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RESPONDING TO BOAT ARRIVALS IN AUSTRALIA: TIME FOR A REALITY CHECK

Boat arrivals are near the top of the political agenda in Australia, and have been the focus for a flurry of policy-making in 2010. This Analysis asks why and whether it has been worth it. It takes a step back from the domestic political scene to provide an objective analysis of recent policy developments, drawing lessons from previous experiences in Australia and from elsewhere in the world. Australia is not undergoing an asylum crisis of the sort that warrants such attention and policy reform.

None of the policies currently being proposed address the root causes of the problem, and are therefore likely only to be short-term fixes. These policies may not even succeed in their narrow aim of reducing boat arrivals to Australia. Against what are likely to be limited benefits of the new policy approach there are significant potential costs, both financial and political. The paper recommends that the Government avoids enacting more border enforcement, and instead pays more attention to the other elements of a comprehensive approach to the challenge of boat arrivals.

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Introduction

Even for a hot-button topic in an election year, asylum seekers have attracted an unusual intensity of policy attention in Australia in 2010. The interception on 28 March 2010 of the 100th boat during Kevin Rudd's prime ministership triggered the beginning of a cascade of policies, that has also been spurred by a series of polls that have shown that asylum seekers are one of the top concerns to Australians,¹ by concerns about overcrowded detention facilities, and by politicking on the issue by both main political parties in an election year. The 11 November decision of the High Court of Australia in relation to the Government's offshore asylum seeker detention policy has turned up the heat further.

On 9 April Kevin Rudd's government announced the suspension of the processing of new asylum applications from Afghanistan and Sri Lanka - the two origin countries that account for the vast majority of boat arrivals in the last year - the stated reason for which was to allow the Australian government time to assess country of origin information on rapidly changing circumstances in both countries before processing further claims. The government also emphasised a series of measures intended to restrict and penalise the activities of migrant smugglers, including closer regulation of remittance dealers, the eventual establishment of a Criminal Intelligence Fusion Centre, and the introduction to Parliament of an 'Anti-People Smuggling and Other Measures Bill'. On 6 July the new Prime Minister Julia Gillard lifted the suspension on processing claims for Sri Lankan asylum seekers, and subsequently, on 30 September, that on processing Afghan asylum claims. In the last

few months she has also promoted a regional protection framework for asylum that includes closer cooperation with origin, transit, and destination countries in the Asia-Pacific region, and is centred on a regional processing centre. Negotiations on the framework are taking place bilaterally with the government of East Timor, where it is proposed the centre would be located, as well as through the Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime. The Prime Minister has also confirmed plans to increase space to detain asylum seekers in Curtin, and to open new detention facilities in Weipa and in the Adelaide Hills.

Human rights activists characterise these policies as restrictive,² and it has been suggested that Gillard is returning to the policies of former Prime Minister John Howard - including offshore processing - that her predecessor Kevin Rudd overturned in 2007. In contrast, the Opposition accuses the Prime Minister of not being tough enough. In a recent speech at the Lowy Institute, Scott Morrison, Shadow Minister for Immigration and Citizenship, called upon the Prime Minister to reintroduce 'temporary protection visas' (TPVs), restart offshore processing at Nauru, and to turn back boats where circumstances permit. Gillard herself has tried to portray the policies as a firm response to a growing problem without being a return to the policies of John Howard. In particular she has characterised the current responses as strategic and proactive, as compared to what she describes as the opportunistic and reactive responses of the Howard government.³

To an outside observer, this flurry of policy-making is surprising. To be sure, asylum and

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immigration are near the top of the political agenda in many other industrialised countries, especially in Europe, and political leaders there have ramped up their rhetoric against asylum seekers, especially during national elections. But in a period of global downturn, no other government has translated rhetoric into policy in the way that the Australian government has. Even if Australia technically avoided recession during the recent global economic and financial crisis, committing to an overhaul of the asylum system which is bound to have significant cost implications is striking. How can this be explained? Is Australia really facing a crisis that merits this response? Has Australia’s asylum policy really failed to the extent that such a thorough overhaul is required? And how can it be justified? Is there any evidence, from Australia or elsewhere, that the policies being enacted or considered will reduce the number of boat arrivals? Is the Opposition right that the policies do not go far enough to be effective? What will be the longer-term benefits and costs?

