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The Australian border regime

Bordering policies and practices which undermine
solidarity towards asylum seekers

Supervisor
Ch. Prof. Sabrina Marchetti

Assistant supervisor
Ch. Prof. Nicholas Dines

Graduand
Laura Morelli
Matriculation Number 837804

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Abstract

L'oggetto di questo lavoro di ricerca è la mancanza di solidarietà verso i richiedenti asilo da parte dei cittadini dei paesi di destinazione e di transito, i quali accettano e supportano l'imposizione, da parte dei propri governi, di politiche di immigrazione discriminatorie e restrittive a discapito di queste persone migranti. Alla luce di precedenti analisi che hanno individuato le cause di tale mancanza di solidarietà nelle politiche e nelle pratiche di "bordering" proprie dei regimi di frontiera, il presente studio si pone lo scopo di esplicitare i meccanismi responsabili per questo fenomeno.

Le ricerca si colloca quindi nell'ambito degli studi sulla migrazione e in particolare nel contesto dei regimi di frontiera. Il regime di frontiera consiste nell'insieme delle misure attuate da uno stato, cosiddette di "bordering", che mirano a regolare la mobilità degli individui sottoposti al regime. Tali misure possono essere di carattere legislativo (leggi nazionali e internazionali); amministrativo (regolamenti, istruzioni, programmi); e securitario (pattuglie, vigilanza, centri di detenzione). Anche la produzione di categorie e di definizioni semantiche e retoriche che contribuiscono a configurare il concetto di "appartenenza" fanno parte di tali misure in quanto determinano, soprattutto nella concezione comune, quali diritti spettino a determinati individui. Le misure di "bordering" sono implementate quotidianamente da diversi attori fra agenti del potere sovrano e civili. Il potere di controllo sulla mobilità umana esercitato dalle frontiere si estende quindi all'interno dei confini geografici dei paesi (internalizzazione delle frontiere), ma spesso anche all'esterno di tali confini (esternalizzazione delle frontiere).

La domanda a cui questo studio vuole fornire risposta è: *in quale modo le misure di "bordering" insite nei regimi di frontiera limitano la presenza di solidarietà fra le comunità locali e i richiedenti asilo, portando le prime a supportare l'imposizione di politiche di immigrazione illegittime da parte dei propri governi?* Al fine di risolvere il quesito di ricerca, viene analizzato il caso del regime di frontiera australiano e le modalità in cui pratiche e politiche di "bordering" impediscono la creazione di rapporti di solidarietà fra le comunità locali in Australia e in Indonesia da un lato e i richiedenti asilo dall'altro. L'inclusione della comunità indonesiana in questa analisi è motivata dal fatto che il regime di frontiera

australiano si estende anche a questo Paese, attraverso pratiche di esternalizzazione delle frontiere. La ricerca si basa principalmente su fonti derivanti dalla letteratura critica integrate da fonte primarie, in particolare per quanto riguarda i documenti ufficiali del governo australiano.

Allo scopo di fornire una cornice storica e politica al processo di formazione degli attuali regimi di frontiera di cui quello australiano rappresenta un esempio avanzato, soprattutto come punto di riferimento per i paesi del Nord Globale, viene presentata l'evoluzione delle principali politiche di immigrazione di questi paesi a partire dal secondo dopoguerra, con particolare riferimento alle politiche di asilo. L'attenzione è posta sulla riconfigurazione politica, sociale ed economica avvenuta a livello globale a partire dagli anni ottanta del Novecento con l'avvento della globalizzazione neoliberale. Questo ha portato all'acuirsi delle disparità, soprattutto fra Nord e Sud Globale, insieme alla facilitazione della mobilità regolare verso (e tra) i paesi del Nord per gli individui ritenuti adatti a soddisfare determinate necessità economiche della nazione di destinazione. Allo stesso tempo, i restanti percorsi di migrazione regolare in questi paesi sono stati drasticamente ridotti, anche per i richiedenti asilo, nonostante questi ultimi godano formalmente del sistema di protezione derivante dalla Convenzione sullo Status dei Rifugiati del 1951. All'interno di questa cornice si sviluppano i successivi eventi particolarmente rilevanti per questa ricerca, ossia l'inizio della guerra al terrorismo nel 2001, che ha portato ad una svolta securitaria dei regimi di frontiera; e la crisi economica del 2008 che ha invece dato vigore a movimenti anti-migranti, in particolare nei paesi del Nord Globale.

Gli attuali regimi di frontiera si sono sviluppati insieme ad una narrativa sulla migrazione basata su una presunta netta distinzione fra la migrazione volontaria di tipo economico e quella forzata di carattere umanitario, che ha portato i richiedenti asilo ad essere coinvolti in un processo generale di categorizzazione dei migranti. Nonostante tale distinzione sia stata voluta dai paesi del Nord Globale nel nome di una "gestione della migrazione" efficiente, i suoi risultati sono invece stati, oltre alla criminalizzazione di tutti i migranti cosiddetti "irregolari" e quindi "illegali", anche la delegittimazione dei richiedenti asilo non corrispondenti ad una definizione restrittiva di rifugiato e la creazione di un clima di sospetto nei confronti dei richiedenti asilo in generale. Tale narrazione concepisce la maggior parte di questi migranti come approfittatori del sistema di asilo, oltre che come

potenziali minacce alla sicurezza dei paesi di destinazione, dai quali vanno dunque allontanati. Contemporaneamente, i richiedenti asilo vengono anche identificati come vittime dei trafficanti di esseri umani e di tutti gli altri rischi insiti negli spostamenti irregolari, dai quali devono quindi essere protetti attraverso la militarizzazione delle frontiere o l'immobilizzazione dei migranti stessi il più lontano possibile da queste. Le attuali politiche migratorie vengono così legittimate sia da un punto di vista tecnocratico che da uno umanitario, mentre né la mancanza di vie di migrazione regolari alternative a quelle irregolari, né gli effetti che queste stesse politiche restrittive hanno sui diritti delle persone migranti, vengono messi in discussione. Allo stesso modo, questa narrazione egemonica sulla migrazione tralascia il fatto che il sistema da lei supportato perpetui e aggravi le disparità fra Nord e Sud Globale. La maggior parte dei richiedenti asilo rimane infatti per periodi indefiniti nei campi profughi, spesso situati nei paesi dei Sud (annualmente, meno dell'uno percento dei rifugiati al mondo viene ammesso al programma di ricollocamento). Coloro che invece attraversano i confini senza previa autorizzazione, vengono spesso sottoposti a detenzione e deportazione, oppure incoraggiati verso un rimpatrio "volontario", rimanendo comunque ai margini della società durante la loro permanenza in quelli che vengono chiamati "ambienti ostili" nei paesi cosiddetti di destinazione e di transito. Tutte queste misure non vengono attuate nel silenzio assoluto e vi sono difensori dei diritti dei richiedenti asilo all'interno dei paesi stessi che attuano le politiche sopracitate, ciononostante, la maggioranza degli individui nelle comunità locali in questi paesi continua a supportare l'operato dei propri governi.

Nel contesto degli attuali regimi di frontiera il concetto di solidarietà assume importanza in quanto determina gli obblighi morali percepiti verso i richiedenti asilo da parte delle comunità locali dei paesi di destinazione e di transito. Infatti, nei rapporti di solidarietà gli obblighi morali che collegano gli individui fra loro sono fondamentali: considerare solo i propri concittadini come facenti parte del gruppo solidale, o allargare tale gruppo anche ai richiedenti asilo, influisce su quali obblighi morali le comunità locali percepiscano nei confronti di questi ultimi. Sulla base degli obblighi morali percepiti, queste comunità giudicheranno le politiche migratorie attuate dai propri governi come appropriate o ingiuste. Per questo motivo la narrazione sulla migrazione emerge in questo studio come elemento fondamentale nei meccanismi che erodono la solidarietà: definendo la maggior parte dei

richiedenti asilo come immeritevoli di accedere ai paesi del Nord Globale e raccontando gli attuali regimi di frontiera come equi e moralmente desiderabili, questa narrazione influenza il modo in cui le comunità locali concepiscono i loro doveri morali verso le persone migranti. Vi sono però altri meccanismi responsabili per il fenomeno di soppressione della solidarietà, che fanno sì che le comunità locali continuino a supportare i regimi di frontiera attuali e quindi anche la narrazione su cui questi si basano, nonostante la loro illegittimità. Tali meccanismi vengono esplicitati nell'analisi del caso di studio.

Nell'osservazione del caso prettamente australiano (trattandosi di una struttura articolata, il caso indonesiano viene analizzato in una sezione separata), si procede dalle misure di "bordering" più esterne che ampliano il raggio di controllo del regime virtualmente a qualsiasi luogo al di fuori dei confini geografici della nazione, per passare poi alle misure di esternalizzazione della frontiera che riguardano gli spazi esterni o adiacenti ai confini marittimi e terrestri. Vengono poi prese in considerazione le misure che riavvicinano il controllo della frontiera all'interno del paese, sino a quelle che rendono la frontiera pervasiva a tutto il territorio australiano. Anche l'introduzione di leggi bavaglio e clausole di riservatezza riguardanti le informazioni sui richiedenti asilo, così come il discorso politico, attraverso il quale negli ultimi vent'anni le autorità australiane hanno costruito la concezione comune dei richiedenti asilo in Australia, rientrano nelle pratiche del regime di frontiera.

Nel corso dell'analisi si evidenziano tre tipologie di meccanismi responsabili per la soppressione della solidarietà fra la comunità locale e i richiedenti asilo: in primo luogo, meccanismi che reinstaurano gerarchie sociali preesistenti basate su razza, classe e status economico e che quindi escludono i richiedenti asilo da spazi sociali, politici ed economici; in secondo luogo, meccanismi di silenziamento di queste persone migranti; in ultimo luogo, meccanismi che rinforzano il consenso della comunità locale sulla narrazione egemonica riguardante la migrazione. L'effetto complessivo di tali meccanismi è quello di limitare le interazioni e la creazione di legami fra i due gruppi (il gruppo dei locali e quello dei richiedenti asilo), di determinare la "non appartenenza" dei migranti nella comunità, e di impedire la circolazione di informazioni che mettano in discussione la legittimità delle attuali politiche del regime di frontiera australiano. In questo modo, i cittadini australiani vengono disincentivati dall'opporsi a tali politiche, in solidarietà con i richiedenti asilo, mentre il consenso generale sulla narrazione egemonica viene rinforzato.

