception. In this context, asylum is constructed; not as in governmental responsibility to protect asylum seekers and comply with its international commitment but as a 'burden' (either financial or security). The second aspect is related to the construction of asylum as authorized sovereignty to control and secure Australian borders.

Gillard's language and speech sent mixed messages. First, it was a radical shift on asylum policy (people smuggling is an evil to be punished). Next, it was a humanitarian approach (that asylum seekers' lives are at risk). Finally, it took an economic approach (cut the privileges so there is no advantage in coming to Australia). In other words, asylum seekers would be morally and politically accepted if they were to come 'regularly': that is, not by boat so avoiding the risk of their boat sinking and creating the need for rescue, with possible loss of life (humanitarianism); and aware that there was no financial advantage in coming to Australia (economic privilege). The

so-called ‘war’ on people smugglers and asylum seeker boats featured a heightened moral rhetoric that met the level of securitization characterized by CCS. In the heightened securitization dialogues over asylum seekers who arrive by boat, the question of threat perception became muddled with humanitarianism, morality, economy and sovereignty.

The discourses of securitization differ, as do political ideology and political parties. As a result, policy preferences also differ, depending on which party is in power and which in opposition. The first Rudd Labor Government asylum policy tried to desecuritize asylum by dismantling the Howard Government’s asylum policy. However, the former was perceived to be ‘soft’ and ‘weak’ by both the Gillard Labor Government and the Liberal-National Coalition. This precipitated Rudd’s demise as the approach was deemed by conservatives to be a threat to Australia’s national security.

Asylum policy under Gillard therefore became resecuritized with the re-introduction of a border security and border protection mantra tough on national security matters and known as ‘Australia’s offshore processing regime’ (Phillips, 2014, p. 3). In July 2010, Gillard announced that her Government had commenced talks with neighbouring countries (including PNG, Manus Island, East Timor and Malaysia) concerning a proposal to re-establish ‘a regional processing centre’ for offshore detention and processing of asylum seekers who arrived by boat (Gillard, 2010).

This regional processing mechanism, which aims to transfer refugees to other countries, may be interpreted as Australia attempting to shift the responsibility for protecting refugees (that is, its international commitment) to other countries in the region. As Loughnan (2019, p. 155) observed:

... the outsourcing of refugee protection obligations is reshaping state relations in the Asia Pacific and Southeast Asian region and has underscored a progressively punitive approach to “irregular” refugee movement.

This shift in international commitment reinforced Australia’s history of restrictive refugee policy and the dual-processing systems of refugees: the offshore processing system and the onshore processing system. The regional processing arrangement appears asymmetrical, with Australia using its relative financial might to induce and influence poor countries in the region to accept a responsibility that they would not accept in the absence of Australia’s financial commitment. The arrangement also entails risks to asylum seekers themselves. For example, when asylum seekers are transferred to poor countries in the region they come under the jurisdictional sovereignty of those countries, meaning Australia has less power to control the quality and standard of the treatment asylum seekers receive there.

On 25 July 2011, Australia (under Gillard), represented by Chris Bowen (minister of Immigration and Citizenship), and Malaysia, represented by Dato’ Seri Hishammuddin Tun Hussein (minister of Home Affairs), signed a refugee swap deal⁷⁹ (Spinks, 2011; Bowen, 2011). They agreed to the transfer of certain persons seeking international protection to Malaysia for refugee status determination in exchange for Australia accepting certain persons who had been determined to be refugees by the UNHCR in Malaysia (Arrangement between the Government of Australia and the Government of Malaysia on transfer and resettlement, 2011, p. 2). On 12 September 2011, Gillard announced:

⁷⁹ The Gillard Government subsequently conducted further talks with regional countries including PNG, East Timor and Malaysia. After these talks, an agreement was reached on 25 July 2011 between Australia and Malaysia which came to be known as ‘asylum seekers swap deal’. Additionally, the Australian Government signed a Memorandum of Understanding with PNG, allowing the assessment of certain asylum seekers and their transfer to Manus Island in August 2011 (Bowen, 2011).

We determined to pursue the arrangement with Malaysia because we also believed that it opened up a good dialogue within our region, that it was based on a regional process which came to fruition in Bali and abled us to work through regional solutions.

In plain terms, under this arrangement the Government of Malaysia committed to accept up to 800 transferees (Clause 7[1]) and the Government of Australia agreed to resettle 4000 persons over four years (Clause 7[2]). The cost for this deal was budgeted at around A\$292 million, with A\$216 million of that covering the cost of resettling refugees in Australia. However, during a joint press conference held on 12 September 2011, onshore processing was costed at A\$4 billion (Gillard, 2011).

In *Plaintiff M70/2011 v Minister for Immigration and Citizenship & Anor* (2011), the High Court of Australia ruled that the Australia–Malaysia asylum seeker swap deal was invalid because Malaysia was not a signatory to the Refugee Convention. The Court also ruled that the Australian Immigration Ministry had ‘no legal power’ to swap asylum seekers whose refugee claims had yet to be determined by Australia (*Plaintiff M70/2011 v Minister for Immigration and Citizenship & Anor* [2011]; *Plaintiff M106 of 2011 v Minister for Immigration and Citizenship* [2011]).

This is of critical importance because it reminded Australia of its international obligations to refugees and the strong need to have an interdisciplinary perspective on issues regarding refugees and asylum seekers. The protection of human rights and fundamental freedoms are recognized in Australia’s domestic law as they are under international law (Tully, 2010, p. 7). Australian law is interpreted in concomitance with Australia’s international obligations by ensuring that court decisions do not operate in ways contrary to the intention and meaning of international law.

As previously noted, Australian refugee policy has been directed towards deterring asylum seekers who arrive by boat. The ‘no advantage’ test was introduced by the Australian government as a deterrence model for asylum seekers intending to arrive by boat. Its main approach was to inform would-be asylum seekers that they would be disadvantaged if they arrived by boat, compared to others, as far as resettlement was concerned (White, 2014, p. 16). In 2012, the Gillard Government appointed a panel of experts on asylum seekers⁸⁰ to provide advice and recommendations on policy options available to prevent asylum seekers risking their lives in boat journeys to Australia. After consultation with, and submissions from, stakeholders, the Expert Panel on Asylum Seekers (Houston, 2012, p. 7) recommended that Australian policy can and should ‘be hard-headed but not hard-hearted; that practicality and fairness should take precedence over theory and inertia; and that the perfect should not be allowed to become the enemy of the good’.

Pressure on the detention network continued to mount. In response, the Gillard Government expanded community detention in 2010 and 2011 (Bowen, 2012). In an address to the Lowy Institute, then prime minister Gillard announced a new policy direction aimed at stopping boat arrivals in order to not ‘offend the Australian sense of fair play’ (Gillard, 2010). The above statement clearly draws a link between asylum and Australia’s special privileges. It is important to note that attitude like this tends to link asylum seekers with welfare benefits and opportunities that Australia may offer. Not only does Gillard present asylum seekers as welfare opportunists, but also as

⁸⁰ The Panel was led by Angus Houston (former Air Chief Marshal of the Royal Australian Air Force), Paris Aristotle (founding CEO of the Victorian Foundation for Survivors of Torture [Foundation House]) and Michael L’Estrange AO. former Head of the National Security College at the Australian National University in Canberra.

‘offending the Australian sense of fair play’. Being considered an economic threat is also positioned as un-Australian. Gillard further stated:

We move forward to an effective, sustainable, long-term solution; to stop the boats not at our shoreline but before they even leave those far away ports; to ensure people smugglers have nothing to sell and so ending the long and dangerous voyages (Gillard, 2013).

In the above statement, Gillard introduces the radical securitization debate on asylum. By proposing to ‘stop the boats not at our [Australia’s] shoreline but before they even leave those far away ports’, Gillard is embracing the pre-emptive strike to asylum seekers. Perceived as a threat, they are to be stopped before they arrive. This reflects the key principles of securitization, namely detection, deterrence, protection and avoidance. Here the securitizing agent, the Australian Government, is persuading the audience (the public) by providing reasons to justify securitization. As Gillard puts it:

A regional processing centre [is] removing the incentive once and for all for the people smugglers to send boats to Australia. Why risk a dangerous journey if you will simply be returned to the regional processing centre (Full transcript: Gillard’s asylum policy speech, 2013).

Additionally, the Gillard Government introduced Bridging Visa E (BVE) in November 2012, under which asylum seekers were released into the community (Bowen, 2012). BEVs were visas given to asylum seekers to stay in the community pending the determination of their refugee status. However, the BVEs were heavily criticized by refugee support agencies due to the fact that they left asylum seekers with no right to work while allowing them to live in the community. This may have led

asylum seekers to rely on alternative survival means⁸¹, thereby endangering their lives and the lives of the community at large.

Upon ousting Gillard, Kevin Rudd became prime minister again from 26 June 2013 to 13 September 2013. On 19 July 2013, Rudd announced his Regional Refugee Arrangement, also known as the PNG solution (Rudd, Dreyfus & Burke, 2013). Paragraph 1 of the arrangement reads:

Australia and Papua New Guinea recognise the serious and urgent humanitarian and border security challenge presented to regional countries by people smuggling. (Regional Resettlement Arrangement between Australia and Papua New Guinea, 2013).

This paragraph situates asylum seekers as a matter of national and international security as they also pose a security challenge to Australia's regional countries. During a joint press conference, Rudd and PNG's then Prime Minister Peter O'Neill announced that asylum seekers who arrived by boat would no longer be settled in Australia as refugees (as cited in Crowe & Callick, 2013). Consequently, any asylum seeker who arrived in Australia by boat had no chance of being settled in Australia as a refugee (Crowe & Callick, 2013). These measures were put in place to deter asylum seekers and the Australian Government praised the merit of the arrangement in the following terms:

What is unique about this Arrangement is that persons found to be refugees will be resettled in Papua New Guinea and any other participating regional, including Pacific Island, state. Persons found not to be refugees may be held in detention or returned to their home country or a country where they had right

⁸¹ These may have included committing crimes.

of residence (Australian Government Department of Foreign Affairs and Trade 2013).

The agreement was criticized as merely shifting Australia's responsibilities to developing countries (White, 2014, p. 10). However, this did not stop Rudd from continuing in this direction. On 3 August 2013, Rudd met with the President of Nauru, David Adeang. In a joint press conference, Rudd and Adeang announced another regional initiative to tackle people smuggling as their common threat and problem. During the joint press conference, Rudd announced:

As the Australian people know, our Government's approach to people smuggling is one which maximises regional cooperation. This is a regional problem, it's a global problem, it requires therefore regional cooperation, it requires therefore global cooperation. (Transcript of joint press conference with President of Nauru, Minister for Immigration—Brisbane, 2013)

Subsequently, any individuals who sought to arrive by boat into Australia and seek asylum were sent to PNG or Nauru for processing. Australia made a financial commitment of A\$29.9 million in aid to Nauru in 2013–2014 and A\$17 million for the rebuilding of the prison on Nauru (Transcript of joint press conference with President of Nauru, Minister for Immigration – Brisbane, 2013). In so doing, the rights of possible 'genuine refugees' continued to be curbed in pursuit of Australia's right to its territorial exclusivity (protection of its borders). On several occasions, then–Opposition Leader Tony Abbott called for an end to the practice of turning asylum seeker boats back.

The most prominent attack for this call from the Opposition came from Rudd, who suggested that Abbott's boat turnaround policy could indirectly lead to military conflict between Australia and Indonesia (Sheridan, 2013; Johnson, 2015). Such

allegations were refuted by Richard Woolcott (Australia's former ambassador to Indonesia and a veteran diplomat) as 'highly unlikely' (as cited in Maley & Rintoul, 2013). The offshore processing of asylum seekers was a Pacific Solution for Howard, but a *Pacific Confusion* for the Rudd Government. Rudd abolished the Pacific Solution and TPVs, and reviewed the controversial Citizenship Test⁸² (Higgins, 2017).

The Rudd Government was forced into being seen to be doing something about this new wave of arrivals, and so was obliged to again use the Christmas Island detention facility to house asylum seekers while also increasing the tough rhetoric on people smugglers. Rudd Government (2007–2010) announced that the processing centres on Manus Island and Nauru would no longer be used, instead preferencing Christmas Island as a processing centre for future asylum seekers who arrived by boat.

Koeth (2012, p. 4) observed that significant developments occurred following the Rudd Government's changes in asylum seeker policy. In particular, the number of asylum seekers arriving by boat increased, intensifying pressure on the immigration detention network.

Some aspects of the Howard Government's asylum seeker policies were continued by the Rudd Government, including detention and processing of asylum seekers on Christmas Island, and certain Australian territories being excised from Australia's migration zone—in accordance with the *Migration Amendment (Excision from Migration Zone) Act 2001* (Cwlth)—in order to prevent asylum seekers who enter Australia via these territories from being able to make a valid visa application under

⁸² The Australian Government conducts citizenship tests, for persons wishing to become its citizens, as part of its immigration policy. During the process of becoming an Australian Citizen, applicants must pass a set of questions to demonstrate their understanding of Australia, its culture, the English language and its laws.

Australian law. Criticizing the legacy of the Gillard–Rudd era, then Home Affairs minister Peter Dutton noted:

The legacy left from the Rudd–Gillard Labor years—30,000 unprocessed illegal arrivals in Australia, [and] several thousand more in regional processing centres established by Mr Rudd—will take this Government and future government’s years to deal with.

The Coalition Government has stopped the boats but cleaning up the totality of the crisis Labor created at our borders, in detention centres and in the Australian community, is an ongoing challenge. (Dutton, 2016)

In reality, the succession of refugee ‘solutions’ did little to address the refugee policy quagmire in Australia. Both Labor and Liberal governments continued to adopt what Negus (2010, p. 196) called a ‘not-in-my-backyard solution’ to deter asylum seekers. The policies were largely ineffective in deterring the number of refugee boat arrivals, which continued to increase. This made it difficult for Australian politicians and researchers to conceive of plausible solutions to replace the current (unresolved) solutions: extending appeal rights and legal assistance (November 2008), the Afghan and Sri Lankan asylum freeze (April 2010), the East Timor solution (July 2010), the Afghan return solution (January 2011), the regional processing framework (March 2011) and Manus Island mark 1 (August 2011).

Australia’s increasingly harsh policy towards asylum seekers has been heavily criticized. Amnesty International (1998), for example, condemned the establishment of a mandatory detention system in Australia and described it as ‘a continuing shame’. The Australian Human Rights Commission (2011) described the policy as being one of the ‘strictest immigration detention systems in the world’. One often-cited case study is that of Latifa, a 31-year-old Rohingya asylum seeker from Myanmar. Latifa

was separated from her baby on 10 November 2013, four days after a caesarean delivery, and was only allowed to visit him between 10am and 4pm in Brisbane's Mater Hospital⁸³. The boy, Farus, had respiratory problems and needed around-the-clock medical care. Latifa's other children, aged four and seven, were also being detained. Latifa's husband Niza was not allowed to visit the child at all. Another case study is the death in custody of 23-year-old Iranian asylum seeker Reza Berati in February 2014 while in the Manus Island regional processing centre. Barati was killed during guard actions to quell riots in the centre, and dozens of other detainees were also seriously injured during this incident. In another case, the government was prepared to deport a highly vulnerable 65-year-old Hazara man who claimed to have fled political and religious persecution in Afghanistan in 1986 and then Quetta, Pakistan in 2011 (Hodge, 2014). At an emergency hearing on 4 February 2014, after refugee advocates lodged an eleventh-hour appeal, the court granted an injunction against his removal (Hodge, 2014).

Such cases tarnish the image of Australia as a good international citizen and democracy. Australia's employment of particular concepts of national identity, sovereignty and citizenship to help justify the forced exclusion of unauthorized migrants has drawn on deeply rooted nationalist sentiments that pit an ideal national type against an unwanted or threatening outsider (McAdam & Chong, 2019; Grewcock, 2009). This fear is exacerbated by a lack of public debate on the matter and remains a socio-political construct through which stereotypes and popularized labels are spearheaded by shifting 'the public view from the structural reasons for asylum

⁸³ See H Aston (14 November 2013). Asylum seeker mother kept from newborn baby in Brisbane. *Sydney Morning Herald*. Retrieved from <https://www.smh.com.au/politics/federal/asylum-seeker-mother-kept-from-newborn-baby-in-brisbane-20131113-2xh5v.html>.

seeking, to the individual behaviour of those who arrive in Australia by boat' (McKay et al. 2011, p. 16). As Suvendrini Perera, argued:

Fear of boat people exists because secreted in the crevices and dark, invisible spaces of those illegalised bodies and intruding small craft lurk the invading germs and threatening microorganisms of the tropics—that dangerous geography⁸⁴ that the very construct of insular Australia strives to hold at bay.
(as cited in Soutphommasane, 2012, p. 172)

In addition, domestic political considerations have prompted anti-refugee rhetoric among Australian politicians (Maley, 2001). As Philpott (2004,p.64) noted 'fears of invasion, of being swamped or overwhelmed by an Asian world routinely perceived as restive and hostile, have regularly characterized Australian debates about the future. However, there are also people in the general community who do not want 'boat people' in Australia due to the exploitative nature of their voyages, which involve people smugglers and risk to asylum seekers' own lives. Others argue that boat arrivals appear to violate core Australian values and 'offend the idea of fair go' by disadvantaging refugees already awaiting resettlement in refugee camps overseas (Soutphommasane, 2012, p. 173). Still other public opinion views asylum seekers as 'queue jumpers'. However, it is difficult to find where the queue starts and where it ends because even refugees in camps overseas were, previously, asylum seekers (see Chapter 1).

Further, this thinking ignores the fact that those refugees in camps following the Second World War were also 'asylum seekers' and the first to qualify for resettlement to Australia under its humanitarian programme (see Section 3.2). According to the UNHCR, there are three durable solutions to a refugee's plight:

⁸⁴ By 'dangerous geography', Perera meant the 'third-world-looking' people and, more importantly, non-White people.

repatriation, naturalization (local integration) and resettlement. Australian public opinion favours the latter as it takes refugees out of camps, but it ignores that fact that this constitutes only one of the three possible solutions that any signatory to the Refugee Convention must explore.

As far as this convention is concerned, all member states are bound to grant protection to asylum seekers, regardless of their mode of arrival. But the PNG solution is perhaps the Australian version of a ‘non-entrée regime’ (Chimni, 2009, p. 14). It tends towards a more restrictive interpretation and application of important provisions of international law, and sometimes even a disregard for the rules of international law (Grahl-Madsen, 1983). Simply stated, it is a refusal to fulfil Australia’s international responsibility.

After the introduction of the PNG solution, many asylum seekers were discouraged from applying for asylum in Australia. As Tony Burke, minister of Immigration at the time, put in clear terms: ‘They [asylum seekers] realise that what they have paid for is no longer available to them’ (Hardline asylum-seeker message is working: Tony Burke, 2013). This deterrence orchestrated by Australia ‘is illegitimate; cruelly punishing those who exercise their right under international law to seek safe haven (Briskman & Poynting, 2013). The neo-refoulement tactic neutralizes the Refugee Convention in the name of security because it is inconceivable that what Australia failed to fix as a developed country could be fixed by developing countries such as PNG and Manus Island. The complexities (that is, dishonesty, corruption, lack of information and funds, poor healthcare, insecurity and crime within detention centres) surrounding the issue of asylum seekers are just too multifarious for PNG and Manus Island to deal with as developing countries.

The cost of asylum seekers was to be covered by Australia, along with important assistance from Australia to PNG in other areas such as health, education, and law and order. An estimated A\$1.7 billion was earmarked to finance processing of asylum seekers in PNG and the resettlement there of those determined to be refugees.

Securitization of asylum seekers has serious negative effects on them, ranging from deprivation of protection and dehumanisation to mental health issues. Pickering (2005, p. 9) found that studying refugees and asylum seekers required shifting the focus to the state as a criminal (as a persecuting agent) and an obligation to refugee receiving states to offer state protection to ensure that those meeting the legal definition of refugee are not failed by the administrative legal system of the host country or any criminal practice of the state. Pickering (2005, p. 22) observed that refugees and asylum seekers have been routinely constructed not only as a 'problem' population but also as a 'deviant' population in relation to national integrity, race and disease. Despite Pickering's (2005) objection to this, examples from around the world illustrate how refugees and asylum seekers can cause security threats to their host countries, although few scholars have attempted to study this in the Australian context.

While measures to deter refugees continue to be taken in Australia, the involvement of refugees in activities threatening Australian security remains an understudied topic. This issue is mixed with the social construction of refugees/asylum seekers as threats. Australia's geographic position and nature (surrounded by large expanses of water and not sharing a land border) continue to play an important role in its security, leaving its neighbours with limited capability to attack it (Dibb, 1986). However, the contrary could also be true.

With the advent of globalization, social media and technology, geography (in general) and distance (in particular) have less meaning when it comes to security threats in the twenty-first century. As Coker wrote (2014, p. 67), ‘We are beginning to realize ... that space too is a relative term, we are always creating spaces of political action in which conflict can breed’. This has changed the way states, including Australia, pre-emptively react to the emerging new security threats which range ‘from the state to intra-state and non-state threats’ (Rumley, 2006, p. 38) to the extent that ‘this region has also become more of a threat to Australian security as a result of the increasing globalization of non-state threats’ (Rumley, 2006, p. 42).

Hence, the construction of refugees and asylum seekers as illegal arrivals and unlawful migrants is explained. In this sense, the presence of refugees in some host countries is questionable as their legitimacy and legality are not recognized. While there is a growing anxiety and resistance towards asylum seekers as illegal migrants, there is also fear about what a nation can tolerate from refugees in its territory. Asylum seekers are also constructed as potential social deviants, and often portrayed as vectors of diseases and antisocial behaviours such as rape, drug and substance abuse, traffic infringement and gang activism. Refugees and asylum seekers are also criminalized when framed as direct security threats and linked to crimes in their host country. They are referred to as queue jumpers, economic refugees, fraudsters, con artists, drug dealers, sexual deviants, barbarians, carriers of disease and extremists. Thus, Australia’s approach to asylum seekers seems well captured by the securitization framework, with scaremongering and political rhetoric depicting refugees as a threat.

While the Rudd Government appeared to struggle for a clear policy on asylum seekers, unauthorized boat arrivals continued to increase. Abbott, then opposition

leader, announced the Coalition's policy on asylum seekers—Operation Sovereign Borders (OSB)—in which he described the matter as a 'national emergency':

This is an important day. It's an important development of the Coalition's border protection policy. As you know, the crisis on our borders has become a national emergency. We've had almost 50,000 illegal arrivals by boat; we've had almost 800 illegal boats; we've had 1,000 or more deaths at sea; we've had \$10 billion plus in border protection blowouts. The problem is getting worse. This Government can't solve it; the Coalition will solve it. But it's important not just to have the right policies, you've got to have the right implementation as well. (Abbott & Morrison, 2013).

The matter was to be supervised by the National Security Committee of the Cabinet:

We are announcing today that under a Coalition government, we will swiftly implement Operation Sovereign Borders. We will have the appropriate command and control structures. The operational control of Operation Sovereign Borders will be in the hands of a three-star military commander who will be reporting directly to the Minister for Immigration under the overall supervision of the National Security Committee of the Cabinet. (Abbott & Morrison, 2013)

When the Liberal–National Coalition was elected to power in 2013, Abbott appointed Scott Morrison as minister for Immigration and Border Protection. On 18 September 2013, the Coalition Government launched its Sovereign Borders Strategy Policy, which consisted of establishing a military-led response to combat what it described as 'people smugglers' (Australian Customs and Border Protection Service, 2015, p. 2). The Government appointed Lieutenant General Angus Campbell to lead and command OSB, and nominated him directly responsible, and reporting, to the

minister for Immigration. All asylum seekers who arrived by boat were described as ‘illegal maritime arrivals’ who should be combated until the ‘people smugglers’ business’ was dismantled (Liberal Party of Australia & The Nationals, 2013).

As a result, military vessels patrolled Australia’s waters to intercept asylum seekers arriving by boat and towed these boats back into international waters. The immigration detention centre on Nauru was also reopened for processing. The Government budgeted A\$10 million to implement the operation (Angus Campbell to head Operation Sovereign Borders, 2013), and military logistics and personnel were used to solve a non-military, humanitarian problem. Clearly, refugee policy had become a matter of high politics. Under the OSB, the ADF oversees customs and border protection, immigration and communications, with a view to achieving the Coalition’s ‘stop the boats’ policy (Australian Customs and Border Protection Service, 2015).

Additionally, the Government decided that all asylum seekers who arrived by boat would be transferred to PNG or Nauru for offshore processing (Morrison, 2013). The Coalition also committed to regional cooperation and deterrence activities with Indonesia, Sri Lanka and Malaysia ‘to combat people smuggling’ (Liberal Party of Australia & The Nationals, 2013). In defence of OSB, Home Affairs minister Peter Dutton (2019) stated:

Millions of people want to come to Australia and we must have an orderly program or people die. We are up against organised criminal people smuggling syndicates and they watch every word we say—looking for an opportunity to twist a word or massage a message to encourage people to pay to get on another boat.

Building on Howard's asylum policy, Abbott, introduced greater securitization measures deemed to be tougher in order to fix what was considered an ineffective Labor asylum policy. The Abbott Liberal government introduced a more military-like approach to the asylum seeker problem. The securitization of asylum thus took a radical turn. As Senator Michaelia Cash, then assistant minister for Immigration and Border Protection and minister assisting the prime minister for Women, noted, 'Just like the former Howard Government, the Abbott Government is the most **potent weapon** that we have against people smugglers. What this Government has that the former Government never had, is resolve' (Cash, Australia, Senate 2013, *Official Debates*, vol. 2, p. 652). Not only did Senator Cash securitize asylum by calling Abbott a 'potent weapon', but also implied that Abbott had nailed the solution to people smugglers. This comparison is clearly expressed by Senator Cash in the following terms:

Unlike those opposite, who were prepared to grant permanent visas to over 33,000 people who are in this community on bridging visas, sending a clear sign to people smugglers that Australia is open for that type of business, **you will not see the Abbott government making that mistake.** (Cash, Australia, Senate 2013, *Debates*, vol. 2, p. 652).