The purpose of this Analysis is to take a step back from the domestic political debate in Australia, and in so doing to try to put Australia’s concerns over asylum into a broader context, to make an assessment of the likely effectiveness of the new policies, and to point out gaps in the current policy approach. It does so by considering four critical questions: Is there an asylum crisis in Australia? What are the underlying causes of asylum seeker movements? To what extent do asylum policies influence the choice of destination by asylum seekers? How effective are restrictive asylum policies?

Crisis? What crisis?

The Parliamentary Library reports that in the financial year 2009-10, 118 boats were intercepted in Australian waters, carrying a total of 5,609 people, including crew. This total number of people includes the twelve who died when a boat sank on 1 November 2009, but excludes 78 people on board a boat (the Oceanic Viking) intercepted in Indonesian waters in October 2009 and the five who reportedly drowned before a boat was rescued and taken to the Cocos Islands in May 2010.⁴ These figures comprise the highest number of boat arrivals (and boats) in Australia in the last 20 years, exceeding numbers in the previous peak years of 1999-2000 and 2000-2001 (see Table 1).

Table 1: Boat arrivals by financial year since 1999-2010

Financial Year	Number of Boats	Number of People
1999-2000	75	4,175
2000-01	54	4,137
2001-02	19	3,039
2002-03	0	0
2003-04	3	82
2004-05	0	0
2005-06	8	61
2006-07	4	133
2007-08	3	25
2008-09	23	1,033
2009-10	118	5,609

Source: Phillips and Spinks (2010); 2008-09 and 2009-10 figures include crew.

It is apparent that for many in Australia, this increase represents a crisis, and certainly more asylum seekers are being placed at risk and the

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capacity to respond is being stretched. Still, this 'surge' in boat arrivals needs to be placed in context. First, it is important to remember that historically the majority of asylum seekers in Australia have not arrived by boat, but instead arrived in Australia by air with a valid visa and lived in the community while they pursued their claims.⁵ (Their numbers also increased in 2009-10 but this fact has received very little attention.) In the calendar year 2009, 2,849 people entered Australian waters by boat, comprising about one third of the total of 6,170 asylum applications in Australia that year⁶ (not all boat arrivals claim asylum but the vast majority does). It is important to acknowledge, however, that for the first time in 2010 boat arrivals are likely to comprise the majority of asylum seekers in Australia.

Second, asylum applications in Australia comprise a very small proportion of asylum applications across the industrialised world - about two per cent in 2009. (The top destination for asylum seekers in 2009 was South Africa where there were over 222,000 new arrivals.) In absolute terms, nevertheless, asylum applications in Australia increased significantly between 2008 and 2009, from 4,770 to 6,170 (29 per cent), in contrast to virtually no change in global asylum applications (in 2008 there were 377,130 applications in the industrialised world, rising slightly to 377,160 in 2009).⁷

Third, the surge is based on a very limited number of countries - in other words this is a specific and not a systematic problem. Of total asylum applicants in Australia in 2009 the majority originated in China (1,186), followed by Afghanistan (940) and Sri Lanka (553). The Department of Immigration and Citizenship

(DIAC) does not release data on the origin countries for the smaller group of asylum seekers who comprise boat arrivals, but agency staff consulted for this paper as well as various media sources confirm that the majority originate in Afghanistan and Sri Lanka. This is one reason, in addition to rapidly changing conditions there, why asylum seekers from these two countries were specifically targeted in Kevin Rudd's April 2010 measures. Comparing data on asylum applications in Australia in 2008 and 2009, it is clear that a very significant proportion of the overall increase in numbers is accounted for by the increase in applications from Afghanistan. Eight hundred and eighty-eight more Afghans applied for asylum in Australia in 2009 than in 2008, accounting alone for 63 per cent of the total increase of 1,400. The majority of these Afghans arrived by boat. The number of people originating in Sri Lanka - the other main origin country for boat arrivals - also increased significantly, from 417 in 2008 to 553 in 2009; although as a percentage this 33 per cent increase was less than that observed among applicants from Iran (92 per cent), Zimbabwe (61 per cent), and Iraq (49 per cent). Nevertheless, arrivals from Afghanistan and Sri Lanka, the majority of whom arrived by boat, between them comprised 73 per cent of the overall increase in asylum applications in Australia between 2008 and 2009.