Per quanto riguarda il caso Indonesiano, con lo scopo di determinare il grado in cui il regime di frontiera australiano si sia esteso nel territorio del Paese vicino, vengono analizzati i rapporti bilaterali fra le due nazioni, in particolare riguardanti gli ultimi due decenni. Si evidenzia quindi come, in seguito agli incentivi diplomatici e finanziari forniti dall'Australia, l'Indonesia abbia adottato delle politiche e pratiche uniformi a quelle del regime di frontiera australiano. Come risultato di tali misure di "bordering" adottate dall'Indonesia stessa, ma anche in conseguenza ad un più diretto intervento del regime di frontiera australiano, vengono riscontrati anche nel caso della comunità indonesiana diversi fra i meccanismi inibitori di solidarietà evidenziati nel caso precedente, in particolare derivanti da misure di "bordering" che usano il discorso politico per costruire l' "Altro" come immeritevole e pericoloso, e da pratiche mirate al reclutamento di guardie della frontiera all'interno della comunità civile che rinforzano la "non appartenenza" dei richiedenti asilo nella comunità locale.

Fornendo una controprova alla domanda di ricerca alla base di questo studio, vengono inclusi anche i rari casi in cui degli individui nella comunità australiana e in quella indonesiana hanno agito in solidarietà con i richiedenti asilo, contestando il regime di frontiera. L'analisi permette di dedurre che la pervasività delle misure di "bordering" nel loro effetto inibitore di solidarietà abbia fatto sì che tali atti che eccedono alla regola non abbiano inciso sul regime di frontiera in modo significativo in quanto non hanno portato ad una mobilitazione diffusa nelle comunità, né quindi a notevoli cambiamenti nelle politiche attuate.

In ultima analisi viene discusso il caso di contestazione al regime di frontiera messo in atto da uno degli stessi richiedenti asilo soggetti alle misure di "bordering" del regime australiano. Questo contributo costituisce un valido esempio di opposizione al regime, potenzialmente in grado di scavalcare i meccanismi che limitano la solidarietà e di innescare quindi la mobilitazione, in solidarietà con i richiedenti asilo, di segmenti di società nelle comunità locali ampi abbastanza da permettere l'efficace contestazione del regime di frontiera.

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“The Kyriarchal System of the prison is set up to produce suffering.”

“From the very first day their work is valorised: ‘You’re an army here to protect the nation, and these imprisoned refugees are the enemy. Who knows who they are or where they’re from? They invaded your country by boat.’”

“Dozens of individuals laid out on the floor /
The ground covered in blood”

“We are to witness a scene that will ensure no-one will ever again risk even contemplating the possibility of challenging The Kyriarchal System.”

“The message arrives.
They had killed Reza”

Behrouz Boochani,
No Friend But the Mountains: Writing from Manus Prison

“Solidarity is mainly a relation which generates collective identities and favors alliance building between actors who, in principle, may be very diverse. …[T]here are well-founded reasons to consider solidarity as a political action which enhances alternatives to existing policies on refugees and asylum seekers.”

Óscar García Agustín and Martin Bak Jørgensen,
Solidarity and the ‘Refugee Crisis’ in Europe

Introduction

That of solidarity is a widely employed notion, which carries rich historical and political connotations. This is evident if we consider, amongst many other examples, the relevance that the concept of solidarity has had in the early 1900s, when labor unions fought for better wages and safer working conditions; or the fact that, more recently, the fourth chapter of the Charter of Fundamental Rights of the European Union (2000), which also addresses workers' rights, healthcare and social protection, has been titled "Solidarity".

In Migration Studies[1], the concept of solidarity has mainly been discussed in the context of the creation of bonds amongst migrants, or even more often, of solidary relationships between migrants and local communities in so-called 'destination' or 'transit' countries, which enable the emergence of independent operations of search and rescue at sea and the creation of hospitable environments in 'sanctuary cities'.

Although being regarded as positive, in particular by scholars of critical border and migration studies, these kinds of cooperative initiatives between local communities and migrants enjoy academic attention precisely by virtue of their exceptional nature and the fact that they collide with a general lack of solidarity between these two groups. This shortage of solidarity, evidenced by the widespread support for exclusionary migration policies especially, albeit not uniquely, in countries of the Global North, has come to be perceived as an established fact and a self-evident phenomenon. Instead, delving into the very reasons which determine current relationships between autochthons and migrants, Nira Yuval-Davis et al. have recently pointed to the primal role that multiple bordering policies and practices play in determining the scarcity of local communities' solidarity towards unwanted foreigners.

The contribution by Nira Yuval-Davis et al. in this respect, coupled with my personal interest in further exploring the issues raised by these authors, have motivated the research question behind this paper: *in which ways do bordering policies and practices impinge on solidarity between local communities and asylum seekers, thus leading the former to accept and support the enforcement of abusive and illegitimate measures on this category of*

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[1] For a comprehensive view, see Harald Bauder and Lorelle Juffs, "'Solidarity' in the Migration and Refugee Literature: Analysis of a Concept" (2020).

migrants? In order to provide an answer to this query, the present study focuses on the Australian border regime and the inhibition of solidarity between the Australian and Indonesian communities on the one side and asylum seekers on the other. As will be evidenced, the answer is to be found in the correlation between the phenomenon of suppression of solidarity and the maintenance of a status quo based on the consensus around an hegemonic narrative on migration.

By positioning the lack of solidarity and the multiple mechanisms responsible for this phenomenon at the very centre of the research, this paper adopts an original perspective[2] for the analysis of bordering policies and practices which mainly originate from current border regimes in the Global North, but which in turn also influence the applications of similar policies and practices in countries in the Global South. The inclusion of both the Australian and the Indonesian communities in this study is thus motivated by the fact that the two communities are affected by the same border regime. Moreover, the Indonesian case allows for the exploration not only of Australia's role as a regional hegemon, but also of Indonesia's perspective on its own role as a country of the Global South dealing with the issue of asylum seekers. Addressing the interrogative raised in the present study requires not only the analysis of aspects of Australian policies, including its interventions in Indonesia, which have so far received minor attention from existent literature, but it also demands the understanding of current border regimes such as the Australian one as the result of the pressures exercised by political, social and economic forces operating globally during the past four decades.

The Australian one, regardless its own specificities, stands as a valid case of research for the examination of border regimes established by countries in the Global North and moreover, it allows to delve into the complex architecture of the international state-led system which governs human mobility, and the role that international organisations such as

[2] Other works, such as the one by Martina Tazzioli and William Walters, "Migration, Solidarity and the Limits of Europe" (2019) have also focussed on the suppression of solidarity, in particular as perpetrated by state-led criminalisation of spontaneous assistance to irregular migrants. Nevertheless, while this kind of contribution concerns a more restricted policy field, the present paper aims at including other, less manifestly solidarity-adverse policies.

the UNHCR and IOM[3] occupy in it. Scholars[4] in the field of migration and border studies have often referred to the Australian case, especially inasmuch as it encompasses a complex array of border externalisation and internalisation policies and practices extensively informed by the general process of securitisation of migration (which has been occurring especially in the Global North, since the beginning in 2001 of the so-called 'War on Terror'). Also the international human rights and refugee law literatures have profusely dealt with the case of Australia, intended as a paramount model for countries in the Global North which threaten the asylum system by refusing to comply with their own international obligations towards refugees[5]. The Australian case emerges therefore as an advanced prototype of border regime in the Global North, as confirmed by the fact that it has often been praised by politicians in these countries as an example to follow, by virtue of its vanguardist efficiency in the deterrence and punishment of unauthorised migrants[6].

This paper will mainly employ sources derived from the existent literature, it particularly draws on Yuval-Davis et al[7]., and importantly, on the theorisation of the concept of solidarity advanced by Sally Scholz[8]. The research work necessary to provide a

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[3] The United Nations High Commissioner for Refugees and the International Organisation for Migration.

[4] See David Scott FitzGerald "Remote Control of Migration: Theorising Territoriality, Shared Coercion, and Deterrence" (2020); Jennifer Hyndman and Alison Mountz "Another Brick in the Wall? Neo-"Refoulement" and the Externalization of Asylum by Australia and Europe" (2008).

[5] See, among others, Savitri Taylor, "Australian Funded Care and Maintenance of Asylum Seekers in Indonesia and PNG: All Care But No Responsibility?" (2010); Annick Pijnenburg, "Containment Instead of Refoulement: Shifting State Responsibility in the Age of Cooperative Migration Control?" (2020).

[6] Of significant relevance in this respect, consider the transcripts of a phone-call between President of the United States Donald Trump and Australia's Prime Minister Malcolm Turnbull which took place in January 2017, and which has been obtained and published by the Washington Post on the same year. On that occasion, Turnbull clarified Australia's harsh stance towards irregular asylum seekers, to which Trump commented: "That is a good idea. We should do that too. You are worse than I am" (Miller et al.). More recently, in September 2020, official documents obtained by the Guardian revealed that the UK's Prime Minister Boris Johnson had been actively exhorting his Foreign Office to "offer advice on possible options for negotiating an offshore asylum processing facility similar to the Australian model in Papua New Guinea and Nauru" (Lewis et al.).

[7] *Bordering* (2019) by Nira Yuval-Davis, Georgie Wemyss and Kathryn Cassidy, constituted a primary source for the present study. While the question of solidarity is not a prominent theme in the book, the link between borderings and solidarity is still evidenced. Moreover, the work by Yuval-Davis et al. has been particularly useful for the purpose of this research in providing an historical, socioeconomic and political context to the creation of current border regimes.

[8] See Sally Scholz, *Political Solidarity* (2008).

comprehensive view of Australian policies and practices also required the selection and confrontation of different sources from the available literature and their integration with primary sources as official governmental documents. This is due to the fact that during the past two decades, Australian practices in this field have been frequently modified, often without a punctual update of official policies. Difficulties in sourcing were compounded by the lack of transparency caused by successive Australian governments' deliberate attempt to shroud politically sensitive topics in a context of secrecy and obfuscation.

The first chapter, which is more theoretical and general in its perspective, initially contextualises the emergence of current border regimes in the Global North by outlining the evolution of mainstream migration policies during the last four decades. Subsequently, the concept of solidarity is introduced to illustrate how it relates to bordering policies and practices and to the predominant narrative on migration. Lastly, by presenting the work of political philosopher Joseph Carens, a critical view of current hegemonic political discourses on migration is provided.

The second chapter focuses on the characteristics of the Australian border regime, starting from the most external layers of border control technologies which police aerial borders, moving then to the measures enacted in order to patrol maritime and terrestrial borders, and concluding with the pervasive reproduction of border checkpoints inside the country. Particular attention is reserved to the evolution of Australian most controversial bordering policies and practices which have historically been targeting a specific category of asylum seekers. In this chapter, the various elements which contribute to the diminished solidarity between Australian citizens and asylum seekers are individuated.

The third chapter explains how the control exercised by the Australian border regime also extends to Indonesia and the mechanisms through which Australian-sourced bordering policies and practices lead to the inhibition of solidarity between locals and asylum seekers also in this case.