In dealing with the perceived threat posed by asylum seekers, deterrence, self-protection and avoidance became the preference of the government of the day. The first category is about taking appropriate policies and legislation that discourage asylum seekers from entering Australia, the second consists of putting in place border protection units to enforce the law, and the final category involves sending asylum seekers who arrive by boats to other countries for processing. This securitization process falls into the CS theory discussed in Chapter 2. It involves shifting policy

issues from their normative realm to security issues. This opened the way for asylum securitization and policy competition with respect to which party could solve the asylum seeker problems. As then Victorian Independent Senator John Madigan asserted:

Last night you should have heard Senators Cash and Carr at it again. They could not help themselves, competing on who could treat vulnerable people—people escaping persecution and threats as serious as death; people whom most of the world refers to as asylum seekers but whom our government prefers to refer to by their new-coined name, ‘illegal maritime arrivals’—in the worst fashion possible. (Senator Madigan, Australia, Senate 2013, *Debates*, Vol.2. p. 743)

Senator Madigan added that ‘they were getting pretty fired up, and the idea of another party having a more disastrous effect on people’s lives was getting too much to bear. They both had to set the record straight on who was tougher’ (Senator Madigan, Australia, Senate 2013, *Debates*, vol. 2, p. 743). However, by doing so, asylum seekers and would-be refugees are misidentified together. Scott Morrison, then minister for Immigration and Border Protection praised the securitization of asylum and the Liberal-National Coalition tougher border policy in these terms:

Unlike under the previous government, the new government’s strong position on our borders has become a constant on this issue, not a variable, or a vulnerability, as was previously the case. Critical in our implementation is our commitment to universal application of the measures. It does not matter if you’re an ethnic Hazara, a stateless Rohingya, whether you have an education or not, whether you are

male, female, accompanied, unaccompanied, child or adult, the policy is the same and it will not change (Morrison, 1 November 2013).

On 22 September 2016, then Prime Minister Malcolm Turnbull (2015-2018) addressed the UN General Assembly in New York to outline the key pillars of Australia's immigration policy:

First, strong border controls, with effective measures to combat people smuggling and terrorism, supported by a planned migration program. Secondly, a compassionate humanitarian policy, one that doesn't focus merely on the numbers that we take in but offers substantial resettlement programs and supports those countries hosting large numbers of refugees themselves. And third, effective international and regional cooperation. These three pillars are inherently interlinked. They cannot and do not work in isolation. (Turnbull, 2016)

In the above address by Turnbull, one can identify some aspect of humanitarianism and compassion towards asylum seekers and their human rights. However, on 8 November 2016, the Government of Australia went on to introduce the Migration Legislation Amendment (Regional Processing Cohort) Bill 2016. The bill aimed to amend the *Migration Act 1958* and Migration Regulations 1994 in order to prevent unauthorised maritime arrivals from making a valid application for an Australian visa, thereby adding to the number of existing restrictions on asylum seekers and making it even harder for those who arrived by boat to apply for protection in Australia⁸⁵.

⁸⁵ The Migration Legislation Amendment (Regional Processing Cohort) Bill 2016 was introduced in the House of Representatives on 8 November 2016 by Peter Dutton, the then Minister for Home Affairs. It was passed on 10 November 2016, however, the bill lapsed at the end of the 45th Parliament on 1 July 2019. At the time of writing, the Bill is still before the Senate.

5.2.1 Humanitarian realism as a form of threat perception

While people smuggling is a crime against the state (and potentially against people and communities), Australian government policy preference to ‘remove the trade and the danger of the voyage’ (Gillard, 2010) may have had some humanitarian goal to save lives. This policy preference has bipartisan support consisting of securitizing asylum to ‘save’ lives. As Gillard noted, ‘There is nothing humane about a voyage across dangerous seas with the ever-present risk of death in leaky boats captained by people smugglers’ (Gillard, 2010). This may also imply that asylum seekers are being dehumanized by people smugglers exploiting their weaknesses as a commodity to sell or by as long as the notion of supply and demand applies. As Morrison asserted:

I am sure that all Australians will be very pleased that there has been no loss of life on this occasion and all those 27 persons are now safe and accounted for. Throughout this incident, the Government has provided reports on the information as we received it and then was able to be confirmed (Morrison, 6 December 2013).

Despite the humanitarian realism presented by both major parties to securitize asylum, it is worth mentioning that border security protection issues have always been associated with state sovereignty, as ‘for states, border space requires protection and defence’ (Pickering & Weber, 2006, p. 1; Perera, 2009) as they are core to state survival and economic prosperity. As Morrison note:

Anyone getting on a boat should not think that there is an Australian safety net waiting for them. If they get on one of these boats, they put their lives in the hands of people smugglers and far too often we know how that can end in the most fatal of consequences, particularly as we

go into this very dangerous period of the monsoon (Morrison, 6 December 2013).

If sovereignty is inalienable and indivisible (Rousseau, 1963), border security protection is not only essential to economic prosperity but also essential to national sovereignty as it is a government's prerogative to secure its borders against intruders. Turning back boats and detaining asylum seekers in detention centres in Nauru and PNG components of OSB, which aims to stop 'illegal arrivals' and wage the 'war against people smugglers' and their 'business model' (Prime Minister Tony Abbott likens campaign against people smugglers to 'war', 2014).

However, asylum is in this context linked to people smuggling, which is itself a criminal offence. On people smugglers, Gillard emphasizes:

I am also making the Government policy goal clear: it is to **wreck the people smuggling trade** by removing the **incentive for boats** to leave their ports of origin in the first place; to remove the **profitability of the trade and the danger of the voyage** (Gillard, 2010).

The above statement by the then prime minister implied that far from being 'unauthorised arrivals', asylum seekers who arrived by boats to Australia were involved in some sort of trade with 'people smugglers'. The Australian Federal Police (AFP) defines 'people smugglers' as 'individuals or groups who assist others to illegally enter a country'⁸⁶ (AFP, 2019). The UN Protocol against the Smuggling of Migrants by Land, Sea and Air⁸⁷ uses the term 'smuggling of migrants' (article 3) to describe 'people smuggling' and defines it as 'procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into

⁸⁶ 'Illegal entry' is defined in article 3(b) as 'crossing borders without complying with the necessary requirements for legal entry into the receiving State'.

⁸⁷ The UN Protocol against the Smuggling of Migrants by Land, Sea and Air was adopted by the UN General Assembly in 2000.

a State Party of which the person is not a national or a permanent resident' (Article 3(a)).

In general terms, people smuggling is a situation in which a person is involved in facilitating another person or a group of persons in crossing borders and/or entering territory. It is primarily done for financial profit (Campana, 2019; Hüsken, 2017; Missbach & Crouch, 2013). Campana (2019, p. 27) noted that, 'Analytically, we can think of human smuggling as a market in which the commodity traded is the illegal entry into a country for profit ... [with] migrants constitut[ing] the demand side of the market'. Understood in these terms, people smuggling is a crime against the state and a punishable offence under laws that prohibit smuggling. It challenges the authority of a state to control cross-border movement and to determine who enters its territory (De Genova & Peutz, 2010; Australian Crime Commission, 2011; Schloenhardt, 2011; Schloenhardt & Stacey, 2013). People smuggling is a lucrative business that governments should combat for multiple reasons. Firstly, it violates state sovereignty in terms of controlling cross-border movement. Secondly, it exposes smuggled people to multiple risks such as economic and sexual exploitation, deception, inhumane treatment, imprisonment and sometimes death. As Lieutenant General Angus Campbell (2015), then commander of OSB, stated, 'As each month passes people smugglers are becoming increasingly desperate and seeking to market the dangerous voyage to Australia to any vulnerable community they can'.

The Australian Government, through the DIBP (2015b), conceived that 'Australia's national interests are threatened by any illegal arrival of people'. Under section 233A(1) of the *Migration Act 1958*, a person commits an offence of people smuggling (and is liable to a term of imprisonment for 10 years or 1000 penalty units, or both) if:

- (a) The first person organises or facilitates the bringing or coming to Australia, or the entry or proposed entry into Australia, of another person (the *second person*); and
- (b) The second person is a non-citizen; and
- (c) The second person had, or has, no lawful right to come to Australia.

Under the above provision, people smuggling is a serious, organized and sophisticated crime for a number of reasons. Firstly, when people illegally arrive in Australia they are not properly identified, often because they are not carrying proper identification documents. This creates serious security and criminal concerns because their history and activities are unknown to Australian authorities. Secondly, Australia has quarantine laws which smuggled people bypass, thus posing potential health and environmental risks. Thirdly, once apprehended, smuggled individuals have to undergo processing which can entail significant logistical and financial costs for Australia. Finally, entering a state's territory illegally infringes the sovereignty of that state's borders, which sends a message that the state is weak and cannot control its borders.

Campbell's words—'market the dangerous voyage', 'illegal business' and 'business is under great stresses'—were carefully selected to fit the Government's position vis-à-vis asylum seekers: that people smugglers are involved in a lucrative business that the Australian Government is working to dismantle. Then minister for Immigration and Border Protection Peter Dutton (2015) stated, 'So the very clear message to people smugglers, to people who would see some of their passengers drown at sea, is that we will do whatever is possible to crush that business, to stop people smuggling taking place'. Campbell (2015) claimed, 'Their [people smugglers]

business is under great stress and continues to be under great stress, but we need to maintain the pressure and the vigilance’.

However, some scholars tend to distinguish people smuggling from human trafficking and humanitarian smuggling (Webber, 2017; Landry, 2017; Carrera et al. 2016; Allsopp, 2016; Watson, 2015; Koser, 2011). While people smugglers make money out of their business, they arguably engage in a humanitarian act of providing assistance when migrants cannot move without help, which can seem morally permissible and justifiable to the smuggled individuals (Agustín & Jørgensen, 2019; Sanchez, 2016; Han, 2015; Koser, 2011). For example, Agustín and Jørgensen (2019, p. 119) described people smuggling as ‘solidarity’ consisting of ‘a deliberate form of resistance against authorities (local, national, and international) and regimes’. Han (2015, p. 5) called ‘humanitarian smuggling ... acts of assistance provided to presumptive refugees without the intention of obtaining a financial or material gain’.

Humanitarian smuggling consists of acts in which smugglers are motivated not only by financial or material gain but also by religious, charitable and/or altruistic motives (Carrera et al. 2019; Landry, 2017; Carrera et al. 2016; Watson, 2015; Koser, 2011). Sanchez’s (2016) study, conducted in Turkey, the Sahel, North Africa and Mexico, found that the interactions between migrants and people smugglers are very complex and not necessarily driven by profit. Some engage in people smuggling to save people from war, persecution and poverty (Achilli, 2018; Sanchez, 2016; Han, 2015; Koser, 2011). Regardless of whether people smuggling is described as ‘solidarity’ or ‘humanitarian’, it is a crime and state authorities move to counter such acts (Campana, 2019; Shelley, 2019; Walton & Dinnen, 2019; Belli, Freilich & Newman, 2019).

What is of interest in this context is that people smugglers may offer a service that benefits many asylum seekers whose refugee claims are proven to be genuine. For example, the DIBP's (2015a) March update on OSB revealed that, as of 31 March 2015, there were 989 asylum seekers in the Manus Island regional processing centre and 718 in the Nauru regional processing centre. In that month, 568 asylum seekers were processed, with 485 receiving positive refugee status determinations and 83 determined not to be refugees owed protection. However, those found to be refugees did not acquire the right to resettle in Australia, only in the Nauruan community (DIBP, 2015a). Two points flow on from this: (1) those 485 genuine refugees would likely not have been in the position to be determined as such had they not utilized the services of people smugglers (albeit that they were intercepted by Australian vessels during OSB), and (2) those 485 genuine refugees may have been in a position to gain the right to resettle in Australia had they successfully been smuggled to mainland Australia (or a territory not excised from the Australia Immigration Zone).

As previously discussed, refugee status determination is a process that starts with asylum seekers crossing international boundaries and ends in three possible solutions (Chimni, 2004). This process can be rendered practically possible if the receiving country is welcoming to would-be refugees. Seeking asylum is legal under the Refugee Convention and other international human rights treaties to which Australia is a signatory.

Regardless of the above, at the time of writing it is the position of the Australian Government to deter asylum seekers who arrive by boat. It uses security language such as 'border protection', 'border security' and 'sovereignty' to the detriment of human rights language and the protection of asylum seekers. For politicians, the issue of asylum seekers is not only about the boat arrivals—it is also about votes. Prime

minister Abbott's statement quoted earlier encourages secrecy as a technique in warfare against people smugglers and treats asylum seekers as enemies in a war. This is reinforced by the secrecy of all involved agencies and the militarized nature of the ongoing OSB. In this thesis I argue that, according to the spirit of the Refugee Convention, asylum is a humanitarian act and does not necessitate a resort to the traditional means of state warfare. As Victorian Senator Cathy McGowan pointed out in the Senate:

There is no doubt that the issue of asylum seekers is complex and controversial. I believe the political process has simplified this complexity to the detriment of social justice and human rights. When the politics are stripped away, two points emerge that have consensus in this place. Firstly, Australia as a sovereign nation has the right to vet the people who come to this country. Secondly, Australians expect our government to uphold human rights and respect human dignity. Despite consensus on these points in this place, government after government has found it difficult to consistently uphold them (McGowan, Australia, House of Representatives, 2014, *Debates* vol. 3, p. 1958).

The identification of asylum seekers who arrive by boat as 'illegal arrivals', and their presence as undesirable and a threat to Australia's national security, can render access to asylum unattainable (Sirriyeh, 2018; Davies, 2018; Burke, 2018) because asylum is practically impossible without access to a state's territory. In this regard, access to protection becomes both a matter of human rights and a matter of national security. Zimring and Hawkins (1973, p. 71) observed that 'deterrence' can have an effect where a threat of punishment causes individuals who would have committed the threatened behaviour to refrain from doing so.

Consequently, efforts to protect security and other interests can lead to excessive use of force, cruelty, humiliating treatment, torture, negligence and other infringements of the moral principles that grant all human beings equal moral standing (Pickering & Weber, 2006; Linklater, 2007). Such actions contravene the UN Convention Against Transnational Organized Crime (A/RES/55/25, 8 January 2001). On 5 March 2015, UN Special Rapporteur on Torture Professor Juan E Mendez issued a report in Geneva at the UN Human Rights Council in which he concluded that some aspects of Australia's border protection policies breached the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN General Assembly, 2015; Kozaki, 2015). Amnesty International (2015, pp. 61–64) issued a report in which Australia's approach to asylum seekers was described as 'inhumane and degrading'. In its submission to the Senate Legal and Constitutional Affairs References Committee, the Law Council of Australia (2016, p. 8) stated that Australia 'may be breaching its duty of care to asylum seekers'.

From the above, one can infer that access to Australia's protection is limited and sometimes denied through measures such as interception, detention, deportation, criminal prosecution and other forms of exclusion (Topak & Vives, 2018; Bourbeau, 2018; De Silva, 2017; Clark, 2016; Australia investigates detention centre abuse reports, 2015; Provine & Doty, 2011; Rikhof, 2011; Goldring, Berinstein & Bernhard, 2009), especially when existing laws are in conflict with access to asylum (Behrman, 2016).

Some smuggled asylum seekers have been proven to meet the criteria of refugees. They have been found to have a WFF of persecution under Australian law. Those determined to be genuine refugees do not deserve to be penalized under the *Anti-People Smuggling and Other Measures Act 2010* (Cth) because they have met the

test of the Refugee Convention and deserve Australia's protection as a matter of international obligation. As per Schloenhardt (2011, p. 23), 'migrant smuggling involves human beings, vulnerable people who are often desperate to reach our shores in fear of persecution and in hope of a better future'. The *Anti-People Smuggling and Other Measures Act 2010* does not proscribe and render illegal people who seek asylum in Australia. However, it does leave a loophole by failing to distinguish between human trafficking, people smuggling and the need for asylum. Under this Act, as modified on 29 November 2011, offenders can be sentenced to up to 10 years imprisonment for assisting five or more possible genuine refugees to seek asylum in Australia; a right to which refugees are entitled under international law (*Anti-People Smuggling and Other Measures Act 2010*, schedule 1, item 7).

Therefore, there is incongruence between the *Anti-People Smuggling and Other Measures Act 2010* and Australia's international obligations to protect refugees. The Act intends to limit the means by which genuine refugees can claim asylum in Australia (Trotter & Garozzo, 2012).

This approach overlooks people who flee their countries for reasons of protection by focusing on people who have left their countries in search of a better life (that is, economic refugees). It criminalizes asylum seekers and curbs their rights by reducing them to 'clients' and factors in crime patterns instead of victims of human rights violations. It seeks to situate and legitimate the Australian government's disruption of the 'people smuggler business model' by rendering asylum both impractical and illegal.

The above aspect is linked to what Linklater (2007) described as the relationship between the 'community' and 'cosmopolis' and 'the duties that individuals have to one another as citizens of separate states and the obligations they

have to all other persons as members of humanity'. This has generated Australia's anxiety, concerns and resistance towards refugees and asylum seekers at the national and community levels. It has developed the idea and identity of perceived security threats, which necessitates tough border measures and introduction of the mandatory immigration detention system. Above all, most Australians are in favour of reduced levels of immigration; a view which continues to be manipulated by many politicians to achieve their political goals (Cocks, 1996; Betts, 1999; Kelly, 2000).

5.3 Dealing with the threat: representation of the securitization of asylum in speech

The securitization of asylum in Australia is implemented through OSB, consisting of the militarization of asylum policy using secrecy, maritime surveillance and boat turnarounds. As Scott Morrison, then minister for Immigration and Border Protection, noted in 2013:

We're not running a taxi service here or a reception centre. We are running a military-led border security operation, and as a result the rules and mode of operations have changed, and this was flagged by the Coalition before the last election (Morrison, 04 October 2013).

It is clear from the above statement that there has been a paradigm shift in refugee policy in Australia, which has detached asylum from low politics and moved it to high politics. As a result, information pertaining to OSB and its surrounding activities have been heavily censored (Wroe, 2013; Owen, 2014). For example, it was illegal to report any news regarding detention centres, and those caught doing so were threatened with being reported to the AFP. At least eight such reports were made to the AFP, the most famous case being that of WA journalist Nick Butterly, who was reported multiple times for reporting on asylum seeker boat interception (Farrell,

2015a, 2015b). Journalists Nick Moir and Rory Callinan had their cameras confiscated while visiting Manus Island shortly after the death in custody of Reza Berati (Callinan, 2014).

Under the *Australian Border Force Act 2015* Part 6.42(1), it is an offence for anyone working in an Australian immigration detention facility, either on the mainland or overseas, to reveal what they saw at work. Breach of this secrecy code was punishable with two years imprisonment. Peterie (2019, p. 181) observed that this secrecy is full of ‘capricious mechanisms through which they [the Australian government] produce emotional distress in both asylum seekers and their supporters in the name of ‘deterrence.’’

Given this secrecy, the UN Special Rapporteur on the Human Rights of Migrants Francois Crepeau planned to visit Australia from 27 September to 9 October 2015 to investigate the plight of migrants and asylum seekers in the Nauru and Manus Island regional processing centres (Lee, 2015; UNHCR, 2015). However, after the enactment of the *Australian Border Force Act 2015*, Mr Crepeau decided to postpone his visit to Australia due to what he described as ‘the lack of full cooperation from the Government regarding protection concerns and access to detention centres’ (UNHCR, 2015). On 25 September 2015, he issued a statement in which he criticized the *Australian Border Force Act 2015* in the following terms:

In preparing for my visit, it came to my attention that the 2015 *Border Force Act*, which sanctions detention centre service providers who disclose ‘protected information’ with a two-year court sentence, would have an impact on my visit as it serves to discourage people from fully disclosing information relevant to my mandate (UNHCR, 2015).

In the same statement, Mr Crepeau added:

This threat of reprisals with persons who would want to cooperate with me on the occasion of this official visit is unacceptable ... The Act prevents me from fully and freely carrying out my duties during the visit, as required by the UN guidelines for independent experts carrying out their country visits. (UNHCR, 2015)

Due to the secrecy surrounding OSB, its exact human and financial cost is currently censored. This secrecy may constitute a danger both to asylum seekers and Australian democracy. As a policy, OSB raises considerable possibilities of Australia violating its obligations under international refugee law, international human rights law, and the law of the sea. Whether or not such violations have already occurred, or may occur in the future, needs to be assessed on the particular facts of each case (Chia, McAdam & Purcell, 2015, p. 64). Taylor (2015) observed that ‘the ABF conforms to the national security paradigm of combining maximum power with maximum secrecy, though immigration matters are not—generally speaking—matters of national security’.

The Senate Legal and Constitutional Affairs References Committee (2017) conducted an inquiry on serious allegations of abuse, self-harm and neglect of asylum seekers in relation to the Nauru and Manus regional processing centres. The committee found that the DIBP had failed to administer Australia’s current policy of offshore processing in a safe and transparent manner as it continued to be deeply affected by structural complexity and heavy reliance on the private sector to administer the day-to-day management of the scheme. The committee also found that there was a lack of ‘accountability and transparency in the administration of the policy, and a failure to clearly acknowledge where the duty of care lies in relation to those asylum seekers and refugees’ (Senate Legal and Constitutional Affairs References Committee, 2017). For

example, the Australian Government introduced the No Way policy on 11 February 2014. This campaign is reminiscent of the No Advantage policy of 2013, which aimed to deter asylum seekers from travelling to Australia. Between 1999 and 2000, officers in Indonesia displayed pictures of sharks and wrecked boats to deter asylum seekers from making the voyage to Australia. In 2014, then Prime Minister Abbott stated:

Well, the public want the boats stopped. That's really what they want and that's my determination; to stop the boats. If stopping the boats means being criticised because I'm not giving information that would be of use to people smugglers, so be it. In the end, we are in a fierce contest with these people smugglers and if we were at war, we wouldn't be giving out information that is of use to the enemy, just because we might have an idle curiosity about it ourselves. In these situations I am not going to release information which will be exploited by people smugglers, to the peril of their customers and to the tremendous disadvantage of our country. (Abbott, 2014)

One can argue that the security checks conducted by different government agencies such as the ABF, AFP and ASIO are vivid examples of the desire to minimize risk and keep Australia safe. However, these checks have not prevented asylum seekers from entering Australia and committing criminal offences (see Chapter 7).

5.3.1 Militarization of counter-asylum: maritime surveillance, interception and detention

While the OSB was introduced as an electoral policy by the Liberal–National Coalition in 2013 and became official policy after the Coalition's electoral victory, the securitization of asylum in Australia was strengthened with the creation of a special force called the ABF. OSB conceives asylum seekers who arrive by boat as unauthorized maritime arrivals and treats border protection as a matter of high politics.

At the time of writing, the position of the Australian Government vis-à-vis asylum seekers can be understood as manifested in the ongoing OSB.

Border security protection can have multiple meanings, ranging from preventing illegal entrants to preventing deaths at sea. But in general terms, border security protection involves the deterrence, detection and prevention of any unlawful entry into Australia of people, goods or services that might be harmful to Australia and its national interests. It includes protection against illegal movement of weapons, drugs and contraband, and controlling, intercepting, managing and monitoring threats that can cause harm—including illegal immigration, people smuggling, human trafficking, drug trafficking and terrorism (Goździak, 2021; FitzGerald, 2019; Weber, 2019; Antal, 2010; Pugh, 2004; Howard, 2003). OSB is the government's law enforcement approach to deal with illegal entry into Australia. It is a 'military-led, border security protection supported and assisted by a wide range of federal government agencies' (Australian Customs and Border Protection Service, 2015). This definition includes keywords of particular relevance to this thesis: 'military-led', 'border security', 'protection' and 'a wide range of government agencies'.

In the OSB context, border security protection consists of deterring asylum seekers who arrive by boat after having paid people smugglers. Additionally, 'military-led' protection suggests that Australian borders are insecure and at threat of being penetrated. OSB uses a wide range of government agencies⁸⁸ including the Border Protection Command (staffed by officers from Customs, Defence, the Australian Fisheries Management Authority and the Department of Agriculture, Fisheries and Forestry Biosecurity) and uses Customs and Defence assets. The OSB Joint Agency Task Force is supported by three operational task groups: Disruption and Deterrence

⁸⁸ Operation Sovereign Borders amalgamates 15 departments and agencies under one military-led operational command led by an Army general or equivalent.

Task Group (AFP); Detection, Interception and Transfer Task Group (Australian Customs and Border Protection Service); and Offshore Detention and Returns Task Group (DIBP) (Australian Customs and Border Protection Service, 2015). In September 2013, the Abbott Government appointed Lieutenant General Campbell to lead OSB (Major General Angus Campbell promoted to Lieutenant General, 2013). OSB, Border Protection Command and the Disruption and Deterrence Task Group are all commanded by senior military personnel.

ABF was founded in 2015 under the Department of Home Affairs, per the *Australian Border Force Act 2015* (Cwlth), to be in charge of offshore and onshore border control enforcement, investigations, compliance and detention operations in Australia (Department of Home Affairs, 2018a). In other words, the ABF is in charge of maritime surveillance and the interception of asylum seekers—responsibilities that appear to restrict access to refugee protection on Australian shores (ABF, 2015).