Fourth, most asylum seekers arriving in Australia by boat in the past have been assessed to be refugees. Over the last decade, between 70 and 97 per cent of asylum seekers arriving by boat have been found to be refugees and granted protection either in Australia or in another country. For example, of the 1,254 claims assessed on Christmas Island between 1

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July 2009 and 31 January 2010, only 110 people were assessed as not being refugees.⁸ This is a far higher rate of acceptance than for asylum seekers who have entered Australia by air, for whom the recognition rate has been about 20 per cent, and much closer to that in Europe and most other industrialised regions of the world.⁹ The government is clear that the same standards are applied to both groups of asylum seekers. In other words it is not accurate to say that Australia grants refugee status more readily than other parts of the world, rather that there appears to be a concentration of refugees among boat arrivals.

The reason this last point is important is that it means that arguably Australia is worrying about the wrong asylum seekers. Whereas the majority of those arriving by boat are refugees, the majority of those arriving by air are not. And as explained above there has been an increase in the numbers of the latter as well as of the former.

Addressing the symptoms not the causes

There is wide consensus among both scholars and refugee organisations that conditions in origin countries – so-called ‘push’ factors – tend to be more important than conditions in destination countries (‘pull’ factors) in explaining the movement of refugees.¹⁰ For example, an extensive review of the causes of asylum seeker movements to the European Union (EU), based on statistical analysis over ten years between 1990 and 2000 and published by the Institute for Public Policy Research (IPPR), identified the following key ‘push’ factors: repression of and discrimination against minorities; ethnic conflict and human

rights abuse; civil war; the number of internally displaced persons (IDPs) relative to the total population; poverty; position on the Human Development Index (HDI); life expectancy; population density; and adult illiteracy rate.¹¹ Overall the analysis concluded that indicators of conflict were more important than indicators of development as explanatory factors in flows of asylum seekers to the EU.

While conditions have significantly improved in Sri Lanka since the end of the conflict there, resulting in far fewer asylum applications from Sri Lanka in Australia or elsewhere, it is clear that both security and respect for human rights are fragile in Afghanistan, the other main origin country for boat arrivals in Australia. Jane’s Sentinel Security Assessment for Afghanistan, updated on 20 October 2009, stated that ‘Even with the increased troop numbers, the size of coalition forces remains insufficient to ensure security across the entire country...Even when taking the number of Afghan forces into account, the total number of troops engaged against the Taliban is about 10 per cent of the total recommended by the US counterinsurgency doctrine’.¹² The latest report of the UN Secretary-General to the Security Council, dated 16 June 2010,¹³ commends the government of Afghanistan for hosting a Consultative Peace *Jirga* from 2 to 4 June, noting that ‘Despite rocket fire and thwarted suicide attacks during the opening session, the *jirga* proceeded undeterred’, and that ‘In general, the Taliban have reacted negatively to the peace and reconciliation proposals.’ It also notes that ‘Overall, the number of security incidents increased significantly, compared to previous years and contrary to seasonal trends’, that there has been a 94 per cent increase in incidents involving improvised explosive

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devices, and that suicide attacks currently occur at a rate of about three a week.