The fourth chapter completes the analysis by examining the exceptional instances in which individuals in the Australian and Indonesian communities have opposed the border regime by acting in solidarity with asylum seekers. In addition, the work by Behrouz Boochani is included in order to provide an example of contestation of the border regime conducted by an asylum seeker subject to it.

Chapter One
Mobilities and neoliberal globalisation

1.1 Post-war migration policies and welfare states

The expansion of welfare states[9] in the Global North after the second World War had taken advantage from the influx of foreign workers, contributing to the rise of multiculturalism as the "hegemonic ideology and policy"(Yuval-Davis et al., *Bordering* 45). Especially during the 1960s economic boom, in Northern European countries temporary labor immigration was facilitated for workers coming mainly from Southern Europe, but also from Tunisia, Morocco, Algeria, and Turkey (Martin and Houstoun 33). Gradually, those who were initially supposed to be "temporary" migrant workers obtained the right to stay in the country of employment and to reunite there with their family (Martin and Houstoun 36). By the beginning of 1970s, discontent among native citizens in migrant-recruiting countries was beginning to evolve into anti-foreigners campaigns (Martin and Houstoun 36). In 1973-1974, when economic recession and unemployment was prompted by the oil crisis, most European labor-recruiting countries encouraged immigrants to return to their countries of origins and applied recruitment bans on migrants of non-European Economic Community (EEC) origins (Martin and Houstoun 36). Similarly, in post-1945 Australia, successive governments pursued expansive immigration policies (although, in contrast to Northern European countries, Australian policies since their very inception were aimed at population building, rather than attracting temporary workers) until the early 1970s, when popular consent towards such policies began to waver and the end of the economic boom and the resulting worldwide restructuring provoked the shrinking of local labor market (Ongley and Pearson 766). Immigration policies in North America followed a similar evolution. Such policies in Canada during the postwar period were, whilst in a smaller scale if compared to the Australian case,

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[9] Welfare states in Europe and Anglo-Saxon countries are conceived here as "produced" by postwar developments, especially as far as rights attached to citizenship are concerned. Such rights were inspired by both the human rights discourse enshrined in the Universal Declaration of Human Rights (adopted in 1948 by the United Nations General Assembly); and by the advancements of requests by socialist movements for workers' social and economic rights (Yuval-Davis et al. *Bordering*, 45).

also aimed at population growth and economic development, but were tightened during the 1970s recession (Ongley and Pearson 767). Despite their expansive postwar migration policies, it should be noted that both Australia and Canada approached such policies "through the lenses of economic and cultural nationalism" (Walsh, "Quantifying" 863). In fact, both countries continued to pursue racially exclusive policies during the postwar period in order to restrict access to supposedly hard-to-assimilate non-European migrants: the White Australia polices were only revoked in 1973, while the White Canada policies in 1962 (Walsh, "Quantifying" 864). In the United States, compared to precedent periods, postwar immigration policies were less restrictive towards non-European migrants, especially regarding the recruitment of Mexican agricultural workers (the Bracero Program was initiated in 1942) and the abolishment of Asian exclusion from immigration (which already began in 1943 with the end of the Chinese exclusion) (Zhao 2).

International migration in immediate post-war years was also characterised by the resettlement, between 1946 and 1950, of about one million war-related refugees whom were stranded in Europe, assisted by the precursor of the United Nations High Commissioner for Refugees (UNHCR), the International Refugee Organisation (IRO) (Martin, "Problem" 69). Roughly 32 percent of the total resettlements were in the United States, signalling the "importance of the refugee issue to U.S. foreign policy" (Martin, "Problem" 70). Australia received 17.5 percent, Israel 12.7 percent, Canada 11.9 percent, the UK 8.3 percent, the remaining Western European countries 6.8 percent and Latin America 6.5 percent (Martin, "Problem" 70). By 1950, as concerns related to the so-called "Cold War" were on the rise, refugee law "came to play a crucial role in legitimizing the politics of the West" (Gammeltoft-Hansen and Tan 30). This was especially the case for the United states, where since the 1950s refugees fleeing persecution in communist countries[10] were prioritised (Zhao 6). One telling example to be considered is the case of Indian and Pakistani displaced or evacuated people whom, according to the international community in 1947, were deemed not deserving of "refugee status", on the grounds that they were, formally, still able to enjoy protection in their own states (Martin, "Problem" 72). Nevertheless, the same treatment was not reserved to North Korean refugees a few years later, despite the fact that the latter would

[10] The Refugee Relief Act of 1953 provided entry for more than 200,000 refugees displaced by communist insurgencies around the world (Zhao 6).

automatically obtain citizenship rights in South Korea (Martin, “Problem” 79). The international community was eager to consider North Korean refugees as such and provide them with assistance because clearly such an assistance had a “strong tie to the Cold War” (Martin, “Problem” 72). Despite the fact that the Cold War diplomacy was one of the factors influencing asylum policies, in the United States as in most of the Global North, refugee resettlement had also been facilitated in great part by the general propensity of these countries to host new labor (in fact most countries maintained a degree of selectivity in their criteria, favouring young and employable refugees) (Martin, “Problem” 70).

1.2 Neoliberal globalisation, migration and border control

The advent of neoliberal globalisation in the 1980s (which followed the decline of the post-war economic boom) and, subsequently, the collapse of the Soviet Union together with the end of the Cold War and its balance-of-power mechanisms, “brought about a reconfiguration of global politics, economy, and bordering” (Yuval-Davis et al., *Bordering* 46). Neoliberalism as an economic ideology derives from neoclassical economics, it was firstly theorised in Central Europe in the 1930s and later exported to the United States, in particular at the Chicago School of Economics (Mulvey and Davidson 273). Deregulation, privatisation, commodification of ‘basic’ services, indirect taxation, restrictive monetary policies and flexibilisation of labour markets are among the prominent policies of the neoliberal state (Mulvey and Davidson 275).

Contrary to the analysis provided by some early readings of neoliberalism, this ideology is not to be simply reduced to the withdrawal of the ‘weak’ state in favour of free market (Slobodian and Plehwe 4). Instead of a retreat of the state tout court, what is evident is a shift in the role of the state which outsources some of its responsibilities (social care in particular) to non-state actors, but often assumes the task of regulating and overseeing how the latter deliver these services (Darling 232). In addition, neoliberalism requires to be embedded in institutions and politics, therefore it requires some degree of state intervention in order to “allow markets to operate relatively freely, and, more importantly, to set market forces free” (Slobodian and Plehwe 6). According to Darling, neoliberalism as a “rationality

of government" (232) entails the production and normalisation of "economic logics of calculation … in public and political life" (232) which become dominated by "cost-benefits analyses and growth orientated policies" (232). Generally, this implies also a focus on individuals' autonomy, as everyone in society is expected and encouraged to follow the same calculative and benefit-maximising logics (Darling 232).

Multiple debates surround the use of neoliberalism as an analytical tool: some critics go as far as questioning the existence of neoliberalism per se and others contend that neoliberalism as a concept, being too vaguely defined or displaying inherent incongruences, is prone to be made into an all-encompassing scapegoat which oversimplifies or distorts reality, ultimately failing to capture it (Venkatesan et al. 911). Against such dismissals of the usefulness of neoliberalism as an analytical category, Quinn Slobodian and Dieter Plehwe explain instead that neoliberalism is an evolving "body of thought and set of practices" (2) which shaped and have been shaped by "the interplay of intellectual debate, changing circumstances, and, not least, social struggles" (2) in particular during the last four decades. In fact, although neoliberalism firstly became dominant in the Global North during the 1980s (as a 'strategy' applied by states in response to the economic crisis which followed the end of the post-war economic boom, but especially as a project to reinstate the economic and political power of a certain elite); it has undergone at least three distinct "phases" (Mulvey and Davidson 273). The initial phase, according to Gareth Mulvey and Neil Davidson, is that of "vanguard neoliberalism" (274), the one brought to the fore by right-wing leaders Margaret Thatcher and Ronald Reagan, which covers the years from 1979 until 1992 (in this period, the two policymakers began applying what would become landmark neoliberal policies, such as, among others, so-called 'laissez-faire' and 'trickle down' economics, the disempowerment of trade unions and the flexibilisation of labor market[11]). From 1992 until 2007 the second phase defined as "social neoliberalism" (Mulvey and Davidson 278) marked the definitive shift of consensus (primarily, but not exclusively, in the Global North) from Keynesianism and welfare politics to neoliberalism, with the latter becoming hegemonic inasmuch as even social-democratic parties embraced it in their "third way". The third and

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[11] Thatcher and Reagan are remembered as neoliberal pioneers although it is also worth noting that in mid-1970s Chile was already implementing this kind of policies in what has been termed a "neoliberal experiment" (Barder 113) carried out under the guide of the Chicago Boys, Chilean pupils of Milton Friedman's Chicago School of Economics.

current phase is defined as the “crisis neoliberalism” (Mulvey and Davidson 283) because the 2008 economic crisis marked its inception and because, especially more recently, some economic precepts of neoliberalism have been questioned by the rise of populism[12] (Mulvey and Davidson 284). Since protectionist economic policies are (at least rhetorically) part of the populist agenda, some commentators have argued that the current era corresponds to the “demise of the neoliberal project” (O’Byrne 5). Quinn Slobodian and Dieter Plehwe argue instead that populism and neoliberalism are far from being incompatible[13] (9) and that neoliberalism remains the dominant paradigm through which current features of global “politics, economy and bordering” (Yuval-Davis et al., *Bordering* 46) can be observed.

Neoliberalism was “globalised” also through structural adjustment programs implemented in the Global South especially since the 1980s, which were enabled by western-led international agencies such as the International Monetary Fund and the World Bank (Delgado Wise and Márquez 2). Among the main features of economic restructuring under neoliberal globalisation are: an enhanced presence of multinationals as transnational actors, financial deregulation and globalisation of capital markets, growing precariousness in labour markets, and environmental depletion (Delgado Wise and Márquez 2). Generally, neoliberal globalisation has been characterised by an exacerbation of socio-economic inequality both within countries and between countries and regions (Delgado Wise and Márquez 2). In fact, structural adjustment programs have been regarded as the main reason for “dynamics of uneven development [which] have led to structural conditions that foster the massive migration of dispossessed, marginalized, and excluded populations” (Delgado Wise and Márquez 3). Whilst increased inequality certainly propelled international migration in the last decades, this is not the only causal factor as enhanced mobility is also attributable to other forces inherent to globalisation itself such as countries’ “growing interdependence and interconnectedness (economic or otherwise)” (Triandafyllidou 7).

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[12] Although populism might not have played a prominent role in all countries of the Global North as it did during Donald Trump’s presidency of the United States, most of these countries still experienced a surge in populist movements which to a certain extent influenced politics and society at large (Grant 2).

[13] Such a view is shared by Stephan Pühringer and Walter O. Ötsch when they illustrate the conceptual analogies between neoliberalism and populism and the fact that populist governments such as Trump’s one have indeed also pursued a neoliberal agenda, not least as far as fiscal and financial policies are concerned (194).