Although seeking asylum remains a right of any person who feels threatened in their country, their ability to access this right is completely dependent on the sovereign will of the receiving state. Thus while the right to seek asylum is theoretically guaranteed, given the previously discussed trend of states moving to curb the rights of asylum seekers (see Chapters 2–4), accessing this right is increasingly difficult in practice (Pugh, 2004; Goodwin-Gill, 2011). As such, the international refugee regime to which Australia adhered freely, and on the basis of which asylum seekers arrived in the country, has been radically ignored since the Liberal-National Coalition election in 2013.

5.3.2 Limited and restricted access to detention centres

In addition to the secrecy and lack of transparency of OSB, access to asylum seeker detention and processing centres is limited and restricted. For example,

President of the Australian Human Rights Commission, Gillian Triggs, was denied the opportunity to visit child asylum seekers in Nauru (Gordon, 2014; Pynt, 2014). In defending this decision, then minister for Immigration and Border Protection Scott Morrison argued that the jurisdiction of the Australian Human Rights Commission does not extend beyond Australia's borders (Gordon, 2014). In 2015, Claire O'Connor, a senior Australian barrister who assists refugees, was denied a visa to enter the Nauru detention centre (Chalmers, 2016), because she needed prior approval from the DIBP.

In addition to restricted and limited access to detention centres, a visa application to visit Nauru can be very expensive. It is estimated that a visa application fee ranges from between A\$6000 for a lawyer to A\$8000 for a journalist (Chalmers, 2016; Eames, 2015; Farrell & Doherty, 2015). Nauru simply cancelled all visas for Australian and New Zealand journalists wishing to visit asylum seekers in detention centres (Cullen, 2016). The first journalist to be granted access to the Nauru detention centre since the launch of OSB was Chris Kenny, a journalist for *The Australian*, who visited on 20 October 2015 (Meade, 2015).

5.4 The impacts of the securitization of asylum policy

The literature explored in previous chapters established some links between hard policy preferences toward refugees and asylum seekers and impacts that they may have on host countries, including financial burdens, smuggling and other criminal acts, loss of reputation and potential conflicts. In this section, I analyse these impacts with regard to Australia's asylum policy preferences over the period from 2009 to 2017.

5.4.1 To Australia: financial cost and humanitarian smuggling

The securitization of asylum may have adverse impacts in Australia. These include financial cost, security, humanitarian smuggling and damage to international reputation. As previously discussed, Australia's current policy is to prevent any

asylum seeker who arrives by boat from landing in Australia without a visa. Between 2012 and 2016, this policy cost Australia around A\$9.6 billion (UNICEF Australia & Save the Children Australia, 2016, p. 4). The DIBP’s expenses for managing irregular maritime arrivals alone cost more than A\$1 billion over two years (see Table 5). Expenses to Australian taxpayers may be considered an economic burden that asylum seekers arriving by boat may pose to Australia.

Table 5: Department of Immigration and Border Protection’s expenses for the Irregular Maritime Arrival Offshore Management Program

| Financial year | Estimated expenses (A\$) | Estimated expenses (A\$) |
|----------------|--------------------------|--------------------------|
| 2013–2014 | - | 721,016,000 |
| 2014–2015 | 826,713,000 | 912,631,000 |
| 2015–2016 | 810,786,000 | 1,078,064,000 |
| Total | 1,637,499,000 | 2,711,711,000 |

Source: Legal and Constitutional Affairs References Committee (2017, p. 130)

As shown in Table 5, it is expensive to administer and care for refugees and asylum seekers. The cost of conducting maritime surveillance; intercepting, detaining and processing asylum seekers; offshore management; and security assessment are estimated in millions of dollars—to the extent that it is becoming impossible to place an exact figure on such costs (Spinks, Barker & Watt, 2013). From 2012–2016, the total cost of offshore processing and detainment of asylum seekers, boat turnarounds and other programmes was around A\$9.6 billion (UNICEF Australia & Save the Children Australia, 2016, p. 4).

Populist and conservative politicians such as Pauline Hanson, Cory Bernardi, Fraser Anning, Tony Abbott and Peter Dutton have played significant roles in constructing asylum seekers who arrive by boat as a threat (Dicker & Mansfield, 2012; Kevin, 2004; Maley, 2001). Dicker and Mansfield (2012) suggested that increasingly

there is a political ‘circus’ of Australian politicians politicking and securitizing refugee issues. Politicians continue to trigger populist hysteria in public discourse through the media, influencing Australia’s response to irregular immigration (Allotey, Mares & Reidpath, 2019; Dicker & Mansfield, 2012). For example, former prime minister Howard’s war against ‘boat people’ was well planned, timed and executed (Kevin, 2004, p. 4). Kevin (2004) observed that its primary domestic political purpose was to win back one million One Nation voters who saw strong border protection as a test of national leadership.

While there is no official record of the number of asylum seekers killed at sea during Australia’s anti-immigration operations, the Australian Border Deaths Database recorded that between 2000 and 2018, around 1909 people perished at sea while trying to enter Australia as asylum seekers (see Table 6).

Table 6: Asylum seeker-related deaths en route and in detention within Australia and related to deportation (2000-17)

| Year | En route | Australian waters | Offshore detention | Onshore detention | Death in community | Death during arrest/deportation | Death after deportation | Total |
|------|----------|-------------------|--------------------|-------------------|--------------------|---------------------------------|-------------------------|-------|
| 2000 | 370 | 3 | 0 | 1 | 0 | 0 | 0 | 374 |
| 2001 | 358 | 3 | 0 | 4 | 1 | 0 | 0 | 366 |
| 2002 | 0 | 0 | 1 | 2 | 0 | 0 | 6 | 9 |
| 2003 | 0 | 0 | 1 | 2 | 1 | 0 | 0 | 4 |
| 2004 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 2 |
| 2005 | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 3 |
| 2006 | 0 | 0 | 0 | 0 | 0 | 1 | 12 | 13 |
| 2007 | 12 | 0 | 0 | 0 | 0 | 0 | 1 | 13 |
| 2008 | 0 | 0 | 0 | 2 | 0 | 0 | 1 | 3 |
| 2009 | 114 | 17 | 0 | 0 | 0 | 0 | 1 | 132 |
| 2010 | 97 | 55 | 0 | 4 | 0 | 0 | 0 | 156 |

| | | | | | | | | |
|---------|------|-----|----|----|----|---|----|------|
| 2011 | 231 | 0 | 0 | 4 | 0 | 0 | 0 | 235 |
| 2012 | 417 | 1 | 0 | 3 | 0 | 0 | 0 | 421 |
| 2013 | 121 | 110 | 2 | 4 | 1 | 0 | 0 | 238 |
| 2014 | 0 | 0 | 2 | 2 | 2 | 0 | 0 | 6 |
| 2015 | 0 | 0 | 1 | 2 | 4 | 0 | 0 | 7 |
| 2016 | 0 | 0 | 5 | 1 | 4 | 0 | 0 | 10 |
| 2017 | 0 | 0 | 3 | 1 | 1 | 0 | 1 | 6 |
| Unknown | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 11 |
| Total | 1720 | 189 | 15 | 33 | 16 | 3 | 33 | 2009 |

Source: Border Crossing Observatory (2018)

5.4.2 International reputation and diplomatic relations

Australia's treatment of asylum seekers has been widely criticized by human rights organisations including Amnesty International, Human Rights Watch, Save the Children, the RCOA and the Australian Human Rights Commission. For example, after visiting during Nauru between 7 and 9 October 2013, the UNHCR High Commissioner concluded that Nauru does not 'provide safe and humane conditions of treatment in detention' and that asylum seekers in Nauru 'are living in arbitrary detention in conditions that do not meet international standards' (UNHCR, 2013; Edwards, 2013).

Australia's international reputation has also suffered as a result of its asylum seeker policy and related endeavours. The conduct of OSB has harmed Australia's diplomatic relations, most notably with Indonesia (see Section 6.2). In September 2017, the Australian Government signed a memorandum of understanding with Taiwan whereby refugees on Nauru who need urgent medical care will be transferred to Taiwan for medical treatment (Wroe, 2018). This deal presents two significant problems: Taiwan is not a signatory to the Refugee Convention and the agreement is likely to jeopardize Australia–China relations. In 2017, the US, a key ally of Australia, urged Australia to end its offshore detention of asylum seekers (Karp, 2017). Then–US Deputy Secretary of State Heather Higginbottom negotiated a deal with the Turnbull Government to end Australia's offshore detention of asylum seekers in exchange for the US accepting up to 1200 asylum seekers (Higginbottom, 2017). In an article in *Time Magazine*, Higginbottom wrote:

I was the Obama Administration official responsible for negotiating the agreement with Australia's Department of Foreign Affairs and Trade to bring

relief to approximately 1200 asylum seekers on the islands of Nauru and Manus, most of whom are held in detention centers there. These are people who risked their lives on makeshift boats to flee conflict and the lack of access to basic means of survival but were turned back by an Australian government that refuses asylum seekers who arrive by sea. As we fuss and fret over the clash of presidential and prime ministerial personalities, actual human beings suffer.

While the last Administration strongly pressed the Australian government to change its policy toward asylum seekers, we also sought to immediately relieve the suffering of these refugees and agreed to resettle up to 1,200 after they went through the U.S. government's rigorous refugee screening processes. (Refugees are subject to the most thorough vetting of any visitor to the United States.) We also made clear that while we disagreed with their policy of detention, Australia is a critical ally – particularly in the Pacific – and a leader in humanitarian assistance and refugee resettlement globally. (Higginbottom, 2017)

This was the official position of the Obama Administration towards Australia's treatment of asylum seekers. While the US and Australia consider each other key allies, the two countries differ greatly in their handling of refugees and asylum seekers. This was seen when US president-elect Donald Trump and then prime minister Malcolm Turnbull disagreed during their first meeting about detainees on Manus Island and Nauru (Jacob, 2018). The above are illustrative examples of how sensitive, controversial and divisive the issue of immigration can be. In the next section I discuss Australia–Indonesia relationship in regard to asylum seekers.

5.4.3 Australia–Indonesia bilateral relations

Australia–Indonesia relations have always been shaped of many factors (Roberts & Habir, 2014; Laksmana, 2016), including history, geography, security, economic opportunities and growth, foreign aid, tourism and democracy in Indonesia. More recent and specific issues have included live cattle export, Australia’s asylum seeker policy (especially boat turnarounds, due to several instances of violating Indonesian territorial waters) (Owen, 2014), Australia’s spying scandal (Brissenden, 2014) and the execution of the ‘Bali Nine’⁸⁹ in Indonesia (Topsfield, 2015).

Australia–Indonesia relations in regard to asylum seekers have been characterized by aid and diplomacy (Eldridge, Forbes & Porte, 2019; Lindsey & McRae, 2018; Nethery, Raffety-Brown & Taylor, 2012). Nethery and Gordyn (2014; p.183) used the ‘incentivised policy transfer’⁹⁰ theory to explain the arrangement. For example, Australia has contributed millions of dollars in foreign aid to influence Indonesia’s policy on asylum seekers. In the 2013/2014 Budget, Australia budgeted to increase its foreign aid to Indonesia from ‘\$541.6 million to \$646.8 million to improve health and education outcomes, justice and governance’ (Commonwealth of Australia, 2013a; Chung & AAP, 2015). In the 2014/2015 Budget, Australian foreign aid to Indonesia was budgeted at A\$605.3 million (Australian Council for International Development, 2015). To explain incentivized policy transfer in the context of Australia–Indonesia asylum seeker policy, Nethery and Gordyn (2014) observed that:

The agreement between Australia and Indonesia has been initiated and driven by Australian diplomacy, funding and resources, for Australia’s own domestic

⁸⁹ The ‘Bali Nine’ is the name given to a group of nine people who were apprehended smuggling heroin through Indonesia (Bali). Ringleaders Andrew Chan and Myuran Sukumaran were Australian nationals. They were convicted in Indonesian courts of drug smuggling and sentenced to death on 29 April 2015. The Australian Government under Prime Minister Abbott repeatedly appealed (unsuccessfully) to Indonesia to commute this sentence to jail time.

⁹⁰ This refers to a process where a countries induces another country, through diplomatic and economic means, to adopt a policies of their choice in order to secure financial, diplomatic or any other advantage peacefully.

political interest. Thus, Indonesia, the poorer neighbour facing many more social problems than those stemming from the movement of asylum-seekers to Australia, has been offered sufficient incentives to partner in this cooperation. The role of Indonesia in Australia's desire to stop asylum seekers who arrive by boat is vital for many reasons. Most importantly, Indonesia serves as a transit country (a country that is neither a country of origin of asylum seekers nor a country in which they intend to reside permanently) for asylum seekers making their way to Australia. The majority of asylum seekers who have arrived in Australia by boat did so through people smugglers based in Indonesia (Hoffman, 2010). People smugglers may also equip asylum seekers 'with visas and/or passports—fake or genuine—to enter the country by plane' (Missbach & Crouch, 2013).

Indonesia is not a signatory to the Refugee Convention. This impacts the way it handles refugees as it has no obligation under international law to protect them. Indonesia also does not possess a domestic legal framework for the protection of refugees, although it has legislated for them. For example, Indonesia does not allow local integration of refugees or asylum seekers to provide them with 'access to formal economy, education for their children and health services' (Missbach & Sinanu, 2011). It could be argued that the economic hardship asylum seekers face in Indonesia is one reason they do not stay there—the economic migrant's theory—but this thesis argues that economic reasons alone are not enough to explain why asylum seekers do not wish to stay in Indonesia. Missbach's (2015, p. 5) observation helps us to go beyond this:

The mobility of transit migrants is often constrained by transit states and destination countries. They stagnate in transit because they are prevented from migrating to the countries they choose and from returning to where they came from as ongoing political unrest in those places seriously puts their lives at risk.

From this, it can be inferred that an asylum seeker's choice to stay in a country depends on the attitude of the country and its treatment of, and willingness to welcome, them. From an international law perspective, this willingness is expressed by states through ratification and implementation of the Refugee Convention. Ratifying the convention and failing to implement it is a 'sincere treachery' that might lead to what Grewcock (2015) called 'state harm'.

Asylum seekers do not wish to stay in Indonesia for numerous reasons (Clark, 2016; Hoffman, 2010). Indonesia has not ratified, and does not abide by, the Refugee Convention (Sulaiman, 2014). Indonesia considers refugees 'illegal immigrants' (Hoffman, 2010, p. 194) and they can face deportation if caught without appropriate documents. This position by Indonesia reflects a perception of refugees as an economic burden and a security threat linked with the drug trade (Mathew & Harley, 2014). Refugees and asylum seekers in Indonesia live in fear and uncertainty for these reasons. Consequently, they tend to enter Australia (at any cost), most of the time without proper identification documents. In this regard they are not a serious problem to the Indonesian government because they only use Indonesia as a transit country. This impacts Australia–Indonesia relations as Indonesia's cooperation with Australia to fight asylum seekers is essential to fulfil the latter's immigration policy. Lack of cooperation undermines Australia's border security.

The Royal Australian Navy and Australian Customs patrol vessels have occasionally crossed into Indonesia's territorial waters while towing asylum seeker vessels or turning them around (back to Indonesia) as part of OSB (Nicholson, 2014; Lester, 2018). Between 1 December 2013 and 20 January 2014, Australian vessels violated Indonesia's territorial waters six times (Foreign Affairs, Defence and Trade References Committee, 2014). These breaches were admitted on 17 January 2014 by

then minister for Immigration and Border Protection Scott Morrison (Ireland, 2014; Bourke, 2014; Lamb & Laughland, 2014). Morrison (2014) announced that ‘Border Protection Command assets had, in the conduct of maritime operations associated with Operation Sovereign Borders, inadvertently entered Indonesian territorial waters on several occasions, in breach of Australian Government policy’. Australia breached Indonesian territorial sovereignty in pursuit of its refugee policy and officially apologized (Crowe, 2014). An official joint review investigating these breaches was conducted by the Australian Customs and Border Protection Service and the Australian Defence Force, and it found that ‘two Royal Australian Navy frigates had crossed into Indonesian territory four times during the period [21 January 2014 to 10 February 2014], while Customs vessels did so on another two occasions’ (Commonwealth of Australia, 2014, p. 2).

These incursions were reported to be ‘inadvertent, in that each arose from incorrect calculation of the boundaries of Indonesian waters rather than as a deliberate action or navigational error’ (Commonwealth of Australia, 2014, p. 2). In May 2015, during the investigation of these interception episodes, allegations emerged that people smugglers were paid up to A\$5000 by Australian officials to turn their boats around and into Indonesia waters. The Australian Government neither denied nor confirmed these allegations; simply stating that operational matters were to be held and conducted in secrecy (Davidson, 2014; Mannik, 2016).

As demonstrated in Chapter 2, refugees and asylum seekers can be a source of tension between sending and receiving countries, sometimes to the point of war. An analysis of how the use of Indonesia as a transit country by asylum seekers can threaten Australia’s security—especially evident in attempts to prevent their arrival—is paramount to this thesis’s enquiry. Such an analysis should be mindful of the important

factors that influence Australia–Indonesia bilateral relations. For this, we must understand the international law of the sea and its regulations regarding member states’ actions at sea.

Indonesia has, under the 1982 UN Convention on the Law of the Sea (UNCLOS)⁹¹ article 2, the right to exercise its sovereignty over its territorial sea, whereby its sovereignty extends to the airspace over the territorial sea and to its bed and subsoil as follows:

1. The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea.
2. This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil.
3. The sovereignty over the territorial sea is exercised subject to this Convention and to other rules of international law.

Under article 3, territorial waters are defined as a sector of the maritime domain stretching 12 nautical miles from the coastline at low tide into the ocean and adjacent to the sea belt. Other states can only enter these territorial waters in the case of ‘innocent passage’ (UNCLOS, section 3).

Indonesia is the largest archipelago state⁹² in the world (Vitchek & Chomsky, 2012; White, 2019). As such, it has one of the most complicated marine jurisdictions. Its territorial waters constitute what is known as archipelagic waters; they are not measured as being 12 nautical miles from the coastline at the low-water mark (as are

⁹¹ This is also known as the Third UN Convention on the Law of the Sea, having replaced the 1958 and 1960 conventions.

⁹² It is defined as ‘a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such’ (UNCLOS, article 46a).

standard territorial waters), but from straight baselines linking the outermost points of islands and lands at considerable distance from the coast⁹³. This increases the chances of Australian vessels inadvertently violating Indonesian sovereignty and, thus, damaging relations with Indonesia. Evidently Australia's policy of turning back asylum seeker boats should be carefully enacted lest it expose Australia to serious security threats from that country.

As previously discussed, between December 2013 and January 2014, Australian vessels operating under OSB violated Indonesian sovereignty by entering its territorial waters on six separate occasions (Foreign Affairs, Defence and Trade References Committee, 2014) while towing vessels carrying asylum seekers. Such violation of Indonesia's sovereignty was a source of serious concern to Indonesian authorities, who requested Australia suspend its 'towing back policy' (Indonesia condemns Australian navy waters violations, 2014). The Australian Government apologized to Indonesia, claiming that such incursions occurred 'inadvertently' (Crowe, 2014) and as a result of miscalculation (Bourke, 2014). Goldrick (2014) observed that 'errors were made that should not have been made'⁹⁴. Bateman (2014) called it 'incompetence' as:

It's surprising that in setting up such a sensitive operation, no one in the chain of command foresaw the problem and did not move to ensure that everyone involved had the correct information regarding Indonesia's maritime boundaries.

⁹³ Indonesian territorial waters baselines are delimited by 'joining the outermost points of the outermost islands and drying reefs of the archipelago provided that within such baselines are included the main islands and an area in which the ratio of the area of the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1' (UNCLOS, article 47a).

⁹⁴ James Goldrick is a retired rear admiral who served in the Royal Australian Navy for 38 years. He commanded various warships, the Australian Navy Persian Gulf Task Force and the Australian Defence Force Academy in Canberra.

Australia and Indonesia have signed six agreements on maritime boundaries, in 1971⁹⁵, 1972, 1973⁹⁶, 1981⁹⁷, 1989⁹⁸ and 1997⁹⁹. Given this number of agreements, it is probable that any incursion in Indonesian territorial waters by Australian vessels was the result of confusion or ignorance, especially given the complexity of archipelagic territorial waters under international law. However, the law upholds that *ignorantia legis non excusat* (ignorance of the law is not an excuse) for breaching another country's sovereignty. As previously mentioned, an official review of Australian vessel positioning was conducted (Commonwealth of Australia, 2014; DIBP, 2014a).

Indonesia uses the asylum seeker issue as a diplomatic bargaining chip to influence bilateral discussions between itself and Australia. Indonesian minister for Political, Legal and Security Affairs Tedjo Edy Purdjianto once criticized Australia's clemency bid for the Bali Nine and threatened a possible 'human tsunami in Australia' if such a bid continued (Indonesia brings up refugees in warning to Australia over planned executions, 2015).

Australia and Indonesia have a shared interest in working together to address common enemies such as organized crime connected to people smuggling (Sheptycki, 2019; White, 2019). To be successful, this requires cooperation which entails a certain level of trust (Troath, 2019). However, as shown in this section, the level of trust between Indonesia and Australia waxes and wanes. While Indonesia plays a key role

⁹⁵ An agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Indonesia establishing certain seabed boundaries (signed 18 May 1971).

⁹⁶ An agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Indonesia establishing certain seabed boundaries in the area of the Timor and Arafura Seas, supplementary to the Agreement of 18 May 1971 (signed 9 October 1972, and entered into force 8 November 1973).

⁹⁷ A Memorandum of Understanding between the Government of the Republic of Indonesia and the Government of the Commonwealth of Australia concerning the implementation of a Provisional Fisheries Surveillance and Enforcement Arrangement (signed 29 October 1981, and entered into force 1 February 1982).

⁹⁸ Treaty between Australia and the Republic of Indonesia on the zone of cooperation in an area between the Indonesian province of East Timor and Northern Australia (signed 11 December 1989, and entered into force 9 February 1991).

⁹⁹ A Treaty between the Government of the Commonwealth of Australia and the Government of the Republic of Indonesia establishing an Exclusive Economic Zone boundary and certain seabed boundaries (signed 14 March 1997).

in Australia's fight against illegal maritime arrivals, it has used this to manipulate its bilateral relations with Australia.

5.4.4 Protection denial

There are many risks to an asylum seeker's mental health (including living conditions in detention centres, multiple abuses they might be subjected to, safety concerns, and dignity and human rights issues) that may be unknown to the Australian public. For example, there have been allegations of serious human rights abuses committed towards asylum seekers by Australian Navy and Customs personnel during their operations such as boat interception and tow back. Such abuses include limiting asylum seekers' access to food and sunlight, restricting their movement on the boats, separating families, confiscating their satellite and navigation equipment, and subjecting them to heavy-handedness and verbal abuse (Chia et al. 2015; Gallagher & David, 2014). There were also allegations of abuse and neglect of asylum seekers in the Nauru and Manus Island regional processing centres (Senate Legal and Constitutional Affairs References Committee, 2017), alongside reports of persistently high rates of self-harm and suicide among detainees (Gerard & Weber, 2019; Boochani, Doherty & Evershed, 2017). The Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru concluded that conditions in the centre were 'not adequate, appropriate or safe for asylum seekers' (Commonwealth of Australia, 2015:120).

For example, former Australian prime minister Tony Abbott stated, 'We've had three terrorist attacks in Australia and all three of them involved either people claiming to be refugees or the children of refugees' (as cited in Crowe & Lewis, 2017). However, this link between refugees and terrorism was denied by ASIO's then director-general Duncan Lewis. In an interview, Lewis noted that 'the refugee program

is not the source of terrorism in Australia' (Interview with Director-General of Security Duncan Lewis AO, DSC, CSC, 2017; Hunter, 2017; Riordan, 2017).

Senator Frazer Anning (2018), in his maiden speech to the Australian Senate, emphasized that Australia must ensure those who are allowed to enter the country predominantly reflect historic European Christianity and 'embrace our language, culture and values as a people'. From this speech one can identify indirect threat perception related to loss of identity and race. Thus the fear that Australia may lose its European culture may be considered an element in the securitization of asylum in Australia. There is evidence that threat perception can be expressed in many ways in daily political speech, such as *need to assimilate* and *need to integrate*, and the emphasis on asylum seekers and other migrants being able to speak English. However, evidence suggests that people are afraid of visible differences such as skin colour and Muslim attire, especially facial veils. In fact, Senator Anning (2018) called for a 'Final Solution'¹⁰⁰ to end Muslim immigration and a return to the WAP:

I believe that the reasons for ending all further Muslim immigration are both compelling and self-evident. The record of Muslims who have already come to this country in rates of crime, welfare dependency and terrorism is the worst of any migrants and vastly exceeds any other immigrant groups. A majority of Muslims in Australia of working age do not work and live on welfare. Muslims in New South Wales and Victoria are three times more likely than other groups to be convicted of crimes. We have black African Muslim gangs terrorising Melbourne. We have ISIS-sympathising Muslims trying to go overseas to fight for ISIS and, while all Muslims are not terrorists, certainly all terrorists these days are Muslims. So why would anyone want to bring more of them here?

¹⁰⁰ The 'Final Solution' refers to the collective policies of Nazi Germany that culminated in the Holocaust, which aimed to annihilate populations perceived as problematic.

5.5 Conclusion

This chapter discussed Australia's OSB as a response to asylum seekers who arrive by boat. It raised the issue of Australia's militarization of asylum and its possible impacts on Australia, its neighbours and refugees. It positioned such a construction within the context of Australia's efforts to protect its borders using traditional methods of warfare. The chapter explored OSB and its related activities—such as maritime surveillance, interception of asylum seekers, boat turnarounds and detention of asylum seekers—to counter asylum seekers and combat people smuggling into Australia. This chapter argued that while such deterrence is partly justified, it limits asylum seekers' access to protection.