On the subject of human rights, the Secretary-General reports 'Over 420 incidents of grave child rights violations', including the killing or maiming of 332 children, in the previous three months, a steady increase in attacks on schools, and continued recruitment of children into the Afghan National Security Forces. The Introduction to the US State Department Report on Human Rights Practices on Afghanistan, published on 11 March 2010, states that the country's human rights record remains poor, citing extrajudicial killings, torture, poor prison conditions, official impunity, prolonged pretrial detention, restrictions on freedom of the press, restrictions on freedoms of religion, violence and social discrimination against women, restriction on religious conversions, abuses against minorities, sexual abuse of children, trafficking in persons, abuse of worker rights, the use of child soldiers in armed conflict, and child labour.¹⁴ Similar conclusions on human rights in Afghanistan have been reached this year by Human Rights Watch (HRW)¹⁵ and Amnesty International.¹⁶

It is difficult to establish a causal relationship between 'push' factors and the eventual movement of asylum seekers. This is not just because it is hard to enumerate indicators of conflict and discern clear trends. For most people in most countries, even those in conflict, there are alternatives to seeking asylum, including joining one or other side of the conflict, staying at home, or moving internally. Moving across an international border also normally requires resources, both financial and social. In some countries the state actively restricts the right to exit. In some cases asylum

seekers are not leaving their country of origin, but a refugee camp in another country. Thus asylum applications worldwide have either remained stable or even reduced from other countries where many independent sources also note an intensification of conflict and human rights abuse and oppression, for example Eritrea (a 17 per cent reduction between 2008 and 2009), Somalia (a three per cent increase), and Sudan (a five per cent decrease).¹⁷

But in most cases there is a correlation between 'push' factors and asylum flows, and this is certainly the case for Afghanistan. Across 44 industrialised countries that provide monthly data to UNHCR, there was a 45 per cent increase in the number of asylum applications from Afghanistan from 18,453 in 2008 to 26,803 in 2009, and these are clearly related to deterioration in the security and human rights situation there.

The important point here is to understand that destination country policies of the sort currently being proposed or implemented by the Australian government will not reduce the flow of asylum seekers out of Afghanistan, as they do not address the root causes of these flows, which is insecurity and human rights abuse. The aim of these policies instead is simply to stop asylum seekers from Afghanistan coming to Australia. But there is no guarantee that they will succeed in achieving even that limited goal.

Why Australia?

In the year after Kevin Rudd dismantled the asylum regime of his predecessor John Howard in 2007, including abolishing TPVs and the so-

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called 'Pacific Solution' for offshore processing, the number of boat arrivals in Australia increased significantly (see Table 1). The Opposition argued that 'softening' Australia's policies on asylum in this way was attracting more asylum seekers to Australia and thus explained the surge in boat arrivals. For some commentators, the recent policy reforms of Julia Gillard demonstrate that her government has concluded that tougher asylum policies do indeed deter asylum seekers. The Opposition wants still tougher policies.

The research evidence, as well as experience elsewhere, however, does not categorically support this conclusion. First, the extent to which asylum policies are likely to be a deterrent depends on whether potential asylum seekers actually know about policies and practices in potential destinations. A significant survey among recent asylum seekers in the UK in 2005, for example, that included respondents from Afghanistan as well as several other countries, found that most had little knowledge other than general impressions. Many had heard of Princess Diana and David Beckham, but certainly did not appear to understand how the asylum or welfare system worked.¹⁸ The study identified five reasons for limited knowledge among the respondents: few had family or friends in the UK; in some cases they had been provided misleading or false information; many had departed their country in a rush; most were relatively poorly educated; and some had not actually chosen their eventual destination, this decision instead being made on their behalf by family members or smugglers. Other studies, in contrast, have found that asylum seekers (and irregular migrants) arriving in the UK are relatively well-informed upon arrival,¹⁹ and according to some

sources, Afghan Hazaras arriving in Australia today are also well-informed. The way this discrepancy in the research is normally explained is by focusing on the role of migrant smugglers. One of the reasons potential migrants pay smugglers, it is suggested, is for their knowledge – about how to leave a country without detection, about the least risky routes, and about potential destination countries.²⁰

Most governments, including the Australian government, are aware that adjusting asylum policy settings is only likely to have an impact if the changes are broadcast to potential migrants, and significant resources have been invested in information campaigns, explaining not just how the asylum and migration system work, but also the risks of trying to enter without authorisation. A whole series of evaluations of such information campaigns in a range of countries, including internal evaluations by the International Organization for Migration, have concluded that at the best their impact is neutral, although some have been more effective than others.²¹ Governments and international organisations are simply not trusted by the people they are trying to reach; dissemination strategies are often poor, not reaching beyond the capital city for example; there are practical issues concerning translation, illiteracy, and access; and ultimately if people are fleeing for their lives, they are unlikely to be deterred by a flyer or a poster.