Nevertheless, this does not imply that nation states lost control over whom could access their territory: migration did not undergo the process of liberalisation which has been observed as far as capital and goods are concerned (Mulvey and Davidson 278). On the contrary, border controls proved to be compatible with both neoliberalism (Mulvey and Davidson 276) and globalisation (Triandafyllidou 8). As will be further discussed in the following sections, migration policies under neoliberal globalisation are characterised by increased restriction of mobility for some individuals, while at the same time the expansion of mobility opportunities for others is favoured (Mulvey and Davidson 281).

Prominent examples of neoliberal migration policies are the point-based systems recently adopted by countries such as Australia, Canada, and the United Kingdom, which attest to the fact that migration control has become a tool for broader governmental objectives of "economic competitiveness, risk management and responsibilization" (Walsh, "Quantifying" 875). While "racial selectivity was formally abolished" (Walsh, "Quantifying" 864) in the formulation of migration policies, countries such as Australia and Canada increasingly began selecting immigrants whom were more likely to be employed and economically independent with the purported aim of preventing newcomers from becoming a 'burden' on national welfares, which would be already depleted during the transition from a Keynesian to a neoliberal agenda. In this sense, thus, points systems shift responsibilities on the individual while minimising the risks for the state (Walsh, "Quantifying" 875). Points systems were devised before the emergence of neoliberalism as the dominant socioeconomic and political paradigm, but it is precisely during the early 1980s socioeconomic and political reforms that they acquired major relevance in migration control, being linked to "measures designed to attract foreign business expertise, technology and investment" (Walsh "Quantifying" 865).

As James Walsh explains, the points systems firstly employed in Canada in 1967 and Australia in 1979 (but which have since then served as an inspiration for other countries as well) have proven to be effective political expedients ("Quantifying" 864). On the one hand, such schemes coat immigrants selection with purported impartiality and transparency (migrants obtain a visa mainly depending on the quantity of points they are able to gather, which in turn depend on their professional skills and education[14]); and on the other hand, they

[14] Age and proficiency in the destination country's language are other common parameters.

transmit to citizens whom could possibly be critical about migration policies, the message that national economic interests are prioritised over those of singular employers or immigrants (Walsh, "Quantifying" 865). In fact, Gareth Mulvey and Neil Davidson notice, the launching of the "liberalisation of labour migration" (281) in the United Kingdom in 2000 was introduced by the authorities as a policy based on the "maxim of 'the market knows best'" (283).

1.3 Processes of illegalisation and the new "migration management"

Thomas Spijkerboer (2018) notes how, since the end of the Cold War and the advent of neoliberal globalisation, in the Global North human mobility has generally been conceived of as a valuable and positive effect of increased global connection, thus in public discourse the term "mobility" is still often used when movements across borders are desirable, while the term "migration", despite also being a form of human mobility, has increasingly come to characterise those border crossings which are regarded as "problematic or potentially unwanted" (453). In fact, since the 1980s, the discourse around migration in the Global North began focusing on "illegal migrants" and the measures that were needed in order to deter and contain them (Scheel and Squire 3).

Despite the fact that the use of categorisations might be useful for the sake of analysis, it is worthwhile to inquire into the dichotomy of so-called voluntary migration (restricted, or 'illegalised' by states because of its economic nature) vs forced migration (generally legitimised, or 'legalised', because of its humanitarian nature) (Scheel and Squire 3). While it has been acknowledged that migration routes and means of transport are the same both for asylum seekers and so-called economic migrants, what often fails to be considered in the "mixed migration" discourse is that motivations for migrations are also mixed, thus making the distinction between forced and voluntary migration per se difficult to asses in real life (Schuster 465). In fact, most migrants will probably retain a certain degree of agency as they exercise "some choice within certain economic, political, social, or structural constraints over which they have little control" (Schuster 467). The forced/voluntary dichotomy leads to the problematisation of economic migrants as "illegal", although the notion of "illegal migration"

itself can be contested on the grounds that it is not a fixed concept, but rather an artificial one that shifts according to States' policies and practices (Scheel and Squire 3). For example, until mid 1970s, most Western European countries normally allowed guest workers to be regularised once they had obtained a job, regardless the fact that they had crossed borders irregularly and they had thus been transitorily "illegal" (Scheel and Squire 3). Catherine Dauvergne reflects upon the usage of the noun "illegal" in the English language, as she writes that "[by] the late 1960s, it was used in quotation marks, or as a repeat reference, once illegal immigrants had already been discussed. Now it is used without drawing any special attention at all. … It used to be impossible to call people themselves "illegal"" (10).

Restrictive migration policies[15] (in a time of economic recession and socioeconomic restructuring in the Global North) and the legitimisation of a small part of migrants (those deemed to be refugees according to a narrow interpretation of the grounds for protection) entailed the de-legitimisation and illegalisation of the majority of other migrants falling outside that category and being labelled as "economic migrants" or "bogus asylum seekers" (Scheel et al. 72). The image of the bogus asylum seeker who is in fact not a "forced" but an "economic" migrant illegally exploiting the asylum system became widespread in the Global North, then gaining absolute predominance in the 1990s, in the context of a "narrow understanding of 'mixed migration'"(Schuster 469). Thus, as suspicions towards asylum seekers began to take hold, they became less welcomed and instead perceived as threatening "economic and political stability"(Papagianni 501) in destination countries.

Multiple other interrelated factors have been individuated for this shift in economic migrants' and asylum seekers' representation. It has been partly attributed to the fact that during the so-called 'détente' and subsequently after the demise of the Soviet Union, concerns relating to Cold-War foreign policy strategies were diminishing, whereas they had previously encouraged the admission of refugees in the West (Gammeltoft-Hansen and Tan 30). According to scholars, this "tool to claim moral superiority" (Scheel and Squire 4) on the part of Western against communist countries, gradually lost significance, until the demise of the Soviet Union made it superfluous. In addition, refugee flows had changed in composition

[15] In Western Europe for example, guest-workers schemes were abolished in mid-1970s (while at the same time the liberalisation of mobility inside the Community was favoured), leading to family reunification and asylum to become the only available regular routes of migration for EEC non-members (Scheel and Squire 5).

and quantity: increasingly, asylum seekers from the Global South attempted to reach the North, replacing previous East to West trajectories, and their number had risen consistently (Papagianni 501). This was due to the fact that the 1967 Protocol Relating to the Status of Refugee had erased the temporal and geographical limitations of the 1951 Convention Relating to the Status of Refugee, allowing asylum seekers from the Global South to look for protection in the North[16] (Scheel and Squire 4; United Nations, General Assembly, Protocol). Moreover, these developments occurred at the same time as mobility opportunities were increasing due to transport and communication innovations, prompting the aspirations of larger segments of population to move in search of better lives (Gammeltoft-Hansen and Tan 30).

The new consensus emerging among policymakers in the Global North concerned the need for a better "migration management" (Scheel and Squire 4) based on enhanced bilateral and multilateral cooperation among states and between states and multilateral agencies (Schuster 470). Pressures from donor states and the concern that the asylum system would be otherwise further undermined, led the United Nations High Commissioner for Refugees (UNHCR) to find a common ground and comply with the agenda of the Global North (Schuster 470). Also the International Organisation for Migration (IOM) played (and continues to play) a prominent role in migration governance (Pécoud 2). The IOM has been widely criticised and defined as the "archetypal neoliberal agency" (Phillips and Missbach 143) in that it is considered as promoting the interests of the those states which pay for its services[17] (and which are more concerned with restricting migration than upholding migrants' rights) (Pécoud 9). Nevertheless, while formally respecting the sovereignty of sponsoring states, the IOM also displays an "entrepreneurial attitude" in promoting and shaping a certain construction of the migration issue, and proposing solutions (thus, selling its services) (Pécoud 10). This exemplifies the complexity of the current global "migration management" architecture, the characteristics of which largely depend on the variety of actors involved

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[16] The 1951 Convention Relating to the Status of Refugee envisaged temporal limitations for the recognition of refugee status, applying only to people displaced because of events precedent to 1 January 1951 and, according to each state's discretion, a geographical limitation could be added, so that the Convention would apply only to events occurring within Europe before that date (Gammeltoft-Hanses and Tan 30).

[17] Because the IOM functions on a project-based system, its activities are necessarily tied to the objectives of the state which sponsors the projects (Pécoud 13).

(governments, Non Governmental Organisations (NGOs), International Organisations (IOs), private contractors) (Zaiotti 5).

The new migration management was thus based on a consensus among Global North countries and multilateral agencies, that there was a clear-cut distinction between economic and voluntary versus forced and humanitarian migration (Schuster 471). This distinction entailed the illegalisation of the majority of migrants, which in turn led to a general climate of suspicion towards any asylum seeker and the legitimisation of more restrictive measures aimed at deterring irregular border crossings (Schuster 468). Restrictions on movement in turn alimented the migrants' smuggling business, which was also facilitated by innovations in technology and transport (Triandafyllidou 8). During this period there was in fact a toughening in the deployment of measures aimed at deterring "bogus asylum seekers" such as, most importantly, national provisions which denied asylum seekers the right to work and/or which required mandatory migration detention; or the institution of "safe third country provisions" (Zaiotti 19) which criminalised onwards movements from countries where asylum seekers had transited without applying for refuge. Such measures discouraged also those who would fit in the refugee category from applying for protection and therefore, even potential "successful" refugees were being "actively produced as illegal migrants" (Scheel and Squire 3). For this reason, it is also "through the problematization and targeting of forced migrants as illegal migrants that forced migrants are effectively *produced* as illegal migrants" (Scheel and Squire, 4).

1.4 Border securitisation and border regimes

Since the1990s, most Western States adopted a new dominant paradigm on migration control policies: that of "border securitisation" (Yuval-Davis et al., *Bordering* 30) which has further intensified in the aftermath of the 9/11 terrorist attacks. (Wonders 78). As Yuval-Davis et al. explain, the securitisation of borders has created complex and pervasive border regimes which employ both the "externalisation" of borders in other countries, and a simultaneous "internalisation" of borders, which are reproduced inside the country through "everyday bordering processes" (*Bordering* 30; 97). According to the border studies literature, borders

are to be considered as "processes" rather than static lines (Yuval-Davis et al., *Bordering* 19). "Securitisation" is intended as a process involving the discursive and institutional integration of an issue, in this case the one of migration, "into security frameworks that emphasize policing and defense" (Bourbeau 43)[18]. Notably, when an issue is labeled as being security-related, exceptional measures can be legitimised in order to manage it (Bourbeau 38). The illegalisation of 'bogus asylum seekers' and irregular migrants initiated the process of securitisation of migration in countries of the Global North. Since the 1980s, 'undesirable' migrants have been portrayed in public discourse as "criminals, troublemakers, economic and social defrauders, terrorists, drug traffickers, unassimilable persons, and so forth" (Ceyhan and Tsoukala 22). The securitisation of migration thus involves a discursive shift which is accompanied by the deployment of border enforcement policies and practices which focus on a tightened control of migrants before they arrive at the destination country's border, when they reach it, and after they have already crossed it (Ceyhan and Tsoukala 23,31).