The chapter found that the Australian government considers the issue of asylum seekers as a considerable threat, especially when it relates to the issues of border protection and terrorism. However, such a construction is not unique to Australia and it remains the sovereign right of countries to determine who enters their territories. When this right is infringed by an influx of unregulated asylum seekers countries feel unsafe, as they consider themselves to be losing control of their borders.

Chapter 6: Refugees and direct security threats to Australia

They will regard themselves as Muslims before they regard themselves as Australians. (PGP, Interview data, 21 May 2013)

Perceptions of the possible security threats posed by refugees and asylum seekers vary greatly. This chapter explores public perceptions of refugees and asylum seekers, and explores some alleged direct security threats posed by refugees in Australia. This investigation sought to answer research questions 3 and 4 (see Section 1.3). One of the major themes that emerged was the general concerns, fear and resistance that participants had regarding refugees and asylum seekers from Islamic countries. Other important emerging themes were a massive opposition to asylum seekers using boats as a means to enter Australia, overwhelming sympathy towards refugees in overseas refugee camps, and concerns over scarce resources such as jobs and houses (the latter is an indirect threat and is explored in Chapter 8).

This chapter analyses these themes and situates them in the context of security. Section 6.1 explores the public's opposition to boat arrivals, which participants described as 'illegal'. Section 6.2 explores the perception of offshore refugee security screening and the use of refugee camps as pools for 'genuine' refugees. Section 6.3 explores the public's general fear and the security threat perception of refugees and asylum seekers. Sections 6.4–6.7 explore concerns regarding Islamic refugees and the alleged threats they pose to Australia, such as cultural identity problems, visible difference, terrorism, recruitment as foreign fighters and the spread of violence.

6.1 Boats as a mode of arrival

This thesis has explored the construction of resettled refugees as 'legal' and their general acceptance by the community, as opposed to the construction of asylum

seekers who arrive by boat and who are presented as ‘deviant’, ‘illegal’, ‘troublemakers’ and ‘queue jumpers’ who should go to camps and wait. The majority of the interviewed refugee participants (including resettled refugees/people from refugee backgrounds) were against asylum seekers using boats as their mode of arrival. They associated resettlement with legality and arrival by boat with illegality. One participant (a person of refugee background) stated, ‘We were legally processed by the Australian Government. We did not take any boat. We took planes’ (FK, Interview data, 17 January 2014). This language of legality, as expressed by participants, is predetermined by the existence of laws, both domestic and international, that foster stereotypes, prejudice and discrimination among the same people. FK noted:

This [visa application prior to entry] is the right process [mode] but it delayed a lot—it took years to take people out of the camp. It is a good process because we are not accused of illegally entering into Australia. When we leave the camp, the government is aware that such people are coming from such country and will enter Australia on such date and will be in need of these things. The government already knows everything that we are going to do—from the camp to here. I am requesting the Australian Government to continue helping people in this way. (FK, Interview data, 17 January 2014)

While the illegality of seeking asylum continues to be a common myth (Pedersen & Hartley, 2015), the evidence the data presented was that refugee camps continue to be seen as ‘legal’ and ‘civilised’. If one considers the refugee journey as a process that starts with asylum, refugee camps should be an exception rather than a rule. Refugee camps are a ‘space of exception’, whereby ‘rights are suspended’ (Agamben, 1998, p. 170). They strip human beings from their humanity and leave them with what Agamben (1998) describes as ‘bare life’. The treatment of refugees in

camps (Janmyr, 2014), the length of their stay and its related consequences do not put camps in a position to be venerated or to serve as a potential pool for refugees on both moral and human rights grounds (Loescher et al. 2008; Loescher & Milner, 2013). Various participants of refugee background recalled that they had lived in overseas camps for up to 20 years, some in horrible conditions.

As repatriation has declined globally¹⁰¹ and host countries become less willing to provide permanent protection to refugees, only 1% of refugees in overseas camps are resettled in third countries (Hyndman & Giles, 2017).

At this stage, it is not important for this thesis to assess whether the refugee deterrence policy in Australia is a ‘punishment’ (Hartley & Fleay, 2014) or a ‘state’s sovereign right’ (Larking, 2014, p. 137). Previous chapters demonstrate that neither notion can be self-sufficient and self-explanatory. I have argued that granting asylum is a political act and, therefore, does not erode national sovereignty—rather, it extends it. What is important is that interview data revealed that the policies of the Australian government have widened the gap between resettled refugees and asylum seekers who arrive by boat, because resettled refugees are concerned that people who arrive by boats take their places and opportunities. One participant stated:

There are people in refugee camps who apply to come as refugees and then these people who get in a boat and come, they try to reduce other opportunities to come. It came a time now that Australia has to drop the number of refugees to come. They have to screen people. For instance, I wanted my family left behind the procedure and the process started to become very hard because of the high increase of people coming on boats and planes. So that’s why I have a little bit of problem. Only that. But if they are coming and get the

¹⁰¹ It is estimated that current rates of repatriation are the lowest in 30 years (Hyndman & Giles, 2017).

opportunities. Even if there are risks on the waters. They get on boats and die. Those are concerns. But on the other hands, they are reducing intakes of other people who are really struggling and need help like me. Stories I hear from most of those who come here on boats, they are people who come on boats have got businesses, but because they want to improve their life they get on boats and come. Because those who are really, really poor they cannot afford to pay the boats to come here. (YJ, Interview data, 24 May 2013)

From the above, one can infer that while the deterrence policy is doing harm to asylum seekers who arrive by boat, it can also be a source of internal tensions within communities who live in Australia and, therefore, cause a potential threat to peace and security.

6.2 Refugee camps as the exception: security checks and threat mitigation

A common finding in my interviews was the overwhelming sympathy and support of non-refugees for refugees who come to Australia through the offshore humanitarian visa process which takes in refugees from overseas refugee camps. One participant of non-refugee background reasoned that this ‘makes them [refugees from overseas camps] to be civilised [sic]’ (MR, Interview data, 12 June 2013). By this, it was meant that resettled refugees come through what they considered to be ‘proper channels’ in which their health and security can be checked, ensuring that those who arrive in this way do not pose a threat to Australia. Such refugees were mentioned to have ‘not take any shortcut, they have waited for their turn and they are not queue jumpers’ (PGP, Interview data, 21 May 2013). Another non-refugee participant supported increased intakes from overseas camps:

I think that's where we should be doing more. I feel like as a country we should be taking heaps more people that are displaced because of war, famine and political unrest. I think we should be taking heaps more people through those avenues. Because I feel that some of those avenues have been set for a long time. (AS, Interview data, 11 June 2013)

Interviewees confirmed that there was significant acceptance of, and willingness to welcome, resettled refugees from overseas refugee camps, and strong resistance, anxiety and stigma towards those who come by boat.

While this appears to conform to Agamben's (1998) theory of the refugee state as an exception, it also reinforces the idea of a sovereign power. In other words, sovereign powers must be able to welcome who they wish to. The process is completed after a series of security and health assessments to mitigate possible threats likely to occur in the absence of these, such as when the checks are made impossible or difficult due to a lack of appropriate documentation (for example, in the case of asylum seekers arriving by boat).

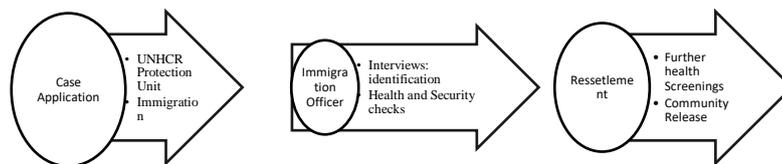


Figure 5. Refugee resettlement processing

Refugee processing is lengthy (see Figure 5.), costly and time consuming. It requires would-be refugees to undertake security screening and extensive health checks to ensure that new arrivals will not be a burden on the health or social security systems. Behind this process is the idea that security assessments and screening will help; first, to detect the risk, second, to mitigate the threat that a would-be refugee can pose in Australia and, finally, to determine if the would-be refugee is a 'genuine refugee'. While this process is administratively, bureaucratically and legally

important, it is debatable whether it can prevent a security threat from occurring on Australian soil.

Firstly, refugees (be they from resettled camps or asylum seekers) might not have proper identity documents. The circumstances in which would-be refugees leave their homes can minimize the possibility of them having the right identity documents. The situation is worse for refugees from developing countries where record-keeping is poor. Some participants of refugee background stated that they arrived under an imprecise date of birth because they did not know when they were born due to the lack of a birth certificate. Others knew that their names (previous or current) were either incorrect or deliberately misspelt to avoid detection by their persecutors. Some have never held a driver's licence, do not have a marriage certificate, and had interrupted their education, meaning they lacked a record of academic qualifications. This can lead to incorrect results during their evaluation. Additionally, corruption and dishonesty can hinder the security screening process.

Secondly, the previously clean security record of a refugee is not sufficient evidence to predict what they are likely to do while settled in Australia. While refugee camps are not necessarily a safe mode of arrival, the view that they are is popularly held and advanced by scholars and government officials. It is very hard to control dishonesty, deception and cheating, and to maintain the integrity of checks on security and health, in under-equipped countries where poverty is rampant and corruption commonplace. As a result, some non-genuine refugees end up in Australia simply because they bribed protection officers to process their case quickly. One participant from the cohort of Refugee Service providers shared the following:

I do know that there is corruption in some countries where people are being processed offshore. Who actually gets chosen to be brought into Australia? I

do not have control on that. I do really not know how the process is done, but I can imagine if you have got a bit of cash that will help you to get chosen in whoever is processing in those camps. I do not say that all those who are coming are the ones who have put some cash forward ... I do not know. But I can imagine that it is not always a clean process. Those who are making their way to come to Australia, my understanding is that the family or the village put money together to send a guy often—or a family—if it is a young guy they will put some money together to try and help that one guy make a good start of his life and send a guy out of a country where he ends up and how much he pays to get to Australia is a sort of luck. (MO, Interview data, 26 June 2013)

From this participant's account one can understand that security screening of refugees before they leave refugee camps cannot be 100% accurate due to missing and sometimes misleading information, which may be deliberately or non-deliberately caused by corruption, poor refugee management or the lack of an accurate record-keeping system in refugee camps. Remember also that most refugees are from the developing world. When enquiring about allegations of corruption in refugee camps with participants of refugee background, one (now a visa processing officer) indicated that they knew virtually nothing about Australia prior to arrival. Another (now working with a refugee service provider) stated that their friends and family members discouraged them from coming to Australia following rumours that refugees were sold as slaves here. Once having been resettled in Australia for some time, this participant started encouraging others to resettle here. The subsequent protection cases of that participant's friends and relatives were processed quickly—potentially due to money sent to 'support' their cases. Such allegations are discussed in Chapter 7.

Generally, three types of responses emerged during interviews in regard to Australia's intake of refugees: that Australia is doing well, that Australia should take more refugees from overseas camps and that Australia should reduce its intake. These responses tended to relate to the general attitude of the respective participant towards refugees in general.

The first group (dubbed 'radicals', the relative minority of the sample) regarded asylum seekers who arrive by boats as 'illegals' and 'queue jumpers', and preferred increasing the intake from overseas refugee camps. This group had a strong negative attitude towards refugees and asylum seekers in general, favouring towing boats back, tightening immigration laws and reducing the immigration intake. They could be described as xenophobic or racist and used the language of sovereignty to defend their position. The radicals were the only participants to link refugees and asylum seekers to security. (This might be due to the fact that some participants were not aware of how the issue can be detrimental to their security.) The second group (dubbed 'homoeconomicus', the majority of the sample) comprised those who preferred to reduce Australia's refugee intake and increase infrastructure such as schools and employment. This group were more concerned with the economy than security. The third group (dubbed 'humanitarians', comprising 33% of participants) believed that Australia should increase its intake of refugees. This group perceived the refugee issue in humanitarian and human rights terms. These three categories appear to align quite well with a typology developed by social psychologists Kelman and Hamilton to explain individual differences in orientations to authority. In *Crimes of obedience: toward a social psychology of authority and responsibility*, Kelman and Hamilton (1989, p.16) categorized them in terms of 'authorisation' (in which moral principles do not apply), 'routinisation' (dissociating acts from their meanings and consequences)

and ‘dehumanisation’ (where the humanity of those who are targets of harm is overlooked and denied). From the above, Kelman and Hamilton derived three categories of orientation towards authority, which are closely related with the three categories discussed in this thesis (radicals, homoeconomicus and humanitarians): rule-orientation, role-orientation and value-orientation. Kelman and Hamilton found that the rule-orientated people tended to obey rules and prevailing norms (the radicals). The role-oriented people were mostly distinguishable by their strong identification with societal norms. They (homoeconomicus) were interested in the economic and financial aspects of immigration, such as overpopulated cities, housing, employment, busier roads, identity, etc. The value-oriented people were interested in questioning the attitudes taken by authority, and focused on the meanings and consequences of actions (humanitarians). Kelman and Hamilton’s ‘value-orientation’ can be likened to illegitimate and harmful exercises of authority or power. However, participants appeared to be aware of such a divide in general society. One study participant mentioned that it was clear that asylum seeker issues have divided Australia into two camps, ‘... racist and humanitarian superheroes. You are either a racist and want the boats to go home, or you are the next super humanitarian hero who is going to open the floodgate for all the refugees’ (AS, Interview data, 11 June 2013).

A common denominator linking the above three categories to refugees and asylum seekers is the attitudes, orientation and what values each participant attaches to the identified threat. In other words, threat perception varies according to what the perceiver considers as a danger or threat. As will be shown in the next section, danger or threat perception depends on many factors such as environment, value, rules, roles, social status and available opportunities.

6.3 Fear and security threat perception

Threat perception of the presence of refugees in a host country depends mostly on the attitude of the host community towards the new arrivals. Occasionally, the Australian public has raised concerns about people arriving in the country using boats, the increasing numbers of arrivals, and the consequences for infrastructure such as schools, hospitals, roads, jobs and housing. These things can determine how quickly the host community will accept more people and/or how quickly the new arrivals can assimilate and integrate into their new community. One participant of non-refugee background summarized this as, ‘A society can only accept a certain amount of that before they say this has gone too far and we do not want this. When the society says this has gone too far, we cannot tolerate that anymore, that’s when violence starts’. (PGP, Interview data, 21 May 2013). This supports previous studies that have found a significant link between refugees and security (Aradau, 2018; Mogire, 2016; Milner & Loescher, 2011; Salehyan & Gleditsch, 2006; Lischer, 2005; Stedman & Tanner, 2003; Jacobsen, 2002; Milner, 2000; Weiner, 1993a).

There is a relationship between the attitude of the host community and the assimilation of refugees into said community. Research on the ‘non-assimilation factor of people from refugee backgrounds’ associates lack of integration with two factors: the new individual’s willingness to integrate into the society and the society’s willingness to accommodate the new individual (Tabin, 1999, p. 12). Once individuals who are trying to integrate into a new society feel rejected, they tend to congregate and form societies of their own (or enclaves). When such a situation persists, the groups grow and can constitute a threat to the host society. Participants of refugee background linked their lack of assimilation to different factors, including the fact that they continued to be treated as refugees despite being Australian citizens. For example, one

participant of refugee background mentioned his unhappiness at being asked questions such as ‘Are you a refugee?’ and ‘Where do you come from?’ (GK, Interview data, 22 May 2013). He expressed his disappointment as follows:

You feel that you are still being haunted by the name of refugee. Even though they say you are a citizen, but they would still consider you as a refugee ... Almost nine years now. I will be nine years [an Australian citizen] in July. I would say that being a refugee is a very bad experience. I do not even want my children to be called refugees. Because they will be asking so many questions. ‘Why did this happen?’ ‘Why can’t I be considered as a real citizen?’ (GK, Interview data, 22 May 2013)

Another participant (non-refugee informants cohort) revealed that they were concerned that people of a certain ethnic background ‘tend to congregate together in certain areas. Then they have people who speak their languages; they have people of their same colour. They have people who have their culture. That cause problem’ (PGP, Interview data, 21 May 2013).

The vast majority of study participants did not think resettled refugees posed any ‘direct threat’ to them. They used statements such as ‘no direct effects’, ‘I do not feel personally threatened’, ‘I am not scared of them’, ‘I do not think they [refugees] are a threat’ and ‘the flow of people into Australia is not so huge’. Such statements are reflective of how non-refugee informants feel about asylum seekers, and demonstrate confidence and positive feelings in their attitude towards refugees and asylum seekers. As one non-refugee participant commented:

It does not ever affect me personally. People would cry and complain about the boats. Personally, my friend, my work and my family people arriving on boats do not have any personal effect on me. No direct effects. Technically I cannot

really say they should not arrive by boats. It is not affecting me at all, my work, and my life. It depends on which area of work are you in, if you have a strong political view. (MR, Interview data, 12 June 2013)

Another non-refugee participant said:

No. I have been privileged to have a fair life: good education, free will—although sometimes I abuse my free will—good life, freedom. That is what makes me to be grateful [sic]. What another person is doing trying to achieve something in their life is not of importance to me. I would have done the same if I had been in the same situation. Seek life somewhere else. I do not feel personally threatened. I do not think they would take our jobs. It is propaganda. I have received many things from them. I had never tested coriander before. I tested it at a family of refugee background I befriended. I have learnt a lot from them. We have had a positive experience. (SS, Interview data, 2 April 2014)

Some participants were sympathetic towards asylum seekers and lamented that they were drowning at sea. Another non-refugee participant revealed that they were worried by ‘asylum seekers risking their lives and using unseaworthy boats’ (AS, Interview data, 11 June 2013)—no security concern mentioned; only sympathy and a sense of humanitarianism. Another participant stated:

Yes, it does concern me that they are going on seas in leaky boats. It would concern me if anybody does—you know Indonesian sailors, fishermen are going to sea. There are reports in the news that Indonesia crews are young ... My concern is for the safety of person crossing the sea—any person crossing the water in an unsafe vessel. If you think of the current movement of people throughout the world, what is happening in Australia is not as of concern for me than as what is happening in other places in the world. There is obviously

Syria, which is at war at the moment. But there is huge flow of people from Africa into Europe at the moment; there is huge flow of Mexicans in the USA. There is huge flow of people everywhere. The flow of people into Australia is not so huge. (MO, Interview data, 26 June 2013)

This response demonstrates compassion and sympathy towards asylum seekers. One participant indicated that they felt it was unfair that some people were allowed to settle in Australia while others were declined:

I suppose in some senses it is not really fair to some people—some people are in and other not. It causes problems when they arrive. Like the boat that was locked up in Geraldton. People got so angry. Did you hear about that? The people were so angry and started protesting. It is hard. Because, I try to feel for them, I try to empathise with them. I get emotional on people stories. What if that would have been me? If my country was war-torn and there was a boat coming I would get on board ... I suppose it causes some problems. I think what if that was me? Would I get into that boat? (MR, Interview data, 12 June 2013)

Participants were concerned about the lack of humanity, awareness and knowledge of asylum seekers. ‘Boat people! Boat people! It’s like a scary thing’, criticized one participant (AS, Interview data, 11 June 2013).

Participants in the non-refugee informants cohort, however, lacked an understanding of refugee and asylum seeker issues and the relevant laws. One referred to asylum seekers as ‘illegal refugees’: ‘Once you have illegal refugees it just upsets everything. I think the mountain of illegal refugees who are coming to this country will keep increasing. [The number of] Illegal refugees is far too high’ (PGP, Interview data, 21 May 2013). Most participants did not have a correct interpretation of the term

‘refugee’; failing to understand that it is, by its nature, a legal term and determined by the laws of a country. A participant who works with refugees in a refugee centre stated:

I think technically I am not in daily contact with many refugees, because most of the people when they arrive here and when they are in our programmes, they have already been granted a residency status. They are no longer refugees; they are humanitarian entrants to Australia. (AS, Interview data, 11 June 2013)

In the above, the participant expressed an incorrect understanding of when refugee status ceases. Per the Refugee Convention (articles 1C(1)–1C(6)), there exist six conditions under which a refugee can cease to be recognized as one¹⁰². In short, a refugee ceases to be recognized as such when they voluntarily repatriate or become a citizen of another country. If a person can avail themselves of the protection of the authorities of their country of origin, it means the circumstances that allowed them to have refugee status confirmed no longer exist—there is an assumption that the ‘returnee’ no longer faces persecution in their home country and, therefore, does not need another country’s protection.

In the case of refugees coming from overseas refugee camps, they are in their resettlement process. Resettlement is a process whereby a second country of asylum agrees to protect refugees who, owing to a WFF, cannot repatriate or settle in their first country of asylum. Until they become citizens of a third country or present/reveal

¹⁰² These six conditions are: (1) They have voluntarily re-availed themselves of the protection of the country of their nationality; or (2) Having lost their nationality, they have voluntarily re-acquired it; or (3) They have acquired a new nationality and enjoy the protection of the country of their new nationality; or (4) They have voluntarily re-established themselves in the country which they left or outside which they remained owing to fear of persecution; or (5) They can no longer, because the circumstances in connection with which they have been recognized as a refugee have ceased to exist, continue to refuse to avail themselves of the protection of the country of their nationality. Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail themselves of the protection of their country of nationality; or (6) Being a person who has no nationality they are, because the circumstances in connection with which they have been recognized as a refugee have ceased to exist, able to return to the country of their former residence.

themselves to the authorities of their country of origin, such people do not lose their refugee status.

One participant of non-refugee background and a refugee service provider mentioned, ‘In my opinion a refugee is someone who is still fleeing his country. They are still in the process of fleeing. Once they have arrived and been granted citizenship status then they are defined as humanitarian entrants’ (AS, Interview data, 11 June 2013). Here the participant is mixing categories or concepts. A person fleeing their country is not, by virtue of the Refugee Convention, a refugee; they are either an asylum seeker or IDP, because for a person’s refugee status to be determined, they have to cross an international border and be recognized as a refugee by the receiving country. However, the Refugee Convention recognizes that in circumstances where persons are afraid for their lives, they might not have the time or opportunity to obtain proper travel documents. It is not illegal to enter without documentation and seek asylum in a country that is a signatory to the Refugee Convention¹⁰³. This participant was able to distinguish a refugee from an asylum seeker: ‘An asylum seeker is someone who is trying to obtain a refugee status. They are still seeking refuge. In order to have refuge they need to apply for asylum first’ (AS, interview data, 11 June 2013).

This same participant stated, ‘I am concerned that boat people are jumping the queue, many of them are Muslim and do not integrate’ (AS, Interview data, 11 June 2013). This raises many issues of concern—the immigration ‘queue’, Islam, assimilation, terrorism and sovereignty—that need to be addressed. The matters of queue and sovereignty are addressed immediately below, while the issues of Islam, assimilation and terrorism are addressed throughout Sections 6.3–6.6. Assimilation is also explored.

¹⁰³ This privilege is sometimes misused and abused by people who do not have a genuine refugee claim. They destroy their passports and other identity documents prior to embarking for Australia.

First, there is a concern and assumption that asylum seekers are ‘jumping the queue’; that is, bypassing the normal legal procedures of immigration and skipping ahead of those who have applied for immigration through formal channels. This assumption is incorrect; asylum seekers who arrive by boat are processed according to the same legal procedures as other would-be refugees. (Indeed, there are usually additional procedures and screening for such asylum seekers, owing to them usually lacking documentation). Interview participants from refugee backgrounds confirmed that every individual case is treated separately, with reference to the severity of the fear that the asylum seeker has. Some of these participants recalled that they had spent a decade or more in refugee camps, not because they were waiting for others to be processed but because the decision to resettle to Australia was not theirs to make.

Second, the idea that refugees and asylum seekers are trespassing in Australia and violating Australia’s sovereignty is also a false assumption. This notion is linked to the idea that every nation has the sovereign right to exclude aliens and welcome who they want to enter their territory. Behind this misconception lies the assumption that refugee and asylum seekers movements to host states pose a security threat not only to host countries but also to the international order. Under such conceptions, those whose role is to maintain security, order and law enforcement tend to construct refugees and their movements as a security threat to be dealt with immediately. As demonstrated in previous chapters, the ratification of any international convention is a sovereign right, in that once a treaty or convention is ratified, the will of the state is expressed and extended at the international level. Such extension has consequences, one of which is the obligation to respect one’s international commitments. In this case, the commitments made by Australia in ratifying the Refugee Convention, Refugee Protocol and associated human rights instruments are not being adhered to.

Non-refugee participants were able to identify reasons why people want to leave their own countries. Top of the list was the need to make a better life. Few study participants linked seeking asylum with war, harassment and trauma; however, such experiences were linked with 'illegality'. One non-refugee participant stated, 'I have been honoured by the fact that they [refugees] have shared their possibly traumatic journey, their possibly illegal, possibly risky journeys with me. Now I have a greater understanding why people leave their countries. So my perception has changed' (AS, Interview data, 11 June 2013). Another participant expressed that since working with refugees, their attitude towards them had completely changed:

My perception of them has completely shifted. I kind of grew up with a lot of people that were around thinking that they came to Australia to use our resources; to, you know, make our housing situation worse, making our roads busier, without considering their background stories. And since I have been working here, I have actually realised the reasons that people flee their countries. Australia is such a fantastic place and they want to take advantage of this. You know, experience the great love that we have here. And I have kind of looked at that from a personal perspective because I have heard people's stories and they have really touched me, so I thought where else have they got to go? I have become a lot more compassionate and considerate to their situation since working here. (MR, Interview data, 12 June 2013)

Interviews suggested that there is a strong sense of compassion towards refugees among the non-refugee informants. Most participants do not feel directly threatened by refugees. Despite a low level of awareness and understanding of refugee law, the non-refugee informants have a sense of human rights and perceive refugees as fellow human beings who deserve better treatment. In the interviews, non-refugee

informants were against detaining asylum seekers in detention centres and expressed regret over asylum seekers resorting to attempts to enter Australia by boat, and the resulting deaths at sea.