A second reason to question the deterrent effect of asylum policies is significant research that suggests that there are a number of other variables that are just as significant as government policy in determining the choice of destination by asylum seekers. In Europe these

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include geographical proximity and pre-existing colonial, trade, or linguistic linkages, which are of less relevance in the Australian context. Another factor, which is of direct relevance, is the role of social networks,²² referring to the presence in potential destination countries of family, friends, and co-nationals or co-ethnics. In practical terms, social networks provide information (that is far more trusted than that provided by official sources), lend would-be migrants money for their journeys, and can help with immediate challenges upon arrival like overcoming language and cultural barriers, and finding accommodation and work. There is clear research evidence that once momentum develops around social networks, the scope for effective policy intervention is very limited. In the Australian case this can be thought through in these terms: if new policies make it harder for Sri Lankans, for example, to enter Australia as asylum seekers, then members of the Sri Lankan community in Australia may be able to find alternative routes, for example by sponsoring student entry, or arranging (genuine or fake) marriages or adoptions, and so on.

Another important variable in explaining the geography of asylum is the role of smugglers. Officials consulted for this report confirm that the significant majority of recent boat arrivals in Australian waters have paid a smuggler to get there, although the term ‘smuggler’ covers a wide range of operatives from a travel agent based in a market town in Afghanistan coordinating a transnational venture to an Indonesian fisherman paid to get to Australian waters. Probably a more important question than whether policy settings deter would-be migrants (assuming they actually know about them and understand them) is whether they deter smugglers from delivering people to

particular destinations. In certain smuggling systems, including that between Afghanistan, Pakistan, and Western Europe, smugglers have been found to be financially incentivised successfully to deliver their clients to countries where they can gain physical access to the territory, enter the asylum system, stand a good chance of being able to remain (legally or illegally) in the country, and find opportunities to work.²³ In such cases policies such as offshore processing and detention can be expected to encourage migrant smugglers to rethink targeting Australia – although probably by identifying an alternative destination rather than folding their business. But in other situations, where for example smugglers are paid in full upfront before departure, they have little incentive other perhaps than pride, honour, or establishing a business reputation, for selecting between destinations. The suspension of processing for new Afghan or Sri Lankan asylum seekers in Australian territories was an irrelevance for the smuggler dispatching them there, as long as he had already been paid and could avoid personally being caught or penalised.

In reality Australia is a more attractive destination than many other countries that lie between it and Afghanistan or Sri Lanka not because of the leniency or otherwise of its asylum policies, but because Australia is a wealthy country that by and large welcomes immigrants, its economy is buoyant and employment levels were relatively unaffected by the impacts of the recent global economic and financial crisis, it has a strong and generous welfare system, and it is a fair, secure, and democratic country. Unlike most other countries in the region, it is a signatory of the 1951 UN Convention relating to the Status of

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Refugees and adheres to its commitment. In many ways the fact that asylum seekers are attracted to Australia is an indicator of its success; and reversing that success would be the most effective way to deter them. Does Australia really want to renegotiate its commitment to the 1951 Convention, as proposed by Scott Morrison at the Lowy Institute, and lose its reputation as a standard-bearer for refugee rights? And all because of a few thousand boat arrivals from a war-torn country?

A high price to pay?

This year has seen much political positioning over how to characterise the recent policy changes. Without getting involved in a comparison between the current and proposed policies and those under previous governments, it is undeniable that since 9 April 2010 asylum policy in Australia has become more restrictive, and the Opposition is arguing that it is not yet restrictive enough. But what evidence is there that restrictive asylum policies are effective? Previous experience in Australia and elsewhere goes some way towards answering this question.