At the physical borders, government officials and private transport employees cooperate to check border-crossers' documents and to prevent the entrance of those lacking the proper documentation, or those deemed to represent a higher risk of becoming future irregular migrants by overstaying their visas (Yuval-Davis et al., *Bordering* 78). The expansion of the "border control industry" (Wonders 83) involved also the proliferation, in the last two decades, of more than sixty walls or barbed wire fence barriers around the world, aimed at preventing irregular border crossings (Yuval-Davis et al., *Bordering* 60-61).

Internally to countries' physical borders there has been a "relocation of border checkpoints in a multiplicity of spaces" (Yuval-Davis et al., *Bordering* 98) implying a multiplication of bordering processes on a daily basis, enacted by an array of border enforcement actors. Society at large has been involved in bordering processes especially in countries in the Global North, since individuals have been encouraged to report their suspicions via specific "crime, terror and immigration hotlines" (Yuval-Davis et al., *Bordering* 99). In many European states, but also in the United States and in Australia, immigration status control duties have been extended to health and education service providers and social workers or other street-level bureaucrats (Yuval-Davis et al., *Bordering*

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[18]Philippe Bourbeau specifies that as far as migration is concerned, the process of securitisation ought not to be confused with that of politicisation, as the first might lead to the latter and vice versa, but the two are distinct phenomena (43).

100; Weber, “State-Centric” 237). Through specific provisions and directly cooperating with state’s police and immigration officials, these new actors take on borders’ functions of filtering and controlling whom can access their services (Yuval-Davis et al., *Bordering* 100). In addition, there has been an enhancement of police powers of stop and search, check immigration status and detain irregular migrants (Yuval-Davis et al., *Bordering* 100). In particular in the United States, but with similar mechanisms evidenced in other countries as well, the intersection or merging of criminal and migration law, policy and practice has led scholars to observe the rise of the phenomenon of “crimmigration” (Stumpf 376; Billings, “Introduction” 5).

Beyond their physical borders, countries exercise what has been defined as “remote control” (Fitzgerald 9). The aim of this system of “practices, physical structures, and institutions … [which operate] … in the air, on land, and at sea” (Fitzgerald 9) is not only to filter border-crossers and assess whom can proceed, but also to “identify, monitor, detain, deport, and deter the unwanted through an architecture of repulsion” (Fitzgerald 9).

First, remote control is achieved through visa regimes which have been progressively supplemented by electronic innovations allowing governments to gather and exchange informations related to the identity of individuals whom cross (or attempt to cross) borders. (Zaiotti 7). Since the 1970s-80s, Global North countries have increasingly imposed visa requirements especially for citizens travelling from the Global South (Fitzgerald 10). Additionally, part to the visa regime mechanism is the imposition of carrier sanctions on airlines and other transport operators transporting “inadmissible passengers” (Fitzgerald 11). Moreover, the additional deployment of liaison officers in collaborating states “constitute[s] a key example of how border control mechanisms are currently being outsourced, privatized, delegated, and moved from the border itself” (Bloom and Risse 65).

Second, the establishment of refugee camps and centres for asylum seekers, mainly in refugee-producing countries (or their immediate neighbours) in the Global South, represents a form of remote control which aims at immobilising migrants as far as possible from destination countries (Fitzgerald 10). Since the 1990s, Global North governments have been funding the UNHCR and IOM to run these camps and arrange for Refugee Status Determination (RSD) processes, their resettlement and repatriation (Fitzgerald 10). Countries in the Global South are remunerated (usually through financial aid) in exchange for hosting

these camps (Fitzgerald 10). Most transit countries are instead being made into "buffers" (Fitzgerald 12) generally through political pressures to adopt policies and practices (which prevent the departure of migrants from the transit state) in exchange for financial or other kinds of incentives by countries in the Global North. Thus, target destination countries might also externalise asylum by arranging for asylum seekers' RSD process in a buffer state (regardless of the fact that the latter is or is not a party to the 1951 Convention Relating to the Status of Refugees) (Yuval Davis et al., *Bordering* 134). In addition, also information campaigns seeking to prevent migrants from leaving the Global South through a variety of media channels and communication strategies, attempt at remotely controlling potential "undesirable" migrants by advising them on the dangers of the journey and on destination countries' strict admission policies (Fitzgerald 11; Heller 304).

Third, states extend their remote control on international waters and often cooperate with other coastal states in intercepting boats carrying undocumented passengers, in order to prevent possible asylum seekers from reaching their territorial waters and shores (and be therefore entitled to claim asylum) (Zaiotti 17). Oceans and seas have been turned into natural barriers, as in the case of the Mediterranean Sea and the stripes of Ocean which separate Australia from Indonesia (Yuval-Davis et al., *Bordering* 60-61).

Fourth, the last tool for remote control consists in the designation of physical spaces (usually at the very edges of a territory) where migrants' rights are limited (Fitzgerald 14). Thus, migrants might for example find themselves detained on an island where migration law differs from the one in the mainland thanks to legal devices such as the practice of territorial "excision" (Zaiotti 9). Border regimes are then compounded by elaborated sets of national and supranational legislations and practices which extend both beyond and inside borders, and bilateral and multilateral cooperation agreements often involving also international organisations such as the IOM or UNHCR (Zaiotti 14; Yuval-Davis et al., *Bordering* 98).

1.5 Processes of depoliticisation and hyper-legalisation

Current bordering policies and practices have been legitimised by governments officials both through securitarian and humanitarian discourses (Cobarrubias et al. 74). The "border spectacle" (Kasparek et al. 68), created by the media broadcasting of images and narratives on security apparatuses and violence, played an important role in the interrelation of these two discourses. The securitarian one is evoked by images of militarised borders and the humanitarian one by testimonies of deaths at the border (Kasparek et al. 67). These might seem two incompatible narratives, as the former assumes the illegality of irregular migrants, while the latter conceives them as "victims, individual lost souls to be rescued and cared for" (Kasparek et al. 68). Since the 1990s, the two discourses have been linked by state officials in Global North countries claiming that externalisation measures are necessary in order to prevent deaths at the borders and through the engagement of humanitarian agencies such as UNHCR in practices of securitisation (Kasparek et al. 68; Cobarrubias et al. 74; Mezzadra, "Abolitionist" 427). Thus, Cobarrubias et al. write about the "entanglement of humanitarian and securitarian agendas" (74).

The IOM in particular has been embedding its political interventions in a humanitarian framework, especially since it became a related Organization to the UN in 2016 (Hirsch and Doig 681). Hirsch and Doig refer to this practice of depoliticisation and contemporary humanitarianisation as "blue washing" (686). Gerard and Weber use the example of Australia to show how even some non-governmental organizations (NGOs) have been co-opted by contracting states to pursue securitarian agendas (275), a trend which Mezzadra has defined as the "governmentalization of humanitarianism (and human rights)" (427). Governments often subcontract part of asylum-related functions to humanitarian actors, but at the same time they criminalise whistleblowing by those working under these contracts (Ghezelbash 3). Similarly, other practices such as independent search-and-rescue missions by NGOs which instead interfere with states' securitarian objectives have been criminalised by governments (Tazzioli and De Genova 877).

The (at times inconsistent) incorporation of humanitarian actors in the border regime did nevertheless open up possibilities for migrants and refugees (to name one, the UNHCR played pivotal roles in assisting refugees and displaced populations) (Yuval-Davis et al.,

Bordering 44). At the same time, though, it also entailed an adaptation of humanitarianism to "governmental and managerial logics … [without really challenging] … the illegalization and precarization of migrants' journey" (Mezzadra, "Abolitionist" 428). According to Mezzadra, the current humanitarian attitude, focussing on present emergencies and the immediate need for relief, builds on an asymmetrical relationship between "helpless victims" and compassionate rescuers, often implying a "paternalistic approach", regardless the good intentions of rescuers ("Abolitionist" 427). While focusing on dealing with the present urgencies instead of questioning the global power relations which lead to humanitarian disasters in the first place, the author argues, the governmentalised humanitarianism has been invoking its interventions' "political neutrality and merely technical nature" (Mezzadra, "Abolitionist" 427).

The "governmental twist" of humanitarianism in the 1990s thus relied on a process of depoliticisation (Mezzadra, "Abolitionist" 427). Scheel and Squire ascribe the general process of depoliticisation of asylum to the 1990s debates which focused on 'illegal' migrants: "pro-migrant groups insisted on the humanitarian character of migratory movements" (5) in order to campaign for asylum seekers' rights. In fact, especially at times of economic recession in the Global North, an openness towards mixed (humanitarian and economic) reasons for migration was perceived as "politically unacceptable" (Scheel and Squire 5). Eventually, this resulted in the depoliticisation of asylum seekers, intended either as impostors ('bogus asylum seekers') or as passive victims ('genuine refugees') and "[t]hat the application for asylum might entail a political dimension was precluded from this debate" (Scheel and Squire 5).

The depoliticisation of asylum has limited the possibility for political debates by enshrining states' policies and practices in a "technocratic, managerial" (Darling 233) discourse, precluding alternative solutions or labelling them as impracticable. The 'illegality' of irregular migrants has become a taken-for-granted notion, and the reasons behind irregular migration (the closure of 'legal' mobility pathways and the rising global inequality resulting from the asymmetrical resources-allocation, propelled or increased by neoliberal globalisation) have been erased or treated as the natural state of the world (Scheel et al. 72).

While incorporating humanitarianism through a governmental and apolitical filter, states have at the same time counterbalanced the limitations imposed on their sovereignty by

refugee and human rights international law through a strategy based on "hyper-legalism" (Ghezelbash 2). Instead of following the 'principle of good faith'[19] in the interpretation of their international obligations, states often apply an "overly formalistic" (Ghezelbash 2) approach which allows them to exploit existing gaps in international law. As a result, although "pay[ing] lip service" (Ghezelbash 1) to the protection obligations and ethics enshrined in the asylum system, current border regimes often stand in stark contrast with the purposes of the latter.

Asylum seekers are particularly targeted from measures of containment, control and deterrence: increasingly, internal and external bordering processes comprising manipulations of international law through tactics of hyper-legalism, create areas where migrants find themselves "stuck in lives of permanent temporariness" (Yuval-Davis et al., *Bordering* 131; Cabrol 2) Refugees spend prolonged periods in camps without being allowed to move or work, waiting for resettlement in another country through the UNHCR program (Yuval-Davis et al., *Bordering* 133). Asylum seekers stuck in 'buffer' states might be detained for the length of their RSD process (granted that they are able to undergo any) and even if not detained, they are likely to have their rights to work, education, and movement denied or limited (Zaiotti 21). Moreover, since the 1980s most countries have been introducing temporary protection visas for asylum seekers, which further instil a sense of precariousness in their every-day lives (Yuval-Davis et al., *Bordering* 144).