In contrast to such empathy from the non-refugee informants' cohort, the majority of participants with a refugee background evidenced a hard stance towards asylum seekers who arrive by boat. They claimed that asylum seekers should wait in refugee camps—as these participants did for decades—and come to Australia through the UNHCR. They alleged that asylum seekers who arrive by boat hinder their prospects for family reunion.

6.4 Perception of refugees as an existential threat in Australia

Earlier in the thesis I argued that Australia's perception of refugees as a threat needs to be understood in relation to past immigration policies such as the WAP that excluded people of other races and religions from entering Australia. As people from other countries and cultures continue to enter Australia, Australian social fabric changes. The previously dominant European culture and Christian religion in Australian society are being challenged by the rise of other races and religions (see Lowe, 2012, Caldwell, 2009); most importantly, by those of Islamic faith.

Interviews showed that there is an overwhelming opposition towards refugees and asylum seekers from Islamic countries because of some aspects of Islamic religious practices. One participant, who identified themselves as a non-refugee, expressed their concerns as follows:

The problem I have is a religious problem with Islam where Islam says, "We do not agree with the way Australians live. We do not agree with your lifestyle, we do not agree with what you think, we do not agree with what you believe in." As far as I am concerned, if people come to this country—regardless of

where they come from—they must accept this country as it is (PGP, Interview data, 21 May 2013).

In the above statement by participant PGP, the antecedent of perceived threat is associated with the belief power (of radicals) rather than economic values. It can also be said that such attitudes are attached to the fear of a change in Australia's way of life and religion (Christian v. Muslim) and political orientation (national identity). For example, participant PGP stated:

You cannot have people coming from other countries and saying “We are coming to your country and we are going to change it.” Whether Australia is right or wrong, people coming to this country do not have the right to say “We are going to change it. We do not agree with what you believe.” If you do not like Australia, it's all right, go back to where you came from, as simple as that. Is that racist? No. No. Because Australia is a national country. They have a national identity. Nobody—whether you come from the Congo, whether you come from Uganda or whether you come from an Islamic country—you do not have the right to come into this country and say we do not believe the way you live is right and we are going to change your law. They do not have the right to do that. (PGP, Interview data, 21 May 2013)

Similar religious-related concerns were expressed by other participants. There was a general feeling that some religious practices of Islam were ‘un-Australian’ and conflicted with Australian values. One participant, a refugee service provider, recalled that they had dealt with many cases of Muslim men trying to bring their underaged wives to Australia. Some in Australia propositioned girls as young as 12 and were subsequently deported. The provider told me:

Muslim men often marry people who are underaged—according to Australian laws—and try to bring them over here. Australian laws would say [to] you that it is not recognized. Because, according to Australian laws, you cannot marry somebody under 18 years of age. So this would shock them. They are desperate to bring their families over, but the families were married maybe at the age of 16 or something. So we would try to find a way of letting these people apply, maybe as ‘fiancées’, and when they come to Australia they had to remarry. So you would always have two marriage dates. (LA, Interview data, 11/06/2013).

The concerns raised by this participant regarding some aspects of Islamic religious practices and beliefs are shared among many. Islam, believed to be a religion of peace and mercy (Ibrahim, 1997, p. 59), continuously faces criticism over some of its practices, including: to fear nothing but Allah (Qur’an, Surah 10, Yunus, Section 7, 63–65), to fight for Allah’s cause (Qur’an, Surah 2, Al-Baqarah, Section 24, 190–193), to obey the Prophet (Qur’an, Surah 4, Al-Nisa, Section 9, 60–69), to kill those who oppose Him (Qur’an, Surah 17, Al-Isra, Section 8, 71–77), for men to marry as many women as they choose (Qur’an, Surah 4, Al-Nisa, Section 1, 3), and the belief that martyrs are not dead (Qur’an, Surah 2, Al-Baqarah, Section 19, 154–157) and will receive best provision before Allah (Qur’an, Surah 22, Al-Hajj, Section 8, 58–59).

These practices form part of the Islamic belief and Muslims respect them as such. To not practice them is considered a betrayal of the Islamic faith and may lead to non-assimilation into the host nation. This continues to raise concerns and anxieties among the majority of Australians, who consider Islam a threat to the Judaeo-Christian social fabric that has dominated Australian society for centuries. Some have called for a global reform of Islam as a religion in general and the Qur’an (Donnelly, 2018; Ayaan, 2015).

Fanatical interpretations of Islam appear to be a key source of tensions between non-Muslims and Muslims, as well as tensions within Muslim communities (that is, fanatics, fundamentalist or extremists versus moderate Muslims). There are, of course, good, law-abiding Muslims and *bad* Muslims (Mamdani, 2004), just as there are good, law-abiding Christians and *bad* Christians. As Hoffman (2006, p. 83) observed, killing people in the name of religion or one's god(s) did not start with al-Qaeda. Hoffman (2006) identified numerous terrorist groups among Muslims, Christians and Jews, yet only the Muslims groups have been used to generalize about the rest of the respective community. Briskey (2002) described this as 'negative distortion of Islam', which consists of discussing or reporting on Islam and terrorism in the same breath as a form of 'generalisation/shorthand/stereotype'. Such fear has increased following the 9/11 terrorist attacks, and the London terror attack in which British soldier Lee Rigby¹⁰⁴ was killed. (London terror attack victim named as soldier Lee Rigby, 2013)

6.5 Visible differences as a threat: burqa, hijab and other facial veils

The demographic composition (gender, age, country of origin and religious affiliation) of refugees and asylum seekers was discussed in interviews. Of the non-refugee informants cohort, 78% were concerned with the visible differences that some refugees present, including skin colour and Muslim women wearing facial veils (for example, hijabs, burqas and niqabs). Among the non-refugee informants, these differences were described as 'confronting', 'concerning', 'threatening' and 'un-Australian', and were thought to attract attention, increase prejudices and lead to a deficit of trust. These differences appear to impact refugees' employment prospects, and how they are treated by the police and other state agencies.

¹⁰⁴ Lee Rigby was murdered by Michael Adebolajo and Michael Adebowale, both Muslim and British-Nigerians (Whitehead, 2013).

Several Australian politicians, including Peter Costello, John Howard, Cory Bernardi, Mark Latham, Pauline Hanson and Tony Abbott, have called for the ban of Muslim women's facial veils for security reasons. These conservative politicians also consider Islam as a serious threat to national security (Patton, 2009; Caldwell, 2009; Wadumestri, 2010). Senator Bernardi, for example, described the burqa as 'un-Australian' and called for its ban in Australia (Bernardi, 2010). On 17 August 2017, Senator Pauline Hanson entered the Senate wearing a burqa and spoke against it:

In light of what is happening with national security—there have been 13 foiled national threats against us from terrorism, three that have been successful, and Australians have lost their lives. Terrorism is a true threat to our country, and many Australians are very much in fear of it. What I would like to ask on behalf of the Australian people—considering a large majority of Australians wish to see the banning of the burqa. (Hanson & Ravlic, 2018, p. 142)

One participant from the refugee service provider cohort linked such an attitude with what they called 'politics as well as visible difference' (MO, Interview data, 26 June 2013).

From the available evidence, one can infer that Muslims and Islamic immigration are regarded as a threat to Australia by elements within the government (Maddox, 2019; Donnelly, 2018; Hanson & Ravlic, 2018; Jupp, 2018; Latham, 2017; Caldwell, 2009). This was confirmed by non-refugee informants in the study. However, such a threat might be exacerbated or triggered by religious, cultural and racial intolerance. Identifying Islam as a threat can have an impact on community cohesion and security, resulting in the criminalization of Muslims where they are regarded with suspicion and fear, leading to their systemic marginalization by

ignoring, discrediting, criticizing and labelling them as ‘un-Australian’. One refugee service provider participant observed:

There are reports to me that—you know, especially after 2001 when the Twin Towers were destroyed ... after the London bombing. That people from Africa, women wearing hijab, Muslim people, because they are visible, they are visibly different from supposedly normal Australians—whatever that might mean today [laughing]—they do get abused. I think it is out of fear of not knowing that the Australian society is about to change and they do not know what it is going to change to. And whether that person will be able to thrive in the new society that is being created. (MO, Interview data, 26 June 2013)

While participants acknowledged that there is racial and cultural discrimination in every country, many expressed the view that there are links between terrorism and Islam. One participant from the non-refugee cohort expressed their concerns as follows:

First of all, because many of these people coming to this country are from Islam and are coming from Muslim countries, I fear that we are allowing people into this country that will never ever assimilate. In other words, they will regard themselves as Muslims before they regard themselves as Australians. People might say that’s racist. I can understand that point of view. (PGP, Interview data, 21 May 2013)

Kampmark (2017, p. 496) found that the ‘Islamic terror genie has been used to effectively transform the Australian political landscape through a series of plotted suggestions’. For example, in her address to the Senate on 28 March 2017, Senator Hanson raised her concerns about Islamic immigration:

Australians are increasingly worried about immigration from Islamic countries. In July and August 2016, Essential conducted a survey and found that one in two Australian supported a ban on Muslim immigration. A significant swathe of those in favour were actually Greens voters. Australians told Essential that people from Islamic countries do not adopt our values, do not integrate and have the potential to become a terrorist threat. (Hanson & Ravlic, 2018, p. 128)

Such an attitude is sometimes referred to as a ‘clash of emotions’ (Sik Lee, 1985, p. 23) and exists in many countries (Buchanan, 2002, 2008; Caldwell, 2009).

For example, there are reports that 52% of Japanese ‘dislike South Korea, while 78% of Koreans feel the same way about Japan’ (S. Koreans say Japan worse threat than China as attitudes worsen sharply, 2015). Similar attitudes are reported between Arabs and their Pakistani and Filipino guest workers (Maddox, 2019; Djajic & Mesnard, 2015). The police brutality towards African Americans in the US is another illustrative case of racism.

Australia has taken measures to counter violent extremism by Muslims, resulting in their marginalisation and discrimination (White, 2007; Wadumestri, 2010; Cole, 2017; McCaffrey, 2017). Participants revealed that they like Asians because of their technical ‘know-how’, which they believed would be beneficial to Australia’s development. Africans were also considered a positive influx because of their ‘energy’. In regard to asylum seekers from the Middle East, the main reason for the significant resistance against them seemed to be the fact that they are Muslim (and the previously discussed surrounding issues). However, participants indicated that young asylum seekers—regardless of their country of origin, religion or gender—were preferred because they assimilate more quickly than older people, rapidly learn English and go to Australian schools.

6.6 Refugee radicalization and the threat of homegrown terrorism

Following the 9/11 terrorist attacks in the US and other terrorist acts around the world, most national security policies, including that of Australia, have become focused on fighting terrorism by introducing numerous counterterrorism laws (Roach, 2007). Interestingly, Australia has been both a target and had its citizens involve themselves in terrorism as foreign fighters (Carroll, 2019; Carroll, 2016a, Azzam, 2014). In its counterterrorism strategy, the current Australian Government noted that, ‘Recent developments have demonstrated the close relationships and shared ideologies between violent extremists in Australia and terrorist groups overseas’ (Commonwealth of Australia, 2015, p. 1). This was repeated in Australia’s strategy for protecting crowded places from terrorism (Commonwealth of Australia, 2017, p. 3). Both documents articulated the Australian Government’s assessment that ‘[an] individual or groups’ may position themselves to either conduct terrorist attacks in Australia or use Australia as a safe haven from which to conduct terrorist attacks overseas¹⁰⁵. To address this security challenge, Australia has enacted legislation for the prevention, detection and disruption of terrorist networks in Australia. For example, under Australian counterterrorism laws it is an offence to be a member of a terrorist organization or advocate for, or associate with, it. If the AFP suspect a person is involved in, or associated with, a terrorist organization, they can seek a court order to impose restrictions on the suspected individual (for example, orders to not contact or associate with certain individuals or orders restricting the individual from using certain technology).

¹⁰⁵ The realization of these security risks in Australia is discussed later in this section. See Section 2.11 for a general discussion of these security risks.

To most analysts, Islam and immigration are major suspects for this (Briskman, 2015; Amath, 2013; Rane & Abdalla, 2008; Mason, 2004), resulting in discrimination and possible marginalization of Muslims and immigrants as a ‘suspect community’ (Cherney & Murphy, 2016; Barton, 2015). Cherney and Murphy (2016) found that Muslims have become subjects of increased state surveillance and a public discourse that constructs them as a potential terrorist threat. For example, Tony Abbott’s statement that people ‘pussyfoot around the fact that just about every terrorist incident of recent times involves someone killing in the name of Islam’ was widely quoted in the media (Crowe & Lewis, 2017).

Religious extremism is a major concern to many Australians. Study interviews revealed that most Australians fear immigrants from Islamic countries (refugees or otherwise) may radicalize young people, especially Muslims, and introduce them to acts of terror through mosques and Islamic schools (madrasa)¹⁰⁶. Available statistics indicate that of the 13 756 humanitarian entrants (refugees) allowed to stay permanently in Australia in 2014–2015, 48.8% were from Islamic countries such as Iraq (2335), Syria (2232), Afghanistan (1813) and Iran (331) (see Tables 7 and 8)¹⁰⁷. In September 2018, there were 11 513 visa applications on hand or under review for ‘illegal maritime arrivals’, with over 60% from Islamic countries (see Table 8).

¹⁰⁶ The term ‘madrasa’ is written as مدرسة in Arabic. It means any educational institution such as a school, college, or university.

¹⁰⁷ As of 31 March 2018, a total of 36 663 visa have been granted to irregular maritime arrivals. Of these, 18 325 remain in the community (17 775 with a current BVE and 1815 awaiting grant of a further BVE). The remaining 18 338 who were granted BVEs have either since been granted a substantive visa, departed Australia, returned to immigration detention or are deceased (Department of Home Affairs, 2018).

Table 7: Illegal maritime arrivals' refugee status determination
Commenced/Protection visa applications lodged in Australia by key countries of
origin (2012–2013 and 2013–2014 FYs)

| Country of origin | 2012–2013 | 2013–2014 | Total | Remark |
|-------------------|---------------|--------------|---------------|------------------------|
| Iran | 4409 | 3452 | 7861 | Islamic country |
| Afghanistan | 3575 | 1037 | 4612 | Islamic country |
| Sri Lanka | 5126 | 1017 | 6143 | Non-Islamic country |
| Stateless | 1664 | 810 | 2474 | Unknown |
| Pakistan | 1326 | 584 | 1910 | Islamic country |
| Vietnam | 145 | 552 | 697 | Non-Islamic country |
| Iraq | 1096 | 431 | 1527 | Islamic country |
| Others | 1024 | 1189 | 2213 | Unknown |
| Total | 18 365 | 9 072 | 27 437 | |

Source: Adapted from DIBP (2014b)

Table 8: Non-illegal maritime arrival primary protection visa grants in Australia by top countries of origin (2012–2013 and 2013–2014 FYs)

| Country of origin | 2012–2013 | 2013–2014 | Total | Remarks |
|-------------------|-------------|-------------|-------------|---------------------|
| Egypt | 168 | 281 | 449 | Islamic country |
| Iran | 253 | 256 | 509 | Islamic country |
| Pakistan | 325 | 246 | 571 | Islamic country |
| Libya | 112 | 158 | 270 | Islamic country |
| Iraq | 171 | 83 | 254 | Islamic country |
| Afghanistan | 52 | 78 | 130 | Islamic country |
| China (PRC) | 83 | 56 | 139 | Non-Islamic country |
| PNG | 31 | 50 | 81 | Non-Islamic country |
| Syria | 104 | 49 | 153 | Islamic country |
| Sri Lanka | 50 | 32 | 82 | Non-Islamic country |
| Others | 307 | 258 | 565 | Unknown |
| Total | 1656 | 1547 | 3203 | |

Source: Adapted from DIBP (2014b)

Table 9: Illegal maritime arrival visa applications on hand or under review (as at September 2018)

| Country of citizenship | Number of applicants | Remarks |
|------------------------|----------------------|---------------------|
| Iran | 4120 | Islamic country |
| Sri Lanka | 1900 | Non-Islamic country |
| Stateless | 1561 | |
| Afghanistan | 1103 | Islamic country |
| Pakistan | 928 | Islamic country |
| Iraq | 413 | Islamic country |
| Bangladesh | 354 | Islamic country |
| Vietnam | 345 | Non-Islamic country |
| Other | 789 | |
| Total | 11 513 | |

Source: Adapted from Department of Home Affairs (2018b, p. 4)

Over 604,000 people identified themselves as Muslim during the 2016 Australian census, constituting 2.6% of the population (ABS, 2016). It is estimated that by the mid-twenty-first century, Muslims will outnumber Christians in Australia, Britain, France and the Netherlands (International Centre for Muslim and Non-Muslim Understanding, 2015, p. 10). This rapid growth of the Muslim community, mainly due to the high birth rate among Muslims, is regarded as a threat to the Judaeo-Christian values and European social fabric that are characteristics of Australia (that is, a threat to identity).

All participants expressed strong condemnation of people use religion to inspire fear and terror among others. It must be noted that participants were very much aware of the freedoms of association and religion in Australia. However, they were afraid of, and concerned with, religious extremism and fundamentalism. One non-

refugee participant stated that they were not concerned about the spiritual aspect of religion, but by extremism (SS, Interview data, 2 April 2014).

With the rise of ISIL in 2014, the need to take more precautions to protect Australia against terrorist attacks was intensified. This can be easily observed in the daily dictum of Australian politicians linking terrorism to both Islam and immigration (Australia to tighten immigration laws in counterterror bid, 2015). There is no consensus on what the term ‘homegrown terrorism’ means. However, homegrown terrorism is mostly used to refer to act of terrorism committed by a country’s ‘residents and citizens’ (Brook, 2011, p7). Bjelopera (2013), discussing the US, referred to it as ‘terrorist activity or plots perpetrated within the United States or abroad by American citizens, legal permanent residents, or visitors radicalized largely within the United States’.

Homegrown terrorists do not need to travel abroad to carry out their activities. They are ‘self-recruited, self-trained, and self-executing’ (Jonsson, 2006). Thus it is difficult to define homegrown terrorism and distinguish it from other types of expressions of anger and non-satisfaction through violent means. Some argue that ideology marks the difference between crime and terrorism, however, this thesis takes the position that all crime has motivation, including terrorism. In this thesis, homegrown terrorism is used interchangeably with ‘terrorism’ to refer to any act of violence perpetrated towards people and their property intended to instigate fear and subjugate such people to accept the demands of the perpetrators.

The International Centre for the Study of Radicalisation reported that in 2014, that 100 out of 250 foreign fighters in militant groups in Iraq and Syria were from Australia (Neumann, 2015). This phenomenon, which is referred to by the Australian government as homegrown terrorism, makes Australia the ‘highest foreign per capita

contributor to the violence' (Jenkins, 2014) and constitutes a serious threat to national security (Australia counters homegrown terrorism threat with new laws, 2015). ASIO reported that there had been four onshore terrorist attacks in Australia since September 2014, and that it had mounted 12 disruption operations in response to imminent attack-planning in Australia (ASIO, 2017). The four attacks and 11 of the 12 planned attacks involved individuals motivated by Islamic extremist ideology (ASIO, 2017). One non-refugee study participant established the link between terrorism and refugees as 'al-Qaeda are sending terrorists into this country disguised as refugees' (PGP, Interview data, 21 May 2013). When asked to elaborate, the participant added:

I can only speak of my experience in Britain, where terrorists in Britain who explode bombs and cause terrorist acts are Muslims who have been born in Britain. In other words, they first regard themselves as Muslims before they regard themselves as British. My second concern is this organization like the UN can make laws that overrule the sovereignty of other countries. The UN does many great things. But, however, the UN is the most corrupt societies on the face of this world [sic]. They are politically motivated. The problem is, we now live in a world where travel is increasingly easy. (PGP, Interview data, 21 May 2013)

6.6.1 Man Haron Monis and the Lindt Café siege

A prominent terrorist attack on Australian soil perpetrated by a person of refugee background was the Lindt Café siege in Martin Place, Sydney. The siege started at around 09:45 am on 15 December 2014, and resulted in the deaths of three people: two hostages and the terrorist, Man Haron Monis (Commonwealth of Australia, 2015a). This case is important because it sheds light on the effectiveness of security checks in refugee status determination.

Man Haron Monis (also known as Mohammad-Hassan Manteghi) was originally from Iran. He arrived in Australia on 28 October 1996, and was granted refugee status (Box, 2015; State Coroner of New South Wales, 2017). He applied for a protection visa on 18 November 1996). The Department of Immigration determined Monis's refugee status in June 1998, and on 23 August 2000 he was granted a protection visa, subclass 866.

Why was a protection visa granted to Monis in 2000, instead of in 1998 when his refugee status was determined? There are two key elements at play here. The first is the significance and effectiveness of security checks in refugee status determination. The Australian Government, acting through the Department of Immigration, received recommendations from ASIO on 22 January 1999 not to issue a protection visa to Monis because he did not meet the public interest criterion. This warning was reassessed in February 1999, when Monis was found to be 'indirectly a risk to Australian national security'. However, ASIO approved a new non-prejudicial security assessment by the Department of Immigration on 25 July 2000 (Commonwealth of Australia, 2015a; State Coroner of New South Wales, 2017).

The second element is the politics of refugee status determination. One of the reasons articulated by the Australian government for deterring irregular maritime arrivals is that they present a threat to Australia's borders due to the fact that they are undocumented and, thus, it is hard to screen their history. Monis did not enter Australia by boat yet he became a serious and actual threat. This suggests that security checks for refugee status determination are not as effective as the Australian government likes to imagine. A review into the Lindt Café siege concluded that 'in the current legal and policy context and with its existing capabilities and policies ... Monis would likely be granted a visa and citizenship today if he presented in the same way as he did at that

time' (Commonwealth of Australia, 2015a). Some refugees change their names and/or lie about their immigration cases to meet the requirements of refugee status. In Monis's case:

On his visa application, Monis incorrectly identified himself as a Legal Consultant to the Managing Director of the Iran Marine Structure Manufacture and Engineering Company. His stated purpose for visiting Australia was to meet with BHP Billiton. In fact, Monis was not a lawyer and held no such position. (Commonwealth of Australia, 2015a)

There are reports that the Iranian government requested that Monis be handed over to Iranian authorities to face prosecution for his alleged theft case (Miranda, 2014). Why was Monis granted refugee status and then Australian citizenship, despite several unsatisfactory security checks and the warning from the Iranian Government? That the Iranian government had already made a call exposing Monis's past criminal activities indicates that the Australian Government should have treated his case with caution.

The previous chapters indicated that asylum is not only a legal matter but also a political one. The literature surrounding asylum reveals that, in practice, granting asylum is the right of the state, not the right of the person seeking asylum. This makes the issue of asylum more political than legal. The Australian government relies on the intelligence gained from allies and trusted agencies to make decisions. The Iranian government was (and continues to be) perceived by Western countries (that is, Australia and most of its allies) as a rogue state, a dictatorship and a safe haven for international terrorism. This may be why an organization like Amnesty International wrote a letter to the Department of Immigration supporting Monis's protection visa (Robertson, 2015). This perception is enough evidence for any dissident from a so-

called repressive regime to meet the criteria of WFF contained in the Refugee Convention. For example, in his protection visa application, Monis claimed that he was an Islamic Shia cleric and was involved ‘in gathering intelligence for foreign governments’, an activity that could result in his being executed for ‘revealing politically sensitive information’ if he returned to Iran (Commonwealth of Australia, 2015a). It seems unlikely that Australia would protect any Iranian government loyalist who had gathered secret information for the Iranian nuclear programme or called for the annihilation of Israel, even if they did have grounds for seeking asylum (such as a WFF). There is a national interest at play in protecting allies of Australia).

Previous chapters have demonstrated that refugees can be a threat to national security. The literature on protracted refugee situations shows how prolonged refugee status can lead to serious domestic and international security threats. In evidence collected from individuals who have joined ISIL or other militant groups, or committed any type of homegrown terrorism, it appears that a lack of assimilation in Australia is a major cause of homegrown terrorism. The literature on the rise of ISIL indicates that the difference between al-Qaeda and ISIL is that the latter welcomes all people, as long as they are Muslim. Such a welcoming attitude does not appear to exist in the West, which creates a danger of marginalization, isolation and radicalization. ISIL appeals to some Muslims who are disenchanted with the West and attracted by the notion of living a ‘pure Muslim life’, regardless of where they come from, their language or their skills (Carroll, 2016a; Gordts, 2014).

6.6.2 Recruitment of foreign fighters among people from refugee backgrounds in Australia

It is estimated that in 2016, at least 110 Australians joined ISIL; 60 of whom have been killed in combat operations (Cook, 2016). This number increased by 230 in

2019 (Carroll, 2019). Australia has prevented around 200 Australians from travelling overseas because they were suspected of intending to join terrorist organizations, commit acts of terror and spread religious extremism (Brandis, 2016; Carroll, 2016b). Some scholars argue that the ‘suspect community’ attitude regarding Australian Muslims is an exaggeration, because the number of Muslims involved in terrorism is very low compared to the overall Muslim population in Australia (Carroll, 2016b; Zammit, 2015; Barton, 2015).

Nevertheless, the fact that some Australian Muslims of refugee background have been recruited by terrorist organizations (see Table 9) confirms the argument that refugees can launch terrorist attacks, smuggle arms, and pose a serious national security threat domestically and internationally (Mogire, 2016; Milner & Loescher, 2011, Salehyan & Gleditsch, 2006; Milner, 2000; Weiner, 1993a, 1993b).