For Australia, the data in Table 1 demonstrate the rapid reduction in boat arrivals after the introduction of the 'Pacific Solution' and other measures in 2001. Remarkably, in the financial year 2002-03 and again in 2004-05, not a single boat arrived in Australian waters, although their numbers had begun to increase gradually by the time most of these policies were reversed by the Rudd government. Perhaps the best non-Australian example with which to compare the current situation is when

a raft of new asylum policies was introduced across the European Union at the beginning of the 1990s, in response to asylum applications in Europe surging to some 700,000 per year by 1992. By 1994 this number had been more than halved, to 300,000.²⁴ Much of the overall decrease was accounted for in Germany, and explained in terms of the new asylum law introduced there in mid-1993.²⁵ A series of legislative reforms in France in 1990 corresponded with a decrease in applications there after 1990.²⁶ Similarly, new asylum policies were suggested to account for reductions in the United Kingdom and Switzerland between 1991 and 1992 and Sweden between 1992 and 1993.²⁷

In retrospect, however, three reservations need to be posted. First, the effect of these policies was relatively short-lived. By the mid 1990s asylum applications in Europe had begun to rebound, although certainly not back to 1992 peak levels. A similar trend was observable in Australia: while in financial year 2002-03 not a single boat arrived, by financial year 2005-06 there were eight, carrying 61 people, and the following year fewer boats (four) but carrying more people (133). These are small numbers of boats, but it is important to note they were never stopped permanently. Part of the explanation is that neither the policies in Europe during the 1990s, nor those in Australia today, as illustrated above, addressed the root causes of displacement. They may have temporarily reduced flows to a particular destination, but they did not stem the flow at source. Another part of the explanation is that after a relatively short time smugglers come to terms with policy changes and find ways around them.²⁸

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A second reservation is that most commentators would agree that an unintended consequence of restrictions on asylum in Europe was to push more asylum seekers into the hands of smugglers.²⁹ Without the assistance of smugglers it became increasingly difficult for asylum seekers to overcome the obstacles that have been placed in the way of arriving in industrialised countries to seek asylum.³⁰ In other words, while the number of asylum seekers fell in Europe during the 1990s, the number of irregular migrants increased. Put another way, some people who were entitled in law to international protection were forced into vulnerability and exploitation by smugglers in order to access that protection.

The benefits of more restrictive asylum policies are therefore questionable. As discussed above, they may be effective, but only in the relatively short term, and at the risk of unintended consequences. Assessed against these limited potential benefits, can the costs really be justified? It is very unlikely indeed that any other country in the world currently spends as much on asylum seekers in terms of the ratio of costs to individuals involved as Australia. The 2009-10 national budget allocated A\$654 million over four years for combating migrant smuggling. It has been estimated that the regional processing centre in East Timor would cost at least A\$60 million, the bulk of which would have to be paid by Australia.³¹ The Liberal Party has estimated that the planned expansion and extension of detention centres will cost at least A\$236.5 million.³² And this in response to perhaps 6,000 boat arrivals per year, most of them from a single country, and the majority of whom are likely to be recognised as refugees.

There are other costs that are yet fully to materialise. One is the cost of returning unsuccessful asylum seekers. As noted above, historically there has been a very high refugee recognition rate in Australia compared with other industrialised states. The effect of suspending processing for asylum seekers, in particular from Sri Lanka, however, is likely to be that whereas they may have been entitled to refugee status when they first arrived, because of rapidly improving conditions in Sri Lanka they may well not be any longer. Experience, especially from Europe, is that involuntary return is very cost-ineffective – significant sums per person are expended to remove people who may simply pay a smuggler to return at a later stage. It has been estimated that the UK government, for example, has spent over GBP 100 million on flights deporting people from the UK since 2005. Furthermore, the costs of involuntary return are not just financial. Politically, deportation is a very sensitive issue, especially where it involves children. In Europe, governments that deport unsuccessful asylum seekers are regularly accused by activists of jeopardising the rights of the migrants involved, while deportation can also open governments up to charges of discrimination and racism.