1.6 Exclusionary politics of belonging and citizenship

The progressive harshening of border control measures particularly observable during the last decade especially in the Global North, is to be understood not only in light of the securitisation process, but also in relation to "political projects of governance and belonging" (Yuval-Davis et al., *Bordering* 2) born out of, and in response to, neoliberal globalisation and its "associated double crisis of governability and governmentality" (Yuval-Davis et al.,

[19] Moreno Lax et al. define the "principle of good faith" as the "pacta sunt servanda basis underpinning the entire system, according to which '[e]very treaty in force is binding upon the parties to it and must be performed by them in good faith'" (article 26 of the 1969 Vienna Convention on the Law of Treaties cited in Moreno-Lax et al. 717)

Bordering 2). The 2008 economic crisis led to the governability crisis in that it made visible how liberal democratic states experienced a "certain depletion of their powers" (Yuval-Davis et al., *Bordering* 15) in the face of global financial interdependence. In turn, this led to a crisis of governmentality: governments in these countries lost legitimacy to their electorates, because of the latter's perception that the state was not pursuing the interests of the wider part of population (for example, when implementing austerity policies or bailing financial institutions out) (Yuval-Davis et al., *Bordering* 16). In the midst of the 'Great Recession', widespread disillusionment with and distrust in institutional answers to the crisis led to a rise in "extreme-right autochtonic" (Yuval-Davis et al., *Bordering* 52) movements which deeply influenced migration policies especially, but not exclusively, in the global North[20]. Although displaying local differences, "autochthonic politics of belonging… like those of all varieties of racialisation and boundary construction, always appear to express self-evident, even 'natural' emotions: protection of an ancestral heritage, fear of being diluted or contaminated by foreign influences, and so on" (Yuval-Davis et al., *Bordering* 53). While generally the idea of belonging in a given society tends to be implicit, it then assumes its specific political connotations and articulations when it is perceived as being threatened (Yuval-Davis et al., *Bordering* 7). The logic behind autochthonic politics of belonging can be summarised in "I was here before you" (Yuval-Davis et al., "Everyday" 231). The notion of 'belonging' has an emotional connotation and refers to the feeling of safety and comfort of being at home, for this reason it is also connected to views on bordering: it relates to the question of whom has "a right to share the home" and it often implies that migrants do not belong in a given society because those who "really belong" do so by virtue of the time they invested into that society (Yuval-Davis et al., *Bordering* 7-8).

Bordering processes certainly construct "unequal, racialised hierarchies of citizenship and belonging" (*Bordering* 128) nevertheless, such hierarchies are built on and reinforce already existent ones based on race and economic status (*Bordering* 65). The visa regime stands as the most blatant display of this hierarchisation: the requirement and the granting of visas for business, study and training or leisure travelling to countries of the Global North

[20] Yuval-Davis et al. consider that "autochthonic authoritarian political movements" (*Bordering*, 53) in the last decade have been part of the governments in many countries (such as the United States, Italy, Poland, Austria, Hungary) and major opposition parties in others (such as Australia, Germany, France, Sweden, Denmark and Finland).

vary according to the nationality of travellers, as some nationalities are deemed to bear higher risks of overstaying their visas or posing security threats to the national community (such as criminal activities or terrorism) (Spijkerboer 457). Visa requirements and availability (or their lack of) implies a racial-and-class-based "selection" (Spijkerboer 458). In broad terms, citizens of the Global North (Australia, Canada, Europe, Israel, Japan, New Zealand, Singapore, South Korea, and the United States) experience wide accessibility to the "global mobility infrastructure[21]", while the opposite happens for citizens of other countries, especially Africa, Asia (minus the exceptions here reported), and the Caribbeans (Spijkerboer 458).[22] At airports check-points, the experiences of travellers accessing a Global North country will thus largely depend on their nationality of origin which will determine their speed and ease of border crossing, regardless the fact that they already hold a visa (Yuval-Davis et al., *Bordering,* 70). Governmental officials and transport industry employees cooperate to individuate possible "overstayers", or those attempting to travel without the necessary documentation (although in the case of airports or ports, the latter are more likely to be individuated by liaison officers prior to their boarding) (Yuval-Davis et al., *Bordering,* 70). Border guards' attempts at assessing possible future overstayers on the basis of the latter's origins and socioeconomic background thus reproduce race and class-based asymmetries (Yuval-Davis et al., *Bordering* 78). In fact global elites, irrespective of their nationality, are assisted by specific private businesses dedicated to the role of "bordering facilitator[s]" (Yuval-Davis et al., *Bordering,* 71) whose task is to simplify check-points crossings for their clients. In some cases, as a result of pressures from businesses related to the tourism and hospitality sectors, tourists travelling in organised groups have become a category of border crossers which is prone to experience "relatively 'frictionless' border encounters" (Yuval-Davis et al., *Bordering* 77), if compared to their counterparts (people of comparable socioeconomic backgrounds) travelling out of commercialised pathways.

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[21] Spijkerboer proposes the notion of the "global mobility infrastructure" (455) resulting from the multiplication and innovations in: material structures (particularly in the fields of transport); service providers (especially the wide sectors of tourism and hospitality); and laws regarding the liberalisation of international transport and visa regulations (which have simultaneously both restricted and loosened controls).

[22] Citizens from Russia and Latin America countries experience varying degrees of accessibility depending on destination countries' policies and (in the case of Latin America) on the specific nationality of the traveller (Spijkerboer 458).

Vast wealth does not only provide some travellers with a smoother experiences at border crossing check-points, but it can also purchase "belonging" (Yuval-Davis et al., *Bordering* 70). Citizenship-by-investment schemes allow wealthy individuals to obtain citizenship in a given country, while residency-by-investment schemes are intended for the same potential recipients, but instead of granting immediate citizenship, they facilitate bureaucratic procedures for citizenship acquirement (Mavelli 486). Each country stipulate its own requirement parameters in terms amount, length and other qualities of the investment (Mavelli 486). The competition to attract capital (be it financial or human capital) is a characteristic of the neoliberal "entrepreneurial state" (Mavelli 487), thus Yuval-Davis et al. inscribe such schemes in the "neoliberal political project of governance" (*Bordering* 70). In Europe, Malta, Cyprus, Bulgaria, Hungary and Romania introduced citizenship-by-investment schemes, while residency-by-investment schemes are employed in France, Portugal, and the UK (but also Australia, Canada and the United States, among others) (Mavelli 486).

The functioning of these bordering technologies shows how the filtering functions of borders reproduce a "stratification system" (Yuval-Davis et al., *Bordering* 166) which mostly favours travellers holding a passport from the North, while those who hold a passport from the South (or those who don't hold any) will hardly ever find themselves in the same position, unless they dispose of large economic and political resources. As a matter of fact, already in 1987, in his famous analogy Joseph Carens asserted that "[c]itizenship in Western liberal democracies is the modern equivalent of feudal privilege- an inherited status that greatly enhances one's life chances" ("Aliens" 252). State citizenship represents the "most common political project of belonging" (Yuval-Davis et al., *Bordering* 8) and to citizenship status are attached individuals' rights and duties. The existence today of limbo zones where migrants, precisely due to their citizenship and immigration status, find themselves outside the reach of those rights that could be defined as inalienable, attests to the relevance and interrelation of bordering processes and exclusionary political projects of belonging (Yuval-Davis et al., *Bordering* 8, 23, 98).

Bordering practices that reinforce racial and economic hierarchies pervade countries' internal social and political life and do not only depend on the top-down application of states' policies, but are also indirectly enacted by a multiplicity of agents (as for example the media,

bureaucrats, service providers or any member of society) on a daily basis (Yuval-Davis et al., *Bordering* 23). Importantly, the construction of the "good citizen" (Yuval-Davis et al., *Bordering* 99) reporting his suspicions towards possible 'illegal' migrants and the involvement of service providers in the policing and surveillance of non-citizens constitute instruments of governance which reinforce states' policies effectiveness by reinstating "hierarchies of belonging" (Yuval-Davis et al., *Bordering* 123). The internalisation of borders and borderings impacts on the conception that both citizens and migrants develop on the notions of citizenship and belonging, as borders and bordering processes determine what it takes and what it means to "belong" (Yuval-Davis et al., *Bordering* 65, 164). Thus, political projects of belonging shape social relations through bordering processes, which determine inclusion and exclusion in society (Yuval-Davis et al., *Bordering* 3).

1.7 Solidarity and burden sharing

The increasingly drastic measures employed by states to prevent migrants from accessing their territory led to a profound asymmetry in the asylum system (Yuval-Davis et al., *Bordering* 14). According to data provided by UNHCR as of end 2020, 86 per cent of the world's people displaced across borders[23] were being hosted in developing countries, the world's top refugee hosting countries being Turkey (3.7 million), Colombia (1.7 million, including Venezuelans displaced abroad), Pakistan (1.4 million) and Uganda (1.4 million) ("Global" 2).

The notion of "burden sharing" is often employed when discussing this disparity and the need for states to act in solidarity with one another through the redistribution of responsibilities amongst each other. According to Jonathan Darling, the "rhetorical hegemony of the burden" (239) relies on the depoliticisation of asylum and humanitarianism and the depiction of states' policies as employing a neutral, managerial approach, which has become "common sense" (239) to the extent that there would seem to be no other possible alternative narratives and solutions. The construction of this hegemonic discourse contributes to legitimise the policies which address the asylum and migration 'issues', although, as the

[23] Include refugees, people in refugee-like situations and Venezuelans displaced abroad.

percentages on global asylum shares have shown, those who reach the Global North are but a minority of those forced to move and the "moral panic[24]" (Wonders 69) surrounding migration is a phenomenon which pertains especially to the Global North and its efforts to preserve its privileged position through "local and global hierarchies" (Yuval-Davis et al., *Bordering* 18).