Table 10: Some terror attacks and disruption in Australia since 2014

| Date | Location | Individual | Religion | Description | Remarks |
|------------|---|--------------------------|----------|--------------------------------------|--|
| 23/09/2014 | Endeavour Hills, Melbourne | Abdul Numan Haider | Islam | Eighteen-year-old Afghan refugee | Stabbed two police officers outside a police station. Shot dead by police officers. |
| 18/09/2014 | Sydney | Omarjan Azari | Islam | Twenty-four-year-old man | Arrested for planning to commit a terrorist attack in a phone call with Mohammad Ali Baryalei (see below). |
| 18/09/2014 | Sydney | Mohammad Ali Baryalei | Islam | Afghan refugee and ISIL recruiter | Allegedly Australia's most senior member of ISIL. |
| 25/12/2014 | Lindt Café siege, Martin Place, Sydney | Man Haron Monis | Islam | Iranian refugee | Took hostages and was shot dead after an 18-hour siege. Two hostages were killed. |

| | | | | | |
|------------|------------------------|------------------------------------|-------|--|--|
| 10/02/2015 | Fairfield raid, Sydney | Omar Al-Kutobi | Islam | Arrived by plane from Iraq in 2009 | Arrested and convicted for conspiring to commit a terrorist act. |
| 10/02/2015 | Fairfield raid, Sydney | Mohammad Kiad | Islam | Arrived in 201,2 in family reunion case | Arrested and convicted for conspiring to commit a terrorist act. |
| 2/10/2015 | Parramatta, Sydney | Farhad Khalil Mohammad Jabar | Islam | Fifteen-year-old refugee from Iraqi Kurdistan | Shot and killed Curtis Cheng (a police civilian finance worker) outside the New South Wales Police Force headquarters. Shot and killed by police officers. |
| 10/09/2016 | Minto, Sydney | Ihsas Khan | Islam | Born in Australia in 1993, a few months after his parents immigrated from Bangladesh. Twenty-two | Stabbed Wayne Greenhalgh. Arrested and convicted of attempted murder. |

| | | | | | |
|-----------|--------------------------------|---|-------|--|---|
| | | | | years old at the time of attack | |
| 7/04/2017 | Queanbeyan, New South Wales | Two teenagers (trial in progress, names withheld) | Islam | Fifteen and sixteen year-olds | Stabbed Zeeshan Akbar (a service station attendant) to death, then violently attacked four people in a spree that continued for several hours. Arrested. Trial in progress. |
| 5/06/2017 | Brighton, Melbourne | Yacqub Khayre | Islam | Twenty-nine-year-old Somalian refugee. Born in Mogadishu and spent time in Kenya's refugee camps. Moved to Australia with his grandparents as a child | Killed a man, took a woman hostage and sparked a siege in Melbourne (the '2017 Brighton siege'). Shot and killed by police officers. |

| | | | | | |
|------------|--------------------------------|----------------------------|-------|--|---|
| | | | | under the Australia Humanitarian Program | |
| 9/02/2018 | Callistemon Rise, Mill Park | Momena Shoma | Islam | Bangladeshi international student | Stabbed a 56-year-old man in the neck while he was asleep. Arrested and convicted of committing a terrorist act. |
| 9/11/2018 | Bourke Street, Melbourne | Hassan Khalif Shire Ali | Islam | Thirty-year-old Somali-born refugee. Arrived with his parents in Australia in the 1990s | Crashed a car full of gas cylinders into the Melbourne CBD and subsequently stabbed three people (killing one). Arrested and convicted of committing a terrorist act. |
| 19/11/2018 | Campbellfield, Melbourne | Hanifi Halis | Islam | Twenty-one-year-old Australian citizen of Turkish background | Arrested for planning to commit a terrorist act. |

| | | | | | |
|------------|----------------------|-------------------|-------|---|--|
| 19/11/2018 | Greenvale, Melbourne | Ertunc Eriklioglu | Islam | Thirty-year-old Australian citizen of Turkish background | Arrested for planning to commit a terrorist act. |
| 19/11/2018 | Greenvale, Melbourne | Samed Eriklioglu | Islam | Twenty-six-year-old Australian citizen of Turkish background. | Arrested for planning to commit a terrorist act. |

Source: ASIO (2018)

One of the most prominent Australian foreign fighters was Muhammed Sheglabo, a Murdoch University student studying economics, who joined ISIL in 2015. Mr Sheglabo was originally from Libya (Weber, 2015). While Sheglabo was fighting for ISIL, another Australian citizen, Khamis Gewargis Khamis, a former Iraqi refugee, was fighting against ISIL as part of Dwekh Nawsha.¹⁰⁸ Another alarming case is the recruitment by ISIL of Australian citizen Dr Tareq Kamleh (who now goes by Abu Yusuf Al-Australie). Kamleh undertook medical studies in Adelaide, Australia (Wahlquist, 2015). Evidence suggests he has a Palestinian father and a German mother, and experienced a troubled upbringing (Olding, 2015). The present research did not find evidence of a troubled youth.

A recent study on the background of Australian jihads¹⁰⁹ found that ‘more second-generation immigrants are drawn to radical Islamism than those born outside the country’ (Shanahan, 2019:4). Some of these may be of refugee background. There are two important elements here. Firstly, people from refugee backgrounds are nostalgic for their countries of origin. There is a correlation between being ‘forced migrants’ or ‘implied forced residency’ (being a resident of one country without assimilating into it) and being nostalgic for one’s country of origin. This goes back to the notion that some aspects of refugees’ lives cannot be assimilated into, or are incompatible with, Australian society. Refugees may feel homesick and consider their country of asylum to be a ‘bus stop’; meaning they are waiting for things to stabilize in their countries of origin so that they can return. In the meantime they may return to fight, or support people who fight, for causes in their home countries.

¹⁰⁸ Dwekh Nawsha (‘one who sacrifices’) is an Assyrian Christian military organization created in 2014 to fight ISIL.

¹⁰⁹ The term ‘Australian Jihadi’ refers to Australian radical islamists who joined or supported a terrorist groups.

The case of Khamis illustrates this. Khamis, also known as George, joined Dwekh Nawsha to fight ISIL and ‘to defend my land. My people, against Islamic State’ (as cited in Su-Lin Tan, 2015). This supports the literature linking refugees and asylum seekers to the spread of violence, radicalization and ideologies of violence in their countries of origin. Foreign fighters of Australian origin may return to Australia with technical know-how, skills, intent, and the capabilities to attack and inflict more harm through terrorist attacks. This increases security risks and threats.

As noted above, individuals like Monis who perpetrate terrorist attacks on Australian soil may be of refugee background. This raises concerns among some conservative politicians that there is a correlation between the Australian refugee programme and terrorism in Australia. This potential link was refuted by former ASIO director-general Duncan Lewis:

Fran (interviewer): ... It’s pretty easy to see why a lot of people do see a link between the refugee programme and terrorism, isn’t it?

Lewis: I understand that and that is the issue that I’m trying to make very clear. In all of those cases [of terror attacks on Australian soil] they were not terrorists because they were refugees, they were terrorists because of this warped violent extremist interpretation of Sunni Islam. It is Sunni Islamic extremism and the way they are absorbing it, which is quite interesting Fran—to have a look at the way in which these folks have made the transition to become radicalised. In the overwhelming majority of cases, it’s as a result of online viewing. They are getting online in their lounge rooms, in their bedrooms, at a very young age and absorbing some of this very objectionable and brutal material and all of this is being published as you know by sources internationally. Quite a lot of it is coming out of the Middle East, and that is the material that is driving them

towards radicalisation. It is not because they are refugees. I can cite as many cases of terrorists who have made attacks that have no connection at all. (Interview with the Director-General of Security Duncan Lewis AO, DSC, CSC, 2017)

6.7 Refugees and the importation of violence into Australia

As previously discussed, people with refugee backgrounds can be involved in radicalization, recruitment of foreign fighters and terrorism on Australian soil. While people with refugee backgrounds may fight in war-torn countries such as Iraq, Yemen, Afghanistan and Syria, they may also import ideologies of violence from their countries to Australia. For example, on 28 April 2013, a group of Congolese refugees who identified themselves as belonging to the ‘Combatant Group’, a paramilitary and political organization, were involved in silencing other Congolese refugees with different political views (Butcher, 2015). Under the leadership of Pierre Blaise Mwamba, Tshiswaka Kayembe Mwamba, Mbuyi Mutomobo Mwamba and Mualaba Madjaga, all former refugees, this group kidnapped and persecuted law-abiding members of their own community on Australian soil (Butcher, 2015).

Law enforcement officers are repeatedly quoted in the media as expressing serious concern about violent and criminal gangs comprising people from refugee backgrounds, especially those from Africa (Kerbaj, 2006). Such attitudes are amplified by disproportionate and negative media attention (Ethnic Communities Council of Victoria, 2007, Windel, 2008; Gaffey, 2019). For example, former New South Wales Police commissioner Ken McKay described African refugees as posing a ‘criminal threat’ to Australia and the ‘current gang atmosphere’ as being similar to the ‘Vietnamese street gang the 5T in Cabramatta in the 1980s and, more recently, the Brothers 4 Life in south-western Sydney’ (as cited in Morri, 2014). The most affected

groups are people from Africa, due to their skin colour, and women who wear facial veils—those most easily identified as different.

One interview participant stated:

I think Africans have more problems, in the sense, of course, because of the colour of their skin makes them different. The problem of the Western people when they see somebody who is different—that they do not understand—that is what causes fear. (PGP, Interview data, 21 May 2013)

Media representation of people from Sudan, Somalia and Eritrea continues to link them with the formation of gangs and lawlessness (Kerbaj, 2007). They are also stigmatized due to their knowledge of how to use military weapons and equipment, and how to import these from their countries of origin, as well as having childhood experiences of mass killing, torture and rape (Kerbaj, 2006). Refugee participants identified, and clearly blamed, the media for spreading messages that portray refugees and asylum seekers as a ‘threat’ and linked that portrayal to race. One responded, ‘You cannot blame everybody’ (FK, Interview data, 17 January 2014). Another stated:

The attitude that Australian people display that I do not like, sometimes when you look at things that are happening like fights at the train stations, buses. It is not only Africans doing it. Even other people do it. When Africans do it they put it on the media, but when other people do it they just forget about it. It is not fair. But they only focus on one side. All this only part of the racism.

(IM, Interview data, 22 May 2013)

While this experience may be individually linked to this participant, the general perception that most interview participants with refugee backgrounds had was that racism toward refugees with visible differences (such as Africans) does not end by their becoming an Australian citizen. As one such participant of stated:

Even though here I am a citizen I still have the same feeling that I am a refugee. Because wherever you go you are asked are you a refugee? Where do you come from? You feel that you are still being hunted by the name of refugee. Even though they say you are a citizen, but they would still consider you as a refugee. (GK, Interview data, 22 May 2013)

As another stated:

I do not accept these allegations. Personally, I have not been accused of such things. But if these things really occur, anybody can do these things. Refugees can threaten security the same way Australians can. Those who allege these things should try to distinguish which category of people do these things. Because refugees, asylum seekers, Australians, et cetera, everybody can do that. It is for everybody and not only refugees and asylum seekers. (FK, Interview data, 17 January 2014)

Still another explained, 'We were being harassed emotionally. We were like not ... you know ... different people from other people. I mean, by that time were subject of something because you are a refugee. [sic] It was a very bad experience' (GK, Interview data, 22 May 2013). Such situations leave refugees in permanent conditions of 'impermanency'. Uncertainty, which can grow out of a lack of such belonging, can result in people with refugee backgrounds feeling rejected and not part of the wider Australian society. According to Pittaway (2013), they may adopt 'a different identity as they seek to make a space for themselves in host communities'.

These comments suggest the emotional consequences of exclusion, racism and stereotyping that people with refugee backgrounds face while in Australia. Discriminating against them on the grounds that they pose a threat to Australia may result in feelings of rejection that render them homesick. Consequently, they may

choose to continue ‘holding on to their country of origin’—for example, surrounding themselves only with expressions of their own culture (people, language, food, customs, etc)—thus reducing their chance of successful integration in Australia. Most importantly, some of these refugees may come from countries where dual citizenship is not allowed. This means that once they become Australians, they forfeit their original citizenships.

Despite strong concerns over how people with refugee backgrounds are treated at work and in schools, such participants described the attitudes of some Australians towards them in grateful terms. For example, ‘The White Australians are good’ (YJ, Interview data, 24 May 2013). One participant stated:

When we came to Australia we were attending a White people church and people were nice. Maybe because they were Christians. But at school, there were times when things were not good. There were times where we could see racism in the school ground. (IM, Interview data, 22 May 2013)

Another noted:

It is not too bad. But it may be very difficult, because we are from a different culture and different environment. Maybe not everything that I see is good with reference to my culture. But other things are done because we are from different environment. (FK, Interview data, 17 January 2014).

A participant with a refugee background stated:

I like the opportunities that we have. I like the fact that we can study and go further. Some people take this opportunity for granted ... We can work or study part-time. We are given this opportunity to work and study. (IM, Interview data, 22 May 2013).

Another participant of refugee background¹¹⁰ rejected the allegation that people with refugee backgrounds are discriminated against in the following terms: ‘I have heard people talking a lot about discrimination. I am waiting that this is done to me so that I can really accept that they exist’ (RC, Interview data, 28 May 2013).

There is no specific set of statistics for the crime rate among people with refugee backgrounds. There are crime rate statistics for the overseas-born population, with the most recent and available being the Australian prison statistics for 2014. These statistics were used to compare and contrast the crime rates among different Australian populations. They showed that Australian-born persons account for 80% (or 27 397 prisoners) of the Australian prison population. People of Aboriginal and Torres Strait Islander descent account for 27% of the Australian prison population. Only 18% of the Australian prison population (6035 prisoners) were born overseas (ABS, 2014a, 2014b)¹¹¹.

From the above statistics, one can infer that the rate of crime among overseas-born persons (including refugees and asylum seekers) is very low compared to other groups in Australia. Therefore, it is an exaggeration to say that refugees and asylum seekers are significant sources of crime in Australia. One refugee participant noted:

The perception of refugees as security threat is erroneous. Before the arrivals of Africans here, crimes were there. Australia is a multicultural society. In any society where there is multicultural mixture of culture and race there also exist such competition. Nigerians, Congolese, et cetera do not commit crime. By nature they are not criminals, but there is mixture of culture. If that perception

¹¹⁰ This participant arrived in Australia as an asylum seeker. At the time of this research they had already been granted Australian citizenship and were working for the DIBP.

¹¹¹ The leading countries of origin of overseas-born prisoners are Sudan, Samoa, Vietnam, Columbia, Rumania, Afghanistan, Lebanon, PNG and Iraq.

exists that migrants commit crime and are security threat, we will also say our children have learnt from them. (RC, Interview data, 28 May 2013)

A report by the Australian Human Rights Commission (2010) acknowledged that African Australians are likely to face discrimination due to their visible difference. This and many other reasons, such as racial profiling, racism (at work and in school), social disadvantages, isolation and unemployment, continue to be the leading causes of their over-representation in the crime rate. Culturally and linguistically diverse populations are also likely to face 'poor health outcomes, psychological distress, anger, frustration, anxiety, social and emotional isolation, community alienation, joblessness, and a reluctance to seek health and legal assistance' (Stephen, 2015). Refugee participants indicated that they perceived the fear directed towards them as merely a scare campaign. One participant stated:

It is because that's how they [the government] feel about it. They feel that refugees and asylum seekers cause troubles. But if we look at other countries, which do not perhaps have refugees or asylum seekers, there are always insecurity, trouble and violence. So they do that as a way to ruin other people's reputation—these people are troublemakers—but it is not true. (FK, Interview data, 17 January 2014)

Although participants with a refugee background described Australian attitudes towards them in grateful terms, they also described refugee life negatively, mentioning trauma, stress, terrible memories and awful experiences. All participants with refugee backgrounds discussed their refugee experiences in terms that included 'stressful', 'difficult', 'very bad', 'did not know where to go' and 'confusion'. Prior to immigration, many had little knowledge of Australia and had never thought of it as a destination. One participant described their experience in the following terms:

We were the first bunch of people from Guinea to come to Australia. Other people were going to Canada and the USA. Then Australia came and wanted refugees. You won't believe me; some people gave up and removed their names on the list because there were rumours going around that you guys are going to the end of the world. You will become slaves. This is the way it started—so many things—they were discouraging us because they were saying that we are going to be slaves. But we said we are going to try. If we become slaves, that's fine. Other people removed their names on the list. Australia wanted 20 families, but only eight families accepted to come and after seeing us being in Australia safe than they said ok. They are fine. (YJ, Interview data, 24 May 2013)

This statement sheds light on some important elements. Firstly, on the idea that those refugees who come to Australia do so to take advantage of, and benefit from, the welfare system, the statement demonstrates that some refugees have no (or mistaken) knowledge about Australia and what it can offer. Secondly, on the desperate situation of some asylum seekers, some believed that they may become slaves in Australia and, nevertheless, decided to undertake the journey. This shows that when facing a WFF, people will risk extraordinary danger and uncertainty to escape. When asked about allegations such as slavery, one non-refugee service provider stated:

There is a popular saying that 'we need to control the intake'. People need to jump through, you know, the protocol of security and things like that. If they are coming by the boats, there is a notion that we do not [have] control over what is happening. I think some people are also scared because Australia has felt [like] a safe country. It has not been at war. There have not been rebellions. People who are coming to this country are coming from countries where there

have been rebellions and wars. There is a fear that Australian life will start to change. There is some portion of the community who are fearful of change. (MO, Interview data, 26 June 2013).

It is clear that there was an overwhelming sentiment of gratitude towards Australia expressed among refugee participants. This indicates a strong feeling of attachment to Australia among people with refugee backgrounds and minimizes the potential security threat of such a group, inasmuch as by threatening Australia they would be jeopardizing their own well-being. Why, then, are some (a small minority of) refugees and asylum seekers involved in gangs and terrorist activities, and, thus, breaching the peace and security? Study participants were asked their views on this topic. Broadly speaking, participants with refugee backgrounds attributed to racism and stereotype their construction as a ‘threat’: ‘That is only stereotypes ... Even some Australian’s kids are involved in gangs. Sometimes our kids are copying from them’ (YJ, Interview data, 24 May 2012).

6.8 Conclusion

This chapter explored some of the perceived security threats posed by refugees in Australia and the public’s perceptions of refugees and asylum seekers. The majority of participants involved in interviews were resistant towards asylum seekers who use boats as their mode of entry to Australia, overwhelmingly sympathetic towards refugees in overseas refugee camps and increasingly fearful of refugees from Islamic countries.

The chapter also argued against the idea that refugee camps are the best avenue for selecting refugee intakes and that the offshore security screening of refugees is not

sufficient to predict potential security threats that refugees are likely to pose while in Australia.

On the concerns regarding Islamic refugees and the alleged threats they pose to Australia—such as cultural identity problems, visible difference, terrorism, foreign fighters and the spread of violence—this chapter demonstrated that Muslim refugees are regarded as a serious threat to Australian security but there is little empirical basis for this belief.

The evidence suggests that those Muslim individuals who have committed or planned to commit terrorist acts, whether in Australia or overseas, are a very small percentage of the Australian Muslim population, and the crime rate among refugees in general is relatively low compared to other demographics. However, extremist and moderate Muslims continue to be treated as one community by many analysts.

Chapter 7: Refugees and indirect security threats to Australia

Understanding the indirect threats that refugees may pose in Australia is crucial to understanding their securitization at a national level. This chapter discusses resistance to refugees and the emerging hostilities between refugees and a host community due to indirect security threats—competition over scarce resources and opportunities such as jobs, housing and education. Sections 7.1–7.4 discuss attitudes towards refugees; exploring the public perception that refugees are a burden to Australia as they put a strain on opportunities (such as jobs and housing) and do not assimilate into the Australian way of life. A number of issues emerged in interviews with people from refugee backgrounds, including feelings of: rejection, isolation and suffering (contrasted with the feeling of belonging); misrepresentation; discrimination (even though they partake in this); and them-versus-others attitudes (for example, participants indicating that ‘they’ say ‘we’ are taking their jobs); and resistance to asylum seekers who come by boat to Australia.

Due to ethical considerations¹¹², this chapter does not contain the views of asylum seekers. Nevertheless, the overall expressed view of people from refugee backgrounds is that they are immensely grateful to Australia for the protection it has granted them.

7.1 Refugees as a strain on resources

Interviews confirmed that there is great concern and fear among the non-refugee informants in Australia that the presence of refugees reduces their own prospects for jobs and access to public housing, and increases rental prices. There is also the concern that refugees are putting pressure on transport networks as cities are

¹¹² The researcher was not given ethical clearance to conduct interviews with asylum seekers.

becoming overcrowded and are struggling to cope with traffic congestion. Overall, the non-refugee informants are concerned about intensified competition over opportunities such as education, employment, transport and housing due to the influx of refugees and migrants, whom they consider ‘others’. One non-refugee participant observed, ‘I think it is all about economics’ (MR, interview data, 12 June 2013) and continued:

Areas like Perth is clogging, we cannot find jobs, houses, et cetera. I am not saying that because of refugees coming in, but I am saying because everyone is coming in. Our little city cannot accommodate everyone, people need to expand. Perth is becoming over clogging. We need jobs, houses, our little city cannot hold everyone ... Poor little Perth is struggling a little bit. (MR, interview data, 12 June 2013).

As can be seen in this participant’s statement, the security aspect is not the problem; rather it is the many economic aspects. The participant MR noted that due to the shortage of jobs, reducing the refugee intake would be economically beneficial. ‘I want help everyone—but in terms of jobs, work, employment and travel, [there is] overcrowding’, the participant insisted (MR, Interview data, 12 June 2013).

However, many non-refugee participants seem to be unaware of available evidence that migrants have played a significant role in building and rebuilding the Australian economy through their considerable contributions. The majority of non-refugee participants were concerned that there was insufficient infrastructure (including jobs and houses) to accommodate refugees and asylum seekers. This emerged as an issue of concern among participants from refugee backgrounds as they claimed that the non-refugee informants were afraid of them and ‘say we are taking their jobs’ (YJ, Interview data, 24 May 2013). Another participant stated that refugees

could only be assimilated into a country when the population of that country accepts them and that there are costs involved in accepting them:

There's going to be housing involved, they're going to be people of different colour, culture, maybe people of different religion ... A society can only accept a certain amount of that before they say this has gone too far and we do not want this. When the society says this has gone too far, we cannot tolerate that anymore, that's when violence starts. (PGP, Interview data, 21 May 2013)

This statement suggests that refugees or asylum seekers are here to take from Australia and cannot contribute anything. However, refugees can be valuable assets and a boost to the Australian economy once they are settled and exposed to appropriate opportunities (RCOA, 2010; Carrington, McIntosh & Walmsley, 2007; Poddar, 2016; Centre for Policy Development, 2017). They boost the skill level of the local population in areas such as entrepreneurship, can increase economies of scale, and foster innovation and flexibility (RCOA, 2010; Coma & Smith, 2018). They also play a significant role in encouraging long-term investment, and their integration into the domestic labour market and becoming economic consumers can increase bilateral trade between Australia and their countries of origin (Department of Immigration and Citizenship, 2006). Importantly, for the purposes of this thesis, interviews demonstrated that the economy was of more of a concern for all cohorts than was security.

7.2 Refugees and employment in Australia

People from refugee backgrounds face many challenges and barriers to employment (Joint Standing Committee on Migration, 2017). They are likely to have significant trauma and some sort of mental health issues due to past experiences of war, persecution and/or abuse. They may have little or no English proficiency, and a

lack of qualifications that are recognized in Australia (having likely interrupted their schooling during their refugee journey) or a driver's licence. They are likely to face racism and discrimination at work, and be misrepresented by the media.

The barriers make it hard for refugees to find jobs and compete with other Australians. It is estimated that 21.5% of humanitarian entrants to Australia are unemployed (Joint Standing Committee on Migration, 2017, p. 78). Those who have jobs often find them in low-skill occupations such as cleaning, taxi driving, security, disability services and aged care services. This leads many people from refugee backgrounds to work in industries that do not fit their qualifications simply to survive.

It is clear that refugees in Australia struggle to find jobs and meet their daily needs such as water, food, housing and healthcare. People from refugee backgrounds are also more likely to be underpaid, work in an unsecure environment and/or without a written contract, and to have experienced some form of racial discrimination at their workplace. Consequently, many people from refugee of backgrounds live in a constant state of insecurity, often prompting them to resort to individual coping mechanisms and survival strategies (van Kooy & Bowman, 2019). Some of these survival strategies may be illegal and/or contrary to their culture.

One non-refugee participant indicated that it is the government's responsibility to protect refugees, but in practice that is impractical due to several costs related to their protection:

If you have countries in the world who are rapt either by political or religious turmoil, you are going to have virtually millions of people wanting to leave. And the cost on any country like Australia just becomes impossible in the end. What is right in theory simply becomes impractical. That is my concern when

what is right in theory becomes impractical because of the expense to Australia.

(PGP, Interview data, 21 May 2013)

Refugees require assistance to adjust to their new environment and survive. In the first five years of their settlement, refugees might be considered a burden to Australia as a host country. There would be costs involved for their food, shelter and health as long as they are financially dependent and competing for scarce resources. There would also be costs for other areas of their lives such as education, occupational training and job search activities. As such, refugees appear to be a burden to Australia as they continue to strain public and private services, thus threatening existing resources and increasing conflict in society. One participant stated that they were happy with the intake of refugees in Australia, but felt the country does not have the infrastructure and jobs to meet the increasing population:

We are taking so many people. I know that they need support from the country that can support them [sic], but things like employment issue, housing issues, et cetera. The population is growing (MR, Interview data, 12 June 2013).