This last point has wider significance too. Restrictive asylum policies have wider ramifications than simply the effects on asylum seekers. They are regularly elevated in political campaigns in Australia and elsewhere because they can be vote-winners. At the same time they can be viewed in negative terms by other migrants and members of ethnic communities. Equally they can become a magnet for criticism by human-rights activists, both at home and abroad. Overall governments need to be aware

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of the potential trade-offs of restrictive asylum policies.

Conclusions

In Australia, as in many other industrialised countries in the world, asylum has become a touchstone issue in domestic politics, to which governments have to be seen to respond. The Australian government this year has been particularly active in policy-making and policy planning on asylum as compared to many other national governments. The purpose of this paper has been to take a step back from the domestic political scene in Australia, and to try to provide an objective analysis of these policy developments. This is not to deny the importance of the asylum agenda for domestic politics, but more to make the case for rational, evidence-based policy-making on asylum, which places the issue in its proper context and considers the full costs and benefits of policy responses. Otherwise, in Australia as well as elsewhere, governments risk going for quick-fix policies to satisfy the immediate demands of domestic politics, policies that may undermine the reforms required to achieve longer-term and more strategic priorities.

This paper has questioned whether Australia really is undergoing an asylum crisis that warrants such policy attention. It has suggested that none of the responses currently being enacted or proposed addresses the root cause of the issue, namely human rights abuse and insecurity in particular in Afghanistan, although it is true that such responses would be unlikely to have an immediate effect. It has identified a series of intermediate variables that mean that the policies may not even achieve

their less ambitious aim of stopping people arriving in Australia, at least beyond the short term. And it has drawn on evidence from elsewhere to highlight the limited benefits and potentially high costs of a move towards a more restrictive asylum regime.

None of this should be a reason not to strengthen Australia's response to the flows of asylum seekers and in particular boat arrivals. Although the number of boat arrivals has decreased in the second half of this year, they are still arriving at a far faster rate than at the same time last year.³³ A further 34 boats have arrived since the swearing in of the Gillard government in September.³⁴ Clearly a responsible government has to do something. But what is needed is a comprehensive approach. The policy debate in Australia this year has tended to focus on border enforcement, and detention. To be sure, these are two key components of a comprehensive approach to asylum, but as this paper has suggested, they are unlikely to work in isolation. Other components of a comprehensive approach should include: enhancing law enforcement, not just at the border but prior to and after arrival; regulating the labour market including providing legal opportunities for the entry of foreign workers; capacity-building in origin and transit states; engagement with international efforts to address root causes in primary origin countries; efforts to combat migrant smuggling and trafficking; measures to address so-called 'mixed flows'; enhancing information dissemination; and building partnerships including through consultation with civil society within the state and cooperation with other states in the region.³⁵

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In fact, the policies announced by the government since April 2010 have begun to put in place some of the pieces for a more comprehensive approach. Smugglers are being specifically targeted through the 'Anti-People Smuggling and Other Measures Bill'. The regional protection framework is intended to manage irregular migration and reduce people-trafficking through more cooperation with origin, transit, and destination countries, and includes significant capacity-building in particular for transit countries – although there are questions about its viability and it has been criticised by the Opposition for not covering asylum seekers from within the region. In addition, Julia Gillard has continued the Rudd Government's election promise to boost Australia's commitment to increase Official Development Assistance (ODA) funding to 0.5 per cent of Gross National Income by 2015-16, and Australia continues to be a major donor to the United Nations' regular budget – and in these ways can be argued to be trying to address some of the root causes for asylum seeker movements.

Border enforcement and detention are important, but alone they cannot achieve the goal of reducing boat arrivals in Australia. Just as much attention needs to be paid to the range of other measures that comprise a more comprehensive and longer-term approach. The Government and the Opposition should avoid a race to the bottom to see whose asylum policies can be the most restrictive. The High Court has found that they may be illegal. They are also expensive, they jeopardise Australia's reputation, and they probably won't stop the boats.

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