Darling reflects on the burden expression and the implication it has on current views on asylum, migration and solidarity as he emphasises how the association of asylum seekers with a burden to be shared among states reluctant to do so, relies on "an economic rationale" (239) that values asylum according to the short-term profits and costs that it entails for host countries "rather than the questions of social justice it raises" (239). The concept of burden sharing is thus linked to an understanding of solidarity which focuses on the "macro-perspective" of nation states and institutions as the subjects expressing and acting in collaboration with each other, at the very best, through strategic calculations of obligations and rights (Bauder and Juffs 55; Agustín and Jørgensen 28). Oscar Garcia Agustín and Martin Bak Jørgensen assert that this "constitution of solidarity from above" (28), limited to politics and institutional actions, lacks the actual "creative potential of solidarity to imagine other social and political alternatives" (28). It is, according to the authors, from certain kinds of grassroots solidarities that "collective identities and political subjectivities" (Agustín and Jørgensen 25) can originate and stand in opposition to restrictive and exclusionary migration politics. This position is shared by Martina Tazzioli and Walters William, as they assert that by connecting migrants and citizens, solidarity practices can build "common terrains - in terms of political claims and strategies" (8). In the same way, Natasha King conceives solidarity as "the mutual support between and within struggles for liberation that seek to change unjust or oppressive social structures" (52).

As evidenced from these two very different uses of the term 'solidarity' (indicating in the former case the cooperation between nation-states, and in the latter, the 'propeller' in the creation of political and social movements), the concept of solidarity is employed in different contexts and with different meanings. The origins of the word solidarity and its usage date

[24] Although numbers are historically high, prompting narratives of "invasions" in the Global North, data show that at the end of 2020 the global number of asylum seekers worldwide was 4.1 million (equating to 0,05percent of the total world population) and the global number of refugees was 26.4 million (0,33 percent of the total world population) ("Global" 2).

back to the Roman law of obligation, which held individuals in a family or a community as equally responsible for a debt (an obligation "in solidum") (Bayertz 3). The current use of the term solidarity, not as a legal but as a "sociological and political concept" (Stjernø 156) especially owes to the French Revolution and the 1848 Revolution (in France), when it "became a political keyword" (Schmale 856) and its usage spread in Europe. Whilst during the French revolution solidarity was already often employed as a proxy for fraternity, denoting a "feeling of political community" (Stjernø 156), it was then French philosopher Pierre Leroux who firstly elaborated on this concept. In his work *De l'Humanité* in 1840, Leroux discussed solidarity as resulting from "a genuine interest in community with others" (Stjernø 156), and considered it as an essential precondition for human prosperity and the realisation of a just society. Notably, in the same period in 1844, *Discours sur l'Esprit Positif* by Auguste Comte (the founder of sociology) used the term solidarity as a synonym of social cohesion, laying the basis for what would be further developed by Emile Durkheim in *Division of Labour in Society* (1893) (Scholz 6). Durkheim's important contribution to the study and conceptualisation of the phenomenon of solidarity constitutes one of the pillars of his life-long work, so much so that according to Alexander Gofman he "can justifiably be called a sociologist of social solidarity" (45). Additionally, at the very end of the nineteenth century, the concept of solidarity was not only part of the Marxist school of thought, where solidarity was conceptualised as based on the shared experiences of the working class; but also of the Catholic Social Teaching, which understood solidarity with the poor as a spiritual commitment, a duty to be applied both to individuals and nations (Stjernø 158,162). Solidarity has become a widely employed notion: from its usage in the early 1900s by labor unions fighting for better wages and safer working conditions; to Solidarnosc (Solidarity), the name of the Polish workers movement which mobilisation at the beginning of the 1980s is believed to have accelerated the demise of the communist regime in the country; to the fourth chapter of the Charter of Fundamental Rights of the European Union (2000) being titled "Solidarity" (Scholz 9).

In order to clarify the concept of solidarity, it is useful to look at its definition and differentiation into three categories developed by Sally Scholz in her work *Political Solidarity* (2008). According to Scholz, solidarity "describes some form of unity (however tenuously the members might be united) that mediates between the individual and the

community and entails positive moral duties" (5). Thus, in solidarity the interests of the individual and the ones of the community are interrelated, and each instance of solidarity has its specific motivations and resulting moral duties for those in the solidary group (Scholz 19). Scholz theorises three kinds of solidarity: social, civic and political (20).

Social solidarity is based on pre-existent shared characteristics or similarities ("shared consciousness, shared experience, or some other uniting feature" (Scholz 21)) which create the bonds, the cohesion of a community. With group membership accrue moral obligations: customs, mores, laws and codes determine the reciprocal expectations on the responsibilities of members of the community (Scholz 21). The degree of social solidarity will depend on the kind of group/community and the interdependence of its members' interests (for example a family will likely display high degrees of solidarity, while associations and clubs an intermediary one) (Scholz 22). As previously mentioned, Emile Durkheim's work stands as a pillar in the conceptualisation of social solidarity, which he intends as the bonding element of society (Gofman 46; Scholz 22). According to Durkheim, more primitive and homogeneous societies, where individuals tend to "share attributes, location, and experience" are tied together by what he defines as a mechanical solidarity which is based on the "shared consciousness" of its members, and is characterised by very limited individuality (Scholz 22). As societies develop into advanced societies, which are more complex due to the social stratification resulting from the division of labor, mechanical solidarity will, according to Durkheim, evolve into organic solidarity (Scholz 23). In this second kind of society, where individualisation is more present, members' interests still intermingle because the differentiation resulting from the division of labor creates the necessity for reciprocal exchange, which is then regulated through the development of moral and legal norms aiming at reducing inequalities[25] (the latter resulting from the division of labor) (Gofman 49; Scholz 23).

Civic solidarity refers to the obligations that each citizen of a political state has towards all the other citizens, and vice versa (Scholz 27). This entails that by virtue of their membership to the state community, each citizen is entitled to certain rights and that it is in the interest of society as a whole to make sure that such rights are upheld and everyone's

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[25] Durkheim was influenced by Jean-Jacques Rousseau who, in his *Discourse on the Origin and Foundation of Inequality Among Mankind* (1755), contends that moral obligations are attached to communal membership (Scholz 25).

basic needs are attended to (Scholz 27). This conceptualisation of solidarity is at the basis of the welfare state and it is the solidarity referred to in the fourth chapter of the Charter of Fundamental Rights of the European Union (which addresses workers' rights, healthcare, social protection etc.) (Scholz 28). Civic solidarity thus entails positive duties on the part of society, aimed at protecting the vulnerable citizens (Scholz 33). Clearly, it is through democratic processes that society as a whole determines what it is that institutions are meant to provide, nevertheless, the emphasis relies on the relationship between citizens and the state rather than the bonds between citizens themselves (as instead is the case in social solidarity) precisely because it is through the state that social policies are enacted, while citizens show their support and carry out their own obligations mainly by paying taxes (Scholz 33; 46). Scholz notes that in some cases, civic solidarity has been evoked to indicate the obligation of rich countries to aid countries in the Global South, and the responsibility of both governments and citizens in richer countries to address global inequality (Scholz 32). Solidarity in these instances has been partly motivated by the fact that, due to global interdependence, poor countries' stability is also in the interest of richer countries, although a shared belief in basic human rights is also assumed as a motivation (Scholz 33; 46).

Political solidarity is somewhat different from the other two kinds of solidarity as it develops in opposition to "a situation of injustice or oppression" (Scholz 34). The development of a solidary group in this case does not depend on shared interests or attributes: in political solidarity bonds are created by a "shared commitment to a cause" (Scholz 34). All members of the collective oppose injustice or oppression regardless of whether each individual is part of the oppressed group or has directly experienced oppression (Scholz 34). In order for social movements to be born out of such situations members have to share not only the criticism for present conditions, but importantly, they have to share a vision of the future to aspire to (Scholz 34). In describing this sort of solidarity, Scholz refers to Kurt Bayertz's *Four Uses of "Solidarity"* (1999) (Scholz 36). According to Bayertz, solidarity in this case stands for the "emotional cohesion" and "mutual support"(16) amongst members of social movements. It requires active involvement and entails moral duties based on the goals of social justice that the movement itself has set (Bayertz 16; Scholz 36). In fact, it is precisely the "moral commitment [which] provides the source of the solidarity" (Scholz 38). Bayertz underlines that political solidarity has its historical roots in the socialist movement, it

then played a fundamental role in the labor movement (especially in the nineteenth but also twentieth century), and more recently in the feminist and in the ecological movements (Bayertz 16).

Although the categorisation of different solidarities proposed by Scholz is useful for a deeper analysis of the concept, the author herself notes that these categories are in reality often overlapping, or that groups and communities might transit from one kind of solidarity to the other (39). When the claims of political solidarity movements are attained to by states, this solidarity might evolve into civic solidarity (in this regard, Scholz mentions the activists' mobilisation around AIDS in late 1980s and 1990s, which eventually resulted in the organisation - albeit imperfect- of institutional and coordinated responses to the pandemic by governmental bodies, international agencies and drug industries) (39). Similarly, at times political struggles can become the basis for the creation of an enduring social community - thus political solidarity can turn into social solidarity (40). Nevertheless, Scholz concludes, the nature of moral obligations which every type of solidarity entails varies: in the case of social solidarity, moral duties derive from pre-existing bonds among individuals; in civic solidarity moral obligations derive from the 'social contract' between citizens and their institutions (it is the governmental entity, wether a nation-state or the international community, that is primarily required to act according to moral obligations towards the members of its community, or even an external one); in political solidarity instead, moral obligations of individuals are deliberate and "self-imposed", arising from opposition to injustice and oppression (regardless of whether these individuals are directly targeted) and these moral obligations become the very reason for the creation of the solidary group (40-41).

When scholars such as Agustín and Jørgensen refer to solidarity as a creating force, able to reunite individuals in virtue of their claim for social justice, it is clearly the political solidarity described by Scholz that they refer to. This kind of solidarity, as any kind of solidarity, implies reciprocity and horizontality in the group, as opposed to the verticalisation of relationships found in "charity" (King 52) and the reduction of migrants' subjectivity to "victimhood" (Mezzadra, "Abolitionist" 433) which is also linked to a kind of a-political humanitarianism. Examples of horizontal and 'bottom-up' solidarity can be found in more or less overt contestations to unjust bordering processes such as for example in independent search-and-rescue missions at sea (Mezzadra, "Abolitionist" 428-429).

Nevertheless, just like understanding forced migrants as subjects who display agency throughout their journeys does not preclude the fact that at the same time they exercise this agency while also experiencing structural constraints, pain and fear; so understanding citizens and migrants involved in solidarity practices as horizontally aligned does not erase existing inequalities in power relations, hierarchies and privilege between these subjects (Bojadzijev et al. 28). In fact, Bojadzijev et al. note that it is fundamental to recognise that the subjects involved in these struggles will still be positioned differently within those same social structures and their position will in turn impact not only on the content of their claims, but also on their visibility or their invisibility and silencing (29). From this it follows that the presence of social hierarchies does not a priori preclude relationships of solidarity between members of groups differently positioned in a given society, although it is clear that bordering practices which reinforce such hierarchies impinge on the creation of these relationships as "[b]ordering has become … a major influence on social and communal solidarities" (Yuval-Davis et al., *Bordering* 162).