Unemployment was an issue of concern for many participants. However, as previously discussed, evidence suggests that there is a high inequality of employment between people with refugee backgrounds and their Australian counterparts due to a range of barriers (a lack of English proficiency, recognized qualifications and experience in Australian labour markets, and prejudices from employers and co-workers). People from refugee backgrounds tend to rely on jobs that are not commensurate with their skills and qualifications—in most cases, jobs that other Australians will not take. Interviews demonstrated that it was very rare to find African refugees in managerial positions. One refugee participant stated that they had faced problems at their workplace because their colleagues used to accuse them of coming

to take their jobs. This participant's job was one that was difficult to fill on account of labour shortages, demonstrating that refugees can make a contribution to Australia's economy. Participants also mentioned that some Aboriginal people are uneasy with the arrival of refugees:

Now these people from Africa and all over the world are also here, they fear that they are being pushed out and, because they are not being supported, they are thinking why we, as Indigenous people, as Australians, aren't getting all the support that these newcomers are getting. (MO, interview data, 26 June 2013)

The frustration, sometimes intolerance, of participants was noted, and can impact on security, socio-community cohesion and the spread of intercommunity conflicts. Nonetheless, it needs to be recognized that refugee life is a life of survival, and who people who have survived that life work hard to find their way to Australia and the opportunities offered therein. They do not have the luxury to choose the quality or salary of their job. Most tolerate work-related harassment, stress and discrimination, even if begrudgingly, so long as they can put food on their family's table. People from refugee backgrounds tend to study hard at school and university if given the opportunity as they understand that the higher their level of education, the better their chance of competing against their counterparts from non-refugee backgrounds in the labour market. One participant who is a refugee service provider told me that refugees work hard, study hard and 'sometimes become successful' (MO, interview data, 26 June 2013). According to this participant, refugees arrive in Australia to make their lives better and, during this process, some become very successful: 'The people who arrive here [are] about making a life for themselves. Why are these newcomers successful while Indigenous are struggling? It is an individual response' (MO,

Interview data, 26 June 2013. In this process of struggle, refugees may compete with non-refugees for available opportunities and thus create frustration among the non-refugees. One can thus understand that scarce resources and competition for opportunities may create a sentiment of threat perception.

Non-refugee participants indicated that while many people who come to Australia are initially welfare recipients, they also contribute to Australia's economic growth through labour, taxes and study (Hugo, 2013). Once settled, refugees fill the demographic gaps between young and old Australians (Australia has an ageing population, and a labour shortage for skilled and non-skilled jobs). One participant stated, 'You can go to factories, companies and many industries that require physical strength, migrants are the ones doing those types of works' (RC, Interview data).

Another participant recalled:

When I came [to Australia] I had a career making dresses back home. But here I did not know where to start, so I did aged care. When I first experienced discrimination was at workplace. People were saying that these people are taking our jobs. Then I would say to them you guys were born here and raised here. This should not be your jobs. You are not supposed to do this job. You should not call this a job. This is our job. So we used crack that job. You guys are taking our jobs. After a few incidents in factories and aged care, we started to tell friends. They started to take Australians out [to meals] and this language was reduced. (YJ, Interview data, 24 May 2013)

The findings challenge the idea that refugees and asylum seekers are only welfare recipients. Participants indicated that they are 'people with initiative and drives. In some way [it takes] strong people to get here, to survive to get here' (MO, Interview data, 26 June 2013).

7.3 Refugees and lack of assimilation in Australia

Interviews revealed that the type of questions people are being asked can have a massive impact on their emotions, feelings and self-esteem. People from refugee backgrounds feel rejected and excluded when asked questions such as ‘Where are you from originally?’ and ‘Are you a refugee?’. These questions emerged in interviews as a major reason for people from refugee backgrounds feeling like second-class citizens and victims of discrimination.

The level of acceptance was high in daily life, but the level of rejection was high in the areas of employment and education. Previous research has found that certain groups are discriminated against in Australia (Colic-Peisker & Tilbury, 2007). Markus (2013) found a higher sense of rejection and experience of discrimination in those with a different skin colour, ethnic origin or religion to those of the host country. One participant stated, ‘I do not even want my children to be called refugees. Because they will be asking so many questions: “Why did this happen?” “Why can’t I be considered as a real citizen?”’ (GH, Interview data, 22 May 2013). This supports Hatoss’s (2012) observation that some communities continue to be excluded in Australia. People from refugee backgrounds are put in the position of perceiving themselves through the perception of others. Participants associated ‘being a refugee’ with ‘loss of self-esteem’ and raised concerns about how the media negatively depicts their communities, from which public opinions about them are formed. This undermines their relationships with other members of the non-refugee informants at work, in education institutions, in healthcare and in housing.

Muslims continue to be of particular concern. A participant in the non-refugee informants’ cohort expressed concerned that ‘they [Islamic refugees] will regard

themselves as Muslims before they regard themselves as Australians' (PGP, Interview data, 21 May 2013), which makes them unable to assimilate.

Participants were asked if they were concerned about people from refugee backgrounds not assimilating into 'mainstream Australian' society. One refugee participant did not know what 'mainstream Australia' meant, indicating that non-assimilation was not a concern to them. Another participant was very mindful of the fact that some groups (especially Muslims and Africans) have distinct features different to mainstream Australians which make them appear non-assimilative. However, that participant also pointed to the level of tolerance that is expected towards other people, while acknowledging the importance of not concentrating people of the same ethnic group in one area. Ultimately, the participant concluded that 'at the end, Australia accepts everyone as long as they are willing to work and become part of Australia' (PGP, Interview data, 21 May 2013). Another participant stated:

Some teachers were treating Africans as if they do not know anything. I remember one day when I was doing my ESL [English as a Second Language] classes, I was talking about doing something after finishing my Year 12, but the teacher discouraged me. They were thinking that Africans know nothing. "You know, it is not because you are from Africa that you did not go to school." Teachers are not supposed to do that. They have to encourage students. Even if you are [not] from this country, you can do it if you work hard. But teachers are the ones discouraging us. Telling you that it is not good: "I do not know if you will be able to do it. I do not think if you will fit for it." ... To me, the way I saw it was they were doing it because I was from Africa and I was a refugee, and I cannot be at the same level as them. That's what I thought. (IM, Interview data, 22 May 2013)

Such feelings impact on the socio-emotional well-being of people from refugee backgrounds, especially when they feel disconnected from both their country of origin and Australia. The majority of participants from refugee backgrounds expressed concern that they continued to be discriminated against and criminalized.

Rejection creates a feeling of isolation and nostalgia towards refugees' countries of origin and can reduce social cohesion. The protracted impacts of these traumatic episodes may have indirect impacts on host countries, especially in terms of productivity at work, integration and assimilation. Tabin's (1999) study on the paradoxes of integration refers to non-assimilation as non-integration. Tabin (1999, p. 9) defined integration as the process through which an individual or a group of individuals incorporates into a collectivity, place or area. Things that may cause non-assimilation include lack of employment, financial instability, failure to practise one's beliefs and culture. One participant described such a situation as follows:

The experience was very bad, because being a refugee was not giving us the pride that we needed. Because the name refugee was hunting me wherever I went and wherever I was going. I was always called a refugee and I was finding myself as a stranger in my community. This is very difficult to me. (GK, Interview data, 22 May 2013)

7.4 Scramble for housing

There is a relationship between the employment of refugees and housing as both play significant roles in health, well-being and self-identification. Most importantly, for the investigation in this thesis, these factors play important parts in the integration of refugees and other migrants into host communities. They indicate how quickly a newly arriving person is ready and able to cope with the daily challenges of life in the host country, such as earning an income, starting a business, and paying

bills, fines and taxes. They can be determining factors for personal life choices and for access to opportunities available in the host country. However, employment and housing can also be sources of numerous conflicts between newly arriving refugees and host communities, especially when the unemployment rate is increasing and house and rental prices are high.

Available data reveal that, nationally, between 4% and 24% of dwellings were considered overcrowded in the 2016–2017 financial year (Australian Institute of Health and Welfare, 2018). Waitlists for public housing remain long (Australian Institute of Health and Welfare, 2018). As one non-refugee participant pointed out:

If they [refugees] come to this country and you have to supply them with houses, then there are people in this country who have been waiting years and years for a house. If I was one of these people, I would ask why these people who have come by boats, why does he jump in front of me? I think that is a profound question to ask. (PGP, Interview data, 21 May 2013)

The above observation was common among other non-refugee participants. This may be considered as an indirect security threat identified by participants from the non-refugee informants' cohort. Significantly, they also identified other elements contributing to indirect security threats associated with the perceived economic burden of hosting refugees and asylum seekers in Australia, including threats to employment.

7.5 Conclusion

This chapter examined the perception of the indirect threats allegedly posed by refugees and asylum seekers, and analysed the concerns of people from refugee backgrounds, including feelings of rejection, isolation, suffering, misrepresentation and discrimination, them-versus-us attitudes, and resistance towards asylum seekers

who use boats to come to Australia. Nevertheless, the chapter demonstrated that people from refugee backgrounds are grateful to Australia.

It was shown that the perception that people from refugee backgrounds may constitute a threat to Australia by way of putting pressure on limited resources and opportunities (that is, an indirect threat to security) is widespread. Perceptions of intensified competition between people from refugee backgrounds and other Australians over job opportunities, healthcare, education and housing are pronounced and somewhat widespread. However, the empirical basis for these perceptions is limited. They are more imagined than real, and the possibility that these issues will lead to serious security threats in Australia is minimal. Meanwhile, the imagined threat does exacerbate the division between refugees and non-refugees. The previously discussed resistance to asylum seekers who arrive by boat was also noted as widespread among resettled refugees/people from refugee backgrounds and non-refugees. Participants from refugee backgrounds expressed this divide in terms of legality.

Chapter 8: Conclusion

Refugees and asylum seekers have, for a long time, been regarded as victims of insecurity and human rights abuses in their home countries. With the rise of globalization, technological advancement and non-traditional security threats in IR, nation states are becoming increasingly resistant to welcoming uncontrolled arrivals of asylum seekers claiming to be refugees. The resistance is mainly associated with possible security threats that uncontrolled arrivals of asylum seekers and refugees may pose once they arrive in host countries.

In this study I investigated these threats. In doing so, I sought an answer to one major question: are refugees and asylum seekers a security threat to Australia? This important research question was prompted by the desire to understand the various perceptions—of government, the public and people from refugee backgrounds—of the security threats posed by refugees and asylum seekers to Australia. In addition, it sheds light on why Australia exercises strong restraint towards asylum seekers, whether refugees may pose potential security risks and whether such perceptions hold any water.

I demonstrated in this study that the way security is conceived is a matter of dispute. The same applies to the way security threats are perceived, controlled, deterred and/or prevented. Invariably, perception of security threats involves issues which warrant consideration in IR (see Chapter 2). The theories and perspectives I have explored in this study concentrated on multiple frameworks of refugees and asylum seekers as: ‘victims of human rights abuses’, ‘victims of people smugglers’, ‘victims of state crimes’ and ‘potential security threats’.

While literature on the securitization of asylum in Australia, exists, it was stated early in this thesis that a different approach is necessary to understand this issue. The diverse explanations provided in this study offer an opportunity to look at the interdisciplinary nature of the securitization of asylum in Australia. This required incorporating various literature ranging from politics, international relations, border criminology and international law to refugee studies, human rights, sociology and demography in order to examine the issue of asylum seekers and refugees as potential threats to national security by considering the perspectives of governments and sections of the population that may hold these views. From this body of literature emerged a strong understanding that there is a growing reluctance both internationally and domestically to comply with the international refugee regime as refugees continue to be constructed as posing a security risk to host countries; such risks being both direct and indirect.

Multidisciplinary studies present common limitations which warrant disclosure: poor methodology, writing against one's area of expertise, political uncertainty and a lack of generalisation in key findings. These limitations, among many others, are worthy noting in this study. Methodologically, the study is qualitative in nature. I have undertaken in-depth interviews, and analysed existing documents and speeches of selected political actors such as members of parliament and prime ministers (see Chapter 4), regarding the securitization of asylum in Australia. This discourse analysis helped to understand how and why refugees and asylum seekers are positioned as threats to Australia. Using interviews as a method of data collection and qualitative analysis, this thesis addresses the issue of understanding how and why refugees and asylum seekers, who were (and in some cases, still are) perceived in their

host country as victims of insecurity and persecution in their home countries, are viewed with hostility and as a security threat in Australia.

8.1 Key findings

The key findings of this research are summarized in this section by revisiting each of my primary questions. The first sought to understand what threats (if any) refugees and asylum seekers pose to Australia. The research found that there were direct threats (minimum diplomatic tensions with Indonesia as a transit country) and indirect threats (grievance and opportunity threats) that refugees may pose to Australia; the magnitude of which varies according to the type of potential and/or actual threat (Chapters 6 and 7). The study found an increasing level of securitization in political speeches, with significant impacts on asylum seeker policy directions from both sides of the political spectrum in Australia. Securitization is used to perceive, deter and control the threat of uncontrolled arrivals in Australia of asylum seekers, who are constructed by politicians as a traditional ‘security threat’.

In the second and the third questions, this research sought to understand respectively: What are the public’s attitudes towards refugees and asylum seekers, and the threats they pose to Australia? Empirical data revealed a mixed interpretation. Generally, three types of concerns emerged. There were those who were concerned for Australia’s security (the radicals), the economy (homoeconomicus) or human rights (humanitarians). This study found that the construction of refugees and asylum seekers as a security threat is driven by a combination of many factors, with national security considerations being very low on the list (Chapter 7). Findings included that the perception of direct threats (sovereignty, terrorism, the spread of violence) emerged as being relatively minor when compared with the perception of indirect security threats (economic, employment and identity. This is contrary to the generally held view that

Australians are most concerned about asylum seekers and refugees posing serious security threats to Australia's (sovereignty and terrorism) by arriving in boats.

In the absence of public debate on immigration in Australia, the government seeks to keep the issue of asylum seekers a 'military secret'. The existing privacy laws fostering perceptions of refugees and asylum seekers as a threat are sometimes exaggerated, politicized and exploited by populist politicians (the radicals).

Study participants showed great awareness of human rights (humanitarians). Terms such as 'they are human beings', 'they are people', 'they are desperate people' and 'humanitarian injustice' were repeatedly used in the interviews in relation to asylum seekers. Participants indicated their opposition to detaining asylum seekers in detention camps and depriving them of the right to work.

The findings suggest that resettled refugees who arrive in Australia do not know much about the country and the benefits it can offer. Most did not originally intend to come to Australia; instead doing so only when the opportunity for resettlement arose. From this we can draw two conclusions. Firstly, these refugees could not plan anything—deviant or otherwise—due to their uncertainty and lack of knowledge about the new environment to which they needed to adapt. Secondly, this ignorance of Australia contests the argument that refugees come here to take advantage of welfare, as they are likely unaware of such opportunities and benefits. Instead, they are far more likely to simply consider any receiving country as preferable to their current situation. In this instance, the analysis of intention as a source of threat is paramount. Walt (1985) observed, 'Intention as a source of threat can be independent of military capabilities could cause war'. At the individual level, there was concern regarding the apparent legality or illegality of modes of coming to Australia. Resettled

refugees were considered ‘legal’ and ‘civilized’, and were welcomed, while those who arrived by boat were (incorrectly) considered ‘illegal’.

The fourth question sought to understand: How have these perceptions shaped Australia’s refugee and asylum seekers’ policy over the years? (Chapter 5). I have demonstrated, in this thesis, that the issue of refugees and asylum seekers is highly politicized. While interviewed non-refugee participants did not think asylum seekers posed a direct security threat to them, they were concerned about the economic impact of asylum seekers in Australia¹¹³. The evidence suggests that the perceptions of refugees and asylum seekers who arrive by boat as a security threat in Australia is partially justified, but mostly exaggerated and politicized (Chapters 5, 6 and 7).

8.1.1. Sovereignty and compliance with the international refugee regime

The protection of refugees under the current international refugee regime has now reached a point of crisis which may require decades to resolve without the will and action of states. This crisis was caused by the massive increase in the number of asylum seekers globally and exacerbated by states’ concerns that asylum seekers (and the associated issues of uncontrolled mass movements of people and irregular arrivals) pose serious challenges to domestic, and sometimes global, security and states, which resulted in the subsequent securitization of asylum seekers.

As discussed in Chapter 2, the construction of asylum as a security threat is not unique to Australia. Countries all over the world are preoccupied with the safety of their own citizens first and tend to take policy measures which curb asylum and protection rights. As this thesis has demonstrated, the international refugee regime needs to be strengthened because nation states have continued to shift the emphasis from a humanitarian approach (refugees as victims of persecution) to the securitization

¹¹³ Discussed in detail in Chapters 6 and 7.

approach (refugees as a source of insecurity). Many countries have become reluctant to receive asylum seekers and provide them with the necessary protection they are desperate for (neo-refoulement).

In other words, the world is witnessing a clear shift regarding the circumstances under which asylum seekers (and then refugees) are entitled to protection under the 1951 UN Refugee Convention once they enter (for an undetermined period) a receiving country where they will not only require protection but also assistance (in terms of food, shelter, education and employment), and are perceived as a burden (in term of resources, finances and security) to host countries. Due to this change, protection—which was once considered a matter of low politics (good will, hospitality and charity)—has evolved to become a matter of high politics (security, sovereignty and survival), where the legality of entrants has to be checked to minimize potential harm to national interests in terms of terrorism, competition for local jobs, and illegal access to the welfare, public housing and public healthcare systems which most citizens receive.

In addition, this thesis shows that countries are more likely to comply with their international commitments when they believe other parties to such commitments will reciprocate. In the absence of such reciprocity, the desire to comply is minimal and, to some extent, absent. For example, if Australia was given a choice between accepting refugees from New Zealand or from Somalia, there would be massive domestic support for accepting those from Australia's neighbour rather than those from Somalia, based on the expectation that New Zealand would reciprocate such action. States are also more likely to comply with their international commitments when such commitments are supported by strong domestic public opinion. Failure to comply may have an impact domestically, especially during election periods.

States may also comply with their international commitments if induced to do so. For example, a state can receive funding from the international community or another state to encourage it to provide protection for refugees. Such incentives may be used to develop local infrastructure and employment, although Australia has used this in PNG to abnegate its responsibilities.

Countries will comply with their international commitments if it is in their interests to do so. In this way, one can argue that ratifying international human rights treaties is an expression of state sovereignty because countries are not forced to do so. To argue the contrary means that states ratify international treaties against their will, wish or national interest. The compliance-based theory called for in this thesis considers international treaties as, simultaneously, acts of sovereign entities, a continuation of state sovereignty and an obligation to be complied with. If one agrees that sovereignty is, or must be, absolute—in all its senses being Bodinian or Hobbesian—international human rights treaties extend state sovereignty rather than restrict it. This is because these treaties cannot be ratified without the political will of the sovereign. Austin (1832, p. 21) observed that ‘Every law or rule ... is a command’. In Hobbes’s (1642/1991, p. 89) idea of an anarchic society, the sovereign (or ‘Leviathan’) establishes peace and controls tolerance. Ignatieff (2001, p. 1) observed that human rights can become ‘politics’ and ‘idolatry’. In this way, one can argue that as long as countries freely join international regimes as sovereign entities they make those international regimes part and parcel of their domestic law, thus expressing their sovereign command; what this researcher calls sovereignty by procuration. This refers to acts, such as treaties and conventions, by which a state gives power to entities to regulate behaviour in its place as it could do itself.

With the right to asylum being universal, Australia is not immune to it. In this instance, threat construction becomes a sovereign act. This may contradict the popularly held view by some conservative politicians, media commentators and scholars who believe that Australia's sovereignty is more paramount than international refugee law, despite its obligations as a signatory to international refugee law. In other words, Australia's domestic policies on refugees and asylum seekers have to be in line with its international obligations as contained in numerous international instruments which it is a signatory.

8.1.2. Direct and indirect threat perceptions

This thesis demonstrated that it takes many elements for a threat to exist (Chapter 2). While deterrence of asylum seekers who arrive by boat appears synonymous with the sovereign right to determine who enters one's territory, this thesis contests the proposition that overseas refugee camps are the safest channels for refugee intake vis-à-vis possible future security threats. The data showed that asylum seekers who arrived by boat are perceived as 'illegal', not welcome and a threat to Australia's border security.

In Australia, the deterrence against asylum seekers who arrive by boat has become synonymous with border control and thus sovereignty. The increase in boat arrivals in 2012–2013 meant the failure to control Australia's borders and, therefore, a failure of state sovereignty and a serious security threat. MacKuen, Erikson and Stimson (1992) observed that threat can be divided into two broad categories: 'threats against us' (as individuals) and 'threats against collections of individuals'. The former is subdivided into physical security, personal wealth and income, and personal values and beliefs (Rousseau, 2007), while the latter is subdivided into military, economic and cultural threats (Rousseau, 2007). This thesis demonstrates that in Australia,

refugees and asylum seekers are portrayed, and to a certain extent perceived, as a mix of all of these.

Data analysis saw four factors emerge as determinants of Australia's perception of refugees and asylum seekers as a threat: economic threats, such as unemployment and cost of living; socio-cultural threats, namely the ethnic composition of migrant communities in Australia, lack of assimilation and the perception of Muslim immigrants as a threat; the threat of terrorism; and people smuggling as a threat to border integrity. The security threat (real or imagined), especially in this counterterrorism era, continues to be raised in Australia to support the selection of migrants (refugees and asylum seekers included) who do not pose a security risk to Australia as a multicultural nation.

This leads to other types of threats associated with sovereignty, such as the economic and cultural threats that refugees might pose to host countries. This thesis found that, in Australia, there is competition (and the perception of competition) over opportunities between people from refugee backgrounds and their non-refugee counterparts, with tensions especially prominent in the areas of employment, education and housing.

When it comes to the potential direct security threat posed by refugees and asylum seekers in Australia, the evidence suggests that public disgruntlement about asylum seekers, refugees and migrants in general is not greatly influenced by matters of security/security threats, but by economic concerns including competition for limited resources and opportunities (for example, employment, education and housing), loss-of-identity fears and existential threats. This becomes a determining factor in describing resettled refugees from overseas camps as 'legal' and welcomed.

I also found that conservative politicians play a role in the construction of refugees and asylum seekers as a security threat, and sometimes exaggerate the actual security risk posed by refugees and asylum seekers in Australia. Far right populists and conservative politicians are the most likely to call for a reduction of immigration intakes, ‘stopping the boats’ or restoration of Australia’s sovereignty and border security, as well as to describe asylum seekers as ‘illegal migrants’ (Abbott, 2018; Bolt, 2018; Sloan, 2018, Bernardi, 2010).

As the above findings suggest, the security threat-centric explanation for a tougher refugee deterrence policy in Australia may be exaggerated. It is mostly amplified in the media by conservative politicians such as Tony Abbott, Peter Dutton, Cory Bernardi and Pauline Hanson, to name a few who continue to blame immigration—especially asylum seekers who arrive by boats. Blaming immigration, refugees and asylum seekers for the problems that Australia is facing is an exaggeration. Rising unemployment, infrastructure shortcomings, traffic congestion, population growth, ‘immigration colonies’ and changes to suburban landscapes can be addressed through correct policy orientation—which would necessarily have to be multi-department/multi-issue in nature and not simply focused on immigration.

As shown in this thesis, subsequent governments in Australia tailored their policy directions toward refugees and asylum seekers depending on the needs and the threat of the time. However, Australia’s current immigration laws are mostly driven by economic motives and, in most instances, government policy has failed to keep pace with the changing international and domestic environment in the areas of infrastructure, population growth and urban planning. This triggers community anger towards new arrivals who are seen as invaders and a strain on an already overstrained

economy. However, the security implications of such tensions are minimal and can be managed by law enforcement agencies.

Nevertheless, the evidence suggests that people are afraid of visible differences such as skin colour and Muslim attire, especially facial veils. Thesis findings support Rousseau's (2007) claim that 'shared identity decreases threat perception, as constructivists predict'. Taken together, the above findings provide a basis for understanding how and why refugees and asylum seekers are perceived as a threat in Australia. Additionally, the evidence presented in Chapters 6 and 7 suggests members of the public were very much concerned about indirect security threats rather than direct security threats. The gathered data revealed a strong opposition to Muslim immigration and asylum seekers who arrive by boat—the former perceived as a source of homegrown terrorism, and the latter perceived as a threat to Australia's border security and sovereignty—but overwhelming support and empathy for refugees in overseas refugee camps, who continue to be perceived as 'civilized' and following the right channels and mode of arrival.

8.1.3. The Australian government's response and policy options

From the time of commencing this thesis to the time of its completion, Australia's response to refugees and asylum seekers, and the non-refugee study participants' attitudes to immigration, have changed significantly. Australia is no longer the epicentre of asylum seeker boat arrivals, for the turmoil in the Middle East and Africa has shifted this to Europe. However, as demonstrated, there have been some consistencies, such as the offshore detention of asylum seekers in Nauru and PNG being part of Australia's immigration policy. As noted in this thesis, states remain the main determining actor of the refugee protection process.

Australia has to prepare for future possibilities rather than fearing and attempting to delay them. Such change is predetermined by global forces that will allow all humans to travel and communicate wherever and whenever they wish, thus challenging the traditional concept of state sovereignty¹¹⁴. However, behind the refugees and asylum seekers who arrive by boat lies the reality of the globalization process that requires Australia to remain vigilant, because the more Australia welcomes in new people and new cultures, the more likely it will change—and the nature and direction of this change remains uncertain.

8.2 Research contributions

I have, in this thesis, made my contribution to the advancement of knowledge in the area of the securitization of refugees and asylum seekers in Australia. This contribution can be summarized in five major points.

First and foremost, the thesis has contributed to a multidisciplinary approach and the concept of ‘scattered literature’ in the study of refugees and asylum seekers in the area of national security. Using a multidisciplinary approach to understand such threat perception regarding refugees and asylum seekers, this thesis has contributed to the wider immigration debate. It has argued that the negative perceptions of, and attitudes towards, refugees and asylum seekers are widespread in Australia and internationally; mostly due to the increasingly volatile domestic and international environment, the rise and spread of Islamic militancy, and competition over scarce resources and opportunities.

Secondly, this research contributed to the debate regarding threat perception as a sovereign act and state reluctance to comply with the international refugee regime.

¹¹⁴ In the light of the Coronavirus (COVID-19) pandemic, Australia’s border control has been strengthened but in a different way than before. This happened during the revision of this thesis and has some impacts.

This thesis shows that countries are becoming reluctant to welcome refugees as they perceive them as a serious security threat to their sovereignty, an existential threat and/or a burden to their economy. While this contrasts with the treaty-based international obligations of countries contained in the Refugee Convention, refugees can still benefit from protection from host countries without jeopardizing a country's national security. An important aspect of this is to dissociate forced migration from voluntary migration, both in theory and practice. This means that Australia should separate the refugee and asylum seeker regime (forced migration) from non-forced migration (other immigrants), and separate refugee and immigration legislation; contrary to what is being done now, where both forced immigrants and non-forced immigrants are being dealt with under the single *Migration Act 1958*.

Thirdly, this research has contributed to an understanding of what factors may lead the Australian government to perceive refugees as a security threat. As explored throughout the thesis, it is the sovereign right for states to grant or deny asylum to whomever they wish. In this sense, it is understood as both a legal and political concept. As a legal concept, it is subject to international codification in terms of the UDHR and related instruments. As a political concept, it remains the right of receiving states to determine who is a refugee and who is not. This thesis attempts to reconcile the two contending disciplines of international law and IR. From this, two key concepts emerged to form a cornerstone of the analysis in this thesis: 'human rights' and 'state sovereignty'.

Some scholars argue that where sovereignty is in jeopardy there is no need to observe the human rights of asylum seekers because in political realism, 'rules are regularly broken, and agreements last only as long as they benefit the contracting parties' (Dunne & Hanson, 2009).

To the contrary, I point out that the notion of ‘sovereignty’ has in fact evolved from ‘absolute sovereignty’ (in the sense of Jean Bodin’s definition of the term) to ‘sovereignty by procuration’ involving the willing ratification of international conventions as an act of sovereignty. In the ‘sovereignty by procuration’ view, the respect of human rights is not synonymous with a breach of state sovereignty. Instead, to respect these human rights has become a ‘unit of measurement’ of sovereignty rather than a threat to it because the people (citizens) are the first sovereigns of any modern statehood. That sovereignty is procured by states who sign international conventions on their behalf, ratify them and make them laws; namely, ‘acts of sovereignty by procuration’.

This thesis demonstrates that ‘threat perception’ may be seen as an act of ‘sovereignty’ to determine who is welcomed into Australia and who is not. I argue that perceiving sovereignty in this way is erroneous, especially when it comes to refugees and asylum seekers, because Australia has extended its sovereignty by freely ratifying the Refugee Convention. Thus complying with its obligation equates to exercising its sovereignty by the way of ratification. This being the case, asylum seekers who arrive by boats do not, in virtue of this ‘sovereignty by procuration’, violate Australia’s sovereignty.

Fourthly, this thesis has modestly contributed to the understanding of why and how people perceive refugees and asylum seekers as threats. In Chapter 3, for example, I discussed the historical development of threat perception in Australian immigration policies and found that the current threat-centric refugee policy is rooted in the restrictive policies of the past known as the WAP. Fear was manifested in the WAP and subsequent immigration policies that continued to raise fear among White, Christian Australians. The current threat construct in Australia has, therefore, some

links with Australia's history of conquest by European settlers. Australia, dominated by Judaeo-Christian values since colonisation, has long feared that people from other cultures, races and religions would change Australia to the detriment of these Christian values.

Fifth, this thesis contributes to the categorization of threats, some being direct and others indirect. In this thesis, I revealed three typologies of people: the radicals (who use the language of sovereignty, racism and security, and perhaps align with a realist's position); the homoeconomicus (those who care less about security but are concerned about their economic prosperity, job prospects and uncertainties); and humanitarians (those who are preoccupied with serving life and protecting those in fear of persecution). The thesis conclusions support the findings of many previous studies that show refugees can be a source of intercommunity tension when resources are scarce and opportunities limited. This led to two types of threats that refugees and asylum seekers may pose to host countries (Australia included). I mentioned direct and indirect threats, and the need for compliance with the international refugee regime. I suggested that there was a link between the perceptions of threat and how that perception is actually implemented in terms of policy, or if it is an actual threat.

This was reflected in the militarization of immigration under OSB (including the creation of the ABF, a military-led force) to counter asylum seekers who arrive by boat (Australian Customs and Border Protection Service, 2015) and the relocation of asylum seekers to offshore processing centres/immigration detention centres on Nauru and Christmas Island, and in PNG. The government mobilized the military, financed measures and enacted legislation to sanction those who try to find their way to Australia by boat.

Chapters 6 and 7 demonstrate that such perceptions are partly justified, and are fuelled by numerous factors and fears such as the threat of homegrown terrorism, the importation of ideologies, gang and criminal activities, rapid population growth, insufficient infrastructure, congestion in major cities, population identity changes, competition over limited resources and opportunities, unemployment and stagnant wages, unaffordable housing and an overburdened public transport system. All of these issues are blamed on immigration, especially that of refugees and asylum seekers (Bernardi, 2010; Abbott, 2018; Anning, 2018; Bolt, 2018; Sloan, 2018).

The shift from racist and discriminatory immigration policies to the current diverse, multicultural and non-discriminatory policy reflects that Australia is undergoing changes, however, some people are not yet ready to understand, adjust to and cope with these alterations. The evidence presented in this thesis suggests that the more heavily a suburb is inhabited by non-White and non-European people, regardless of their Australian citizenship, people of White European background tend to fear it and feel threatened. Faced with uncertainty over how the Australia of tomorrow will change, the former dominant class, which still holds political power, seeks to control—or at least limit—others entering Australia.

8.3 Research limitations and perspectives for future research

As discussed in the introduction, this research was conducted in the context of Australia's national security strategy (Commonwealth of Australia, 2013b) and the Defence White Paper (Commonwealth of Australia, 2013c), both of which approach security threats using a traditional realist security paradigm and a broader critical security paradigm; thus viewing security threats from a multidimensional approach. This necessitated analysing various national security threats, such as Australia's

vulnerability to foreign attacks, diplomatic tensions, internal tensions within exiting communities in Australia, conflicts over resources, and crimes and gangs.

During the course of this research a number of issues emerged that may have impacted it and, therefore, become limitations of the study. These should be addressed in future research projects. Several of these limitations are mentioned where appropriate in this thesis, however, I would like to mention one important limitation in relation to government secrecy and censorship surrounding issues of immigration in Australia. Secrecy meant that information regarding asylum seekers and refugees was originally classified and its release could only be sanctioned by the government. During the research period it was illegal to provide information on asylum seekers who arrived by boats and doing so was punishable by a term of imprisonment legally enforceable under the *Australian Border Force Act 2015*. This led to many informants withdrawing from interviews and thus making the sample size smaller than originally planned. The small sample size had an impact on how the data and the findings could be generalized. This limitation, however, is a finding in itself, and reveals the controversial nature of immigration (especially regarding asylum seekers who arrive by boat) and the need to have this matter investigated more in Australia.

Within each chapter some references have been made to knowledge gaps and areas for future research. This section brings together the findings of each chapter and presents the knowledge gaps in a single location. The objective here is to present the advances made and direct researchers toward areas where information is crucially needed. It is hoped that this section will inform future research and provide guidance for suitable areas of study.

The findings are limited in space, time and perspective. For example, I did not interview asylum seekers who arrived by boats into Australia; not having obtained ethical clearance to do so. Further, as previously mentioned, the research was conducted during a period where the issue of asylum seekers who arrived by boats was declared by Australian Government as a ‘military secret’ that could not be released, thus rendering access to the information and informants very difficult as it carried the penalty of imprisonment. Fortunately, many things have changed since then.

Therefore, the findings and the conclusions of this thesis are not definitive facts that close debates on perceptions of security threats posed by refugees and asylum seekers in Australia. Rather, these findings and conclusions are meant to initiate debates about perceived security threats posed by refugees in Australia. In this regard, they can also be compared to other studies conducted in this area using different research orientations to mine.

Australia’s immigration debate is ongoing and policy continues to change. Although Australia was built, and continues to be built, on immigration, refugees continue to be perceived as a threat. Global trends necessitate that Australia reforms its immigration system.

It was demonstrated that a single approach or discipline cannot answer the question of the security threat posed by refugees and asylum seekers in Australia. The literature from multiple disciplines—described as ‘scattered literature’—was applied to the Australian case to construct a compliance-based theory by which to consider the Refugee Convention, and different cohorts of people were interviewed to identify the perceptions of refugees and asylum seekers in Australia.

It is recommended that further research be carried out to investigate areas that may have been underexplored (or not explored at all) in this study. Such areas include

the economic impacts of refugees in their home countries, the political impacts of the refugees in their home countries, the political participation and policy influence of refugee communities in Australia (to understand how people with refugee backgrounds can influence Australia's relations with their home countries), and the cultural contribution of refugees to Australia (food, music, lifestyle, clothing, child protection and child abuse, and domestic violence), to name but a few important areas.

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Appendices

Appendix 1: Interview questions



Sample interview questions for non-refugee informants

- **Anxiety about refugees and asylum seekers**

1. What is your name? Age? Gender?
2. How would you describe your experience and contact with people of refugee background (asylum seekers inclusive)? How did you come across such experience (at work, school, job network, etc.)?
3. What is an asylum seeker?
4. Do you know why people seek asylum in Australia? Are you concerned about this?
5. Do you have any concern about asylum seekers using boat as a mode of arrival to Australia?
6. Can you tell me more about that?
7. Do you feel the same about refugees coming through UNHCR?
8. Do you have any concern about the current level of refugee (those coming through the UNHCR) intake in Australia (e.g., too low, too high)? Why?
9. Does where they come from make a difference/change things for you?
10. Does their religion make a difference for you?
11. Are you more worried about people from certain backgrounds than others? If so, which back grounds?
12. Is there a particular age range would you prefer to come to Australia (e.g., children, adult or elderly persons)? Why?

- **Perception of threat**

1. Do you have any concern with people who overstay their visas?
2. Based on your experience and attitude in daily life, is there any difference between a refugee and an asylum seeker?
3. In your opinion, are asylum seekers a threat to you? How?
4. Do you think that some religious beliefs are a cause of threat to Australia? Which ones?
5. Do you do think that some cultural values are a cause for threat to Australia? Which ones?

6. Would you have any concern with the gender of asylum seekers and refugees were (e.g., would prefer only men or only women or only families)? If so, why?
7. Do you feel worried about refugees coming here? Can you tell me more about it?
8. Do you have any concerns in regard to resettled refugees from overseas refugee camps?
9. Does it matter to you whether refugees and asylum seekers are from Africa or Asia?
10. Which continent of origin (of refugees and asylum seekers) would you be tolerant with (Africa, Asia, America, Europe and Oceania) and why?

Sample interview questions for NGOs

1. Can you explain how your services assist refugees and asylum seekers?
2. How would you disaggregate your beneficiaries in terms of their gender, age and religion?
3. Can you tell me about the most beneficiaries of your services in terms of their age (young, adult and elderly)?
4. Can you tell me about the majority of the beneficiaries of your services in terms of their religion (e.g., Christian, Muslim, Hindu and Buddhist)?
5. Can you tell me about the majority of the beneficiaries of your services in terms of their continent of origin (Africa, Asia, Europe and America)?
6. Can you tell me about the majority of the beneficiaries of your services in terms of their countries of origin?
7. Can you tell me about the majority of the beneficiaries of your services in terms of their mode of arrivals (plane, boat, student visa, overstayers, etc.)?
8. Do you think there is a difference among refugees and asylum seekers based on their mode of arrival? Why?
9. What are the services that your clients enjoy the most and why?
10. What are the top five cases in which you have frequently helped refugees and asylum seekers (e.g., public housing and rental problems, employment, traffic infringement, domestic violence, illicit drug possession, trespassing, illegal packing, family dispute, armed robbery or terrorism)?
11. What are the major barriers/difficulties in the provision of your services?
12. What was your attitude towards refugees and asylum seekers before you started working with them?
13. After your experience working with refugee clients what did you learn? Did your attitude change?
14. What do you think the government and other service providers could do to solve and improve the quality of services offered to refugees and asylum seekers?
15. Do you think more needs to be done in terms of services provided to refugees and asylum seekers? Why?

Sample interview questions for refugees

- **Anxiety about refugees and asylum seekers**

1. Can you tell me your name, country of origin, how you left your country of origin and how you arrived in Australia? How did you feel on arrival?
2. How long have you been in Australia?
3. How long did it take for your case to be processed?
4. How did you manage during the processing time?
5. Do you think your resettlement in Australia is a solution to your safety issue? How? Why?
6. How would you describe attitudes towards refugees and asylum seekers after living in Australia?
7. Can you describe life as a refugee and tell me how you manage (e.g. work, shelter, friends, neighbours and other Australians, and contacts with home)?
8. Looking back, can you tell me how you felt about Australia?
9. What are your attitudes towards refugees and asylum seekers and other people of your background?

- **Perception of threat**

1. Refugees and asylum seekers continue to be linked with many security threatening behaviours in Australia. How would you respond to such allegations?
2. Why do you think things have become so perceived?
3. How would you describe your settlement experience and the support you received in Australia?
4. Do you think that the mode of arrival you have chosen is the best? Why?
5. Can you identify some of the problems you have faced and are facing as a refugee or asylum seeker?
6. Have you had any help addressing such problems? If so what kind? Was it effective?
7. How do you think such problems can be addressed effectively?
8. What can happen if such problems are not addressed?
9. Do you think Australia holds anxiety about and resistance towards asylum seekers? Why/Why not?

Appendix 2: Ethics approval



Memorandum

| | |
|----------------|---|
| To | Dr Lisa Hartley, Centre for Human Rights Education, Humanities |
| From | Professor Stephan Millett, Chair, Human Research Ethics Committee |
| Subject | Protocol Approval HR 48/2013 |
| Date | 16 April 2013 |
| Copy | Mr Asukulu P. Bilombele, Social Sciences Humanities |

Office of Research and Development
Human Research Ethics Committee

TELEPHONE 9266 2784

FACSIMILE 9266 3793

EMAIL hrec@curtin.edu.au

Thank you for providing the additional information for the project titled "*Understanding perceptions of security threats to Australia: the case of refugees and asylum seekers*". The information you have provided has satisfactorily addressed the queries raised by the Committee. Your application is now **approved**.

- You have ethics clearance to undertake the research as stated in your proposal.
- The approval number for your project is **HR 48/2013**. *Please quote this number in any future correspondence.*
- Approval of this project is for a period of four years **15-04-2013 to 15-04-2017**.
- Your approval has the following conditions:
 - i) Annual progress reports on the project must be submitted to the Ethics Office.
 - ii) Please amend your participant information sheet and consent form to state that the interviews will be recorded.
- **It is your responsibility, as the researcher, to meet the conditions outlined above and to retain the necessary records demonstrating that these have been completed.**

Applicants should note the following:

It is the policy of the HREC to conduct random audits on a percentage of approved projects. These audits may be conducted at any time after the project starts. In cases where the HREC considers that there may be a risk of adverse events, or where participants may be especially vulnerable, the HREC may request the chief investigator to provide an outcomes report, including information on follow-up of participants.

The attached **FORM B** should be completed and returned to the Secretary, HREC, C/- Office of Research & Development:

When the project has finished, or

- If at any time during the approval term changes/amendments occur, or
- If a serious or unexpected adverse event occurs.

Yours sincerely

Professor Stephan Millett
Chair Human Research Ethics Committee

Standard conditions of ethics approval

These standard conditions apply to all research approved by the Curtin University Human Research Ethics Committee. It is the responsibility of each researcher named on the application to ensure these conditions are met.

1. **Compliance.** Conduct your research in accordance with the application as it has been approved and keep appropriate records.
 - a. **Monitoring** - Assist the Committee to monitor the conduct of the approved research by completing promptly and returning all project review forms that are sent to you.
 - b. **Annual report** - Submit an annual report on or before the anniversary of the approval.
 - c. **Extensions** - If you are likely to need more time to conduct your research than is already approved, complete a new application six weeks before the current approval expires.
 - d. **Changes to protocol** - Any changes to the protocol are to be approved by the Committee before being implemented.
 - e. **Changes to researcher details** - Advise the Committee of any changes in the contact details of the researchers involved in the approved study.
 - f. **Discontinuation** - You must inform the Committee, giving reasons, if the research is not conducted or is discontinued before the expected completion date.
 - g. **Closure** - Submit a final report when the research is completed. Include details of when data will be destroyed, and how, or if any future use is planned for the data.
 - h. **Candidacy** - If you are a Higher Degree by Research student, data collection must not begin before your Application for Candidacy is approved by your Faculty Graduate Studies Committee.
2. **Adverse events.** Consider what might constitute an adverse event and what actions may be needed if an adverse event occurs. Follow the procedures for reporting and addressing adverse events (<http://research.curtin.edu.au/guides/adverse.cfm>). Where appropriate, provide an adverse events protocol. The following are examples of adverse events:
 - a. Complaints
 - b. Harm to participants. This includes physical, emotional, psychological, economic, legal, social and cultural harm (NS Section 2)
 - c. Loss of data or breaches of data security
 - d. Legal challenges to the research
3. **Data management plan.** Have a Data Management Plan consistent with the University's recordkeeping policy. This will include such things as how the data are to be stored, for how long, and who has authorised access.
4. **Publication.** Where practicable, ensure the results of the research are made available to participants in a way that is timely and clear (NS 1.5). Unless prohibited from doing so by contractual obligations, ensure the results of the research are published in a manner that will allow public scrutiny (NS 1.3, d). Inform the Committee of any constraints on publication.
5. **Police checks and other clearances.** All necessary clearances, such as Working with Children Checks, first aid certificates and vaccination certificates, must be obtained before entering a site to conduct research.
6. **Participant information.** All information for participants must be approved by the HREC before being given to the participants or made available to the public.
 - a. **University logo.** All participant information and consent forms must contain the Curtin University logo and University contact details for the researchers. Private contact details should not be used.
 - b. **Standard statement.** All participant information forms must contain the HREC standard statement.

This study has been approved by the Curtin University Human Research Ethics Committee (Approval Number HR 48/2013). The Committee is comprised of members of the public, academics, lawyers, doctors and pastoral carers. If needed, verification of approval can be obtained either by writing to the Curtin University Human Research Ethics Committee, c/- Office of Research and Development, Curtin University, GPO Box U1987, Perth, 6845 or by telephoning 9266 2784 or by emailing hrec@curtin.edu.au.
 - c. **Plain language.** All participant information must be in plain language that will be easily understood by the participants.

Please direct all communication through the Research Ethics Office

Curtin HREC Form B



PROGRESS REPORT

The Form B is to be completed and returned to the Secretary, Human Research Ethics Committee, c/- Office of Research & Development.

If any of the points below occur prior to the expiry date, this form must be submitted to the Committee at that time.

| | | |
|-------------------------|---|-----------------------------|
| Approval Number: | HR 48/2013 | Expiry Date 15/04/17 |
| PROJECT TITLE: | Understanding perceptions of security threats to Australia: the case of refugees and asylum seekers | |

| | | | |
|--|---|------------------------------|-----------------------------|
| 1 | Has this project been completed? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| If YES please state the completion date. | | / | |
| If NO please state if the project is on schedule. | | | |
| 2 | Has this project been modified or changed in any manner that varies from the approved proposal? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| If yes, please provide details _____ (Attach additional comments on a separate sheet of paper if necessary) | | | |
| 3 | Have any ethically related issues emerged in regard to this project since you received Ethics' Committee approval? (e.g. breach of confidentiality, harm caused, inadequate consent or disputes). | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| If yes, please provide details _____ (Attach additional comments on a separate sheet of paper if necessary) | | | |
| 4 | Have any ethically related issues in regard to this project been brought to your attention by others? (i.e. study respondents, organisations that have given consent, colleagues, the general community etc). | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| If yes, please provide details _____ (Attach additional comments on a separate sheet of paper if necessary) | | | |
| Investigator: | Dr Lisa Hartley, Centre for Human Rights Education | Signature: | |
| Co-Investigator: | Mr Asukulu P. Bilombele, Social Sciences | Signature: | |
| School/Department: | Humanities | | |
| Head of Enrolling Area: | | Signature: | |
| Date: | | | |

Office Use Only

APPROVED: _____

Executive Officer/Chair HREC

DATE: ____/____/____

Appendix 3: Participant information letter



Participant information letter for non-refugee informants

Project title: Understanding perceptions of security threats to Australia: The case of refugees and asylum seekers

Investigators: Asukulu Philbert Bilombe; Dr Lisa Hartley

You are invited to participate in this study

Background and aims of the study

I am a student from Curtin University undertaking my PhD in Social Science. I am interested in understanding attitudes of resistance to the presence of asylum seekers and refugees in Australia and, in particular, perceptions of them as a threat. I want to understand Australia's anxiety about refugees and asylum seekers (living in the community) and if, how and why it has increased. In doing so, the research will also evaluate the extent to which Australia's anxiety and resistance to refugees and asylum seekers can be legitimated.

Researcher's activities

I am looking to recruit individuals, members of the 'non-refugee informants', willing to share their experiences and perceptions about refugees and asylum seekers in Australia.

My research activities will consist of conducting in-depth interviews with refugees, members of the 'non-refugee informants', government officials (policymakers), policy implementers and NGOs (refugee service providers, activists and advocates). I will analyse policy documents, inquiries and media reports. I will also design the research project and, after the interviews, write up the results into a thesis. I would like to discuss with participants possible threats that refugees might present to the 'non-refugee informants'. My interviews with refugees themselves are central to this study

as a way to share their experiences and opinions with regard to the debate that touches their daily lives.

What does your participation involve?

In the in-depth interview I will ask you, as a member of the ‘non-refugee informants’, questions about your experiences and perceptions about refugees and asylum seekers in Australia—both positive and negative. The interview should take around 45 minutes. You will be asked about your personal interactions with refugees and asylum seekers (as members of Australian community, neighbours, customers, colleagues, students, co-workers, etc.) and your opinions of media representations.

It is important to note that your involvement in this study is entirely voluntary. While I would be pleased to have you participate, I also respect your right to decline. There will be no consequences if you decide not to participate. If you decide to discontinue participation at any time during the interview, you may do so without providing any explanation. All information will be treated in a strictly confidential manner. I will discuss your ideas only with my thesis supervisors and you will be de-identified if necessary.

Possible benefits

This research is designed within the context of the current political debate on asylum seekers and the government’s perceived need to deter asylum seekers from arriving in Australia. You will contribute to this research and findings will shed light on how threats, either perceived or legitimate, can be overcome so that genuine claimants of asylum can receive their due protection without jeopardising Australia’s international obligation and national interest.

Possible risks

There is no anticipated risk for any member of the ‘non-refugee informants’ taking part in this study. However, if you find that you are becoming distressed or uncomfortable with the questions being asked, you can talk to me and I will be able to advise you and arrange immediate support at no expense to you. You may terminate the interview at any time without any consequences of any kind.

Want feedback about the study?

Once I have analysed the information obtained from the interviews, I can mail/email you a summary of the findings should you want to receive them. Please provide me with your contact details at the end of the interview. Your contact details will only be used for the purpose of sending you the results.

Voluntary participation

As indicated above, participation in this study is voluntary. You can withdraw your participation at any time for any reason without consequence.

Results

The results of this study will be used to write a PhD dissertation at Curtin University. All data (it may be in electronic form) collected during my study will be kept in a safe and secure place in my supervisor's office at Curtin University for a period of five years.

Ethical guidelines

This study has been approved by the Curtin University Human Research Ethics Committee (Approval number: HR 48/2013). The Committee is comprised of members of the public, academics, lawyers, doctors and pastoral carers. If needed, verification of approval can be obtained either by writing to the Curtin University Human Research Ethics Committee, c/- Office of Research and Development, Curtin University, GPO Box U1987, Perth, 6845 or by telephoning 9266 2784 or by emailing: hrec@curtin.edu.au.

Approval number: HR 48/2013

Contacts

We would like to thank you in advance for your assistance with this research project. Your help is much appreciated. If you would like to discuss any aspect of this study, please feel free to contact us to discuss any issue relating to this research study.

Appendix 4: Statement of consent form



Statement of consent form

Title of project: Understanding perceptions of security threats to Australia: The case of refugees and asylum seekers

1. I have been informed of and understand the purposes of the study. The nature and possible effects of the study have been explained to me. I have read and understood the 'Information Sheet' for this study.
2. I understand that participation involves the risk(s) that past distress, discomfort and trauma might be triggered and understand that Mr Asukulu Philbert Bilombele will organise support through ASeTTs or other counselling services should this happen.
3. I understand that the researchers will maintain confidentiality regarding my identity and that any information I supply to the researcher(s) will be used only for the purposes of the research. Any information which might potentially identify me will not be used in published material.
4. I give consent for my response to be recorded electronically.
5. I understand that all research data will be securely stored on Curtin University premises for a period of 5 years. The data will be destroyed at the end of 5 years.
6. I agree to participate in the study as outlined to me and the data gathered from me for the study may be published provided that I cannot be identified as a participant.
7. I agree to participate in this investigation and understand that I may withdraw myself or my data at any time without any effect or prejudice. I also understand that I will have an opportunity to review the transcript of my interview and if I so wish may request that some or any of the data I have supplied to date be withdrawn from the research.

Name of participant:

.....

Signature. Date. / /201.

Statement by the Investigator

I have explained the project and the implications of participation in it to this volunteer and I believe that the consent is informed and that he/she understands the implications of participation.

Investigator: Asukulu Philbert Bilombe

Signature.

Date. / /201.