The recently widespread and harsh criminalization of solidarity practices and networks in the North, especially as far as independent and non-governmental search and rescue at sea is concerned, precisely demonstrates that solidarity can be a powerful driving force of political progress, able to disrupt states' efforts at 'managing' migration (Bojadzijev et al. 29). Other instances of political solidarity can be found in so-called "sanctuary cities" (Agustín and Jørgensen 36-37, 98), or, even though in a less organised way, in the every-day acts of subversion from service providers who reject the border-guard role forced upon them (Weber "State-Centric" 228).

Such solidarity practices represent the exception to the norm: they stand as a "refusal of the pervasive processes of racialization which presumptively portray migrants as the others of citizens, and thereby reproduce and reinscribe divisions between "us" and "them"" (Bojadzijev et al. 29). Although such differentiation is always part of bordering processes, various degrees of borders permeability are possible according to the formulation of "political projects of belonging" (Yuval-Davis et al., *Bordering* 7) which determine which individuals

have the right to belong in a society. In the case of autochthonous politics of belonging[26] solidarity becomes a tool for exclusion as it is only applicable to "one group and against another" (Agustín and Jørgensen 24). Autochthonous politics of belonging reinstate race and class hierarchies also by reinforcing political discourses which insist in defining some migrants as 'illegal', undeserving and dangerous. These factors legitimise the enactment of harsh, militarised and externalised border controls and policies of non-admission or migration detention, or other practices that constraint the participation of migrants in the community, which in turn further limit potential relationships of social, civic or political solidarity between citizens and migrants affected by border regimes.

As social solidarity arises from pre-existent bonds and is enacted on a day-to-day basis, physically distancing migrants from the community through border externalisation policies clearly prevents the creation of such bonds. Migrants locked up in (frequently offshore) detention centres are kept "out of sight, out of mind'"(Neil and Peterie 136). There are also more subtle ways in which bordering policies and practices impede social solidarity between citizens and migrants living in the same community, by underlying the latter's 'unbelonging'. For example, through the recruitment of border guards amongst citizens, or through the limitation of migrants' rights to work and movement, but also through temporary protection regimes which lead to a perpetual risk of deportation, migrants are constantly reminded of their 'otherness'.

Policies and practices inherent to border regimes thus create an environment in which citizens are disincentivized from demanding that their government implements policies which take the rights of migrant people into account, which means that prospects for civic solidarity are greatly diminished. Similarly, because the 'hegemonic narrative' on migration purports that the current migration 'management' employs the most neutral, technocratic and morally preferable bordering policies, citizens will be less likely to join social movements in solidarity with migrant people to oppose situations of injustice and oppression. Clearly, the

[26] Despite flourishing in the aftermath of a crisis of neoliberalism, autochthonous politics of belonging are still embedded in the context of the neoliberal globalisation and its "particularistic and calculative expressions of solidarity" (Lynch and Kalaitzake 247). In fact Kathleen Lynch and Manolis Kalaitzake find that the "entrepreneurial individualism" (239) promoted by neoliberalism is "antithetical to [their conception of] solidarity" (239).

three types of solidarity (and the factors which undermine them) are interdependent and overlapping, which is usually the case, as Scholz notices (39).

1.7.1 Cosmopolitanism and Joseph Carens' argument for open borders

The widespread consensus around what can be termed a 'hegemonic narrative' which builds on the 'migration management paradigms', the securitarian discourse and the autochthonous politics of belonging, reduces the possibilities for the creation of solidarity relationships between 'autochthons' and 'outsiders'. As previously mentioned, it does so by presenting current migration policies in the Global North as the most desirable and morally correct, technocratic, apolitical, and even humanitarian, solutions to the issues raised by migration. This often dissuades citizens in countries of the Global North from questioning such policies. Moreover, as these policies themselves perpetuate and reinforce socio-economic and racial hierarchies inside communities, prospects for interactions and the creation of horizontal relationships of solidarity are dramatically undermined.

One prominent alternative narrative, and which this thesis endorses, is the position elaborated by political philosopher Joseph Carens, in particular in his book *The Ethics of Immigration* (2013). Carens' position has been defined as "moderate[ly] cosmopolitan" (Carens, "Why" 18). In political theory, cosmopolitanism refers to the principle that "all human beings have equal moral value and our moral responsibilities to others do not disappear once we reach the boundaries of states or nations" (Brock 315). This position is based on various and summable arguments: the belief that a substantial array of rights are owed to each individual in virtue of being human; the fact that worldwide "asymmetry in life chances" based on which country individuals are born into, is unjust; the argument for "distributive justice" concerning the possibility for each state to dispose of sufficient resources (Brock 316). Additional arguments concern the recognition that global interdependence, heightened by globalisation, requires a cooperation and a "cosmopolitan democracy" which takes the effects that decision-making in one state have on citizens of other states into consideration, and which does not accept "unjust institutional schemes" where some benefit from globalisation at the expenses of others (Brock 317).

Cosmopolitanism has been criticised mainly for being utopian and not taking into account legitimate particularistic interests of individuals (Brock 317). Whilst the idea that all humans have equal moral worth is generally not contested per se by critics of cosmopolitanism, the universal moral obligations that according to cosmopolitans result from this assumption of equality are widely debated (Brock 317). In particular, academic debates have been polarised around what are often perceived as two irreconcilable positions: cosmopolitanism and liberal nationalism (Brock 307). Liberal nationalists (of which David Miller is a leading exponent) argue in defence of the moral value of nationalism and its compatibility with liberal democratic values (Brock 308). According to Miller, "compatriot partiality" (21) is defensible (in particular as far as benefit distribution is concerned). Indeed, Carens and Miller have extensively debated on their positions (as evidenced from the frequent mutual references in the two political philosophers' works). In *Strangers in Our Midst* (2016) Miller often constructs his reasoning in explicit contrast with the passages of Caren's *The Ethics of Immigration*.

Nevertheless, Miller himself notes that Caren's cosmopolitanism is a moderate one as it allows for restricted circumstances in which states could give some priority to the interests of their own citizens over those of non-citizens (178). In fact, Carens does not define himself as an extreme cosmopolitan, and contemplates instances in which states can prioritise their citizens, albeit such restrictions represent exceptions to the generally assumed principle of individuals' equal moral worth and the corresponding equality in the weight of individuals' moral claims (*Ethics* ch.12).

Ideally, according to Carens, in a just world the basic liberal principles of free movement and equal opportunity would be applied globally, which entails that borders should be open (although borders would not be erased, states' power to arbitrarily control immigration would be delegitimised) (*Ethics* ch.11). Carens defines the general "democratic principles" as "broad moral commitments that underlie and justify contemporary political institutions and policies" in most states in the Global North (in particular in the United States, Canada, Australia, New Zealand, and Europe) and which are enshrined in widely accepted international instruments such as the 1948 Universal Declaration of Human Rights and the 1966 International Covenant of Civil and Political Rights (especially the ideas that all human beings are equal and deserve equal opportunities and that no one should be subject to

discrimination based on race, religion or gender[27]) (Carens, *Ethics* Introduction). Carens' assumption is not, however, that these states are always consistent with those principles, rather "that democratic states ought to act differently in order to be true to their most basic commitments" (*Ethics* Introduction). Recognising the right to freedom of movement[28] as a basic human right which every individual is owed, regardless her citizenship and geographical location, is necessary in order to move towards equality of opportunity, according to Carens (*Ethics* ch.11). Indeed, in a just world, "free movement would be part of a wider transformation that involved a significant reduction in the economic inequalities between states" (Carens, *Ethics* Conclusion). Free movement would be an essential part of this kind of transformation based on redistribution, as border control constitutes one of the main ways in which the unequal status quo is maintained globally (Carens, *Ethics* ch.11). The open border thesis is clearly based on cosmopolitan arguments, and through it, Carens challenges the reader to recognise that the nature of the current world of border regimes is not innate or unavoidable, but it is rather an artificial arrangement "maintained through the use of force, implicit and explicit" , which should compel us all "to ask whether this coercively imposed structure can be justified to those who are subject to it" (*Ethics* ch.12). It is precisely "the inner logic of democratic commitments to human freedom and equality" which motivates Carens' enquiry on what a just world would entail (*Ethics* ch.12).

As previously stated, Carens admits some "caveats" to the general principle of free movement (*Ethics* ch.12). Cases in which prospect migrants pose a threat to national security

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[27] See for example the 1948 Universal Declaration of Human rights:
Article I : "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."
Article 2: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."
Article 3: "Everyone has the right to life, liberty and the security of person."
Article 13: "Everyone has the right to freedom of movement and residence within the borders of each state" (United Nations, General Assembly, Universal Declaration).

[28] Article 13 of the 1948 Universal Declaration of Human Rights does not specify if the right applies only to citizens, nevertheless, Article 12 of the 1966 International Covenant on Civil and Political Rights restricts this right to those "lawfully" present inside the state: "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence" (United Nations, General Assembly, International Covenant).

obviously constitute an exception in this sense (although Carens emphasises that legitimate concerns for security have to be reasonably justified and the decision of excluding migrants should be pondered on a case-to-case basis) (*Ethics* ch.12). Another example of instances of differentiation of treatment between citizens and non-citizens can be the case of welfare recipients: according to Caren's perspective, migrants can and should be demanded to wait for a (limited) period, before they can access the full rights of citizenship (*Ethics* ch.12). Nevertheless, the kind of caveats taken into consideration by the author do not limit the general argument for open borders in any meaningful way, as they constitute "contingent and self-limiting arguments" that only justify immigration control on the part of states under conditions which are widely circumscribed (*Ethics* ch.12).

While the open borders thesis is a pillar in Carens' work, it represents only one of the two main arguments treated in the *The Ethics of Immigration*. The remaining part aims at answering the question of how states can (and should) act, even in a world of "discretionary" border controls as the current one (Carens, *Ethics* Introduction). Thus, by keeping his focus on the general "democratic principles", the author discusses what policies and practices already enacted, or which would be feasible, can enhance justice even under the current border-control systems (*Ethics* Introduction).

Among the themes covered, is the question of asylum seekers, which currently represents (together with family reunification) one of the rare instances in which states might have the duty to admit non-citizens (*Ethics* ch.10). Carens criticises the strict interpretation of the definition of refugee which leaves many people outside protection: due to its history as an instrument born in the aftermath of the WWII and in response to the plight of the Jews and the other minorities in Europe, the 1951 Convention Relating to the Status of Refugees focuses on protecting those fleeing persecution from their own state, as evidenced from the definition[29] of 'refugee' found in the Convention itself (*Ethics* ch.10). The 1951 Convention Relating to the Status of Refugees has proven to be a flexible instrument, and indeed some states have admitted as refugees women fleeing domestic violence, on the ground that these

[29] Article I of the 1951 Convention Relating to the Status of Refugees defines as refugee someone who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it" (United Nations, General Assembly, Convention Relating to the Status of Refugees)

people were not being protected by their own state, and this could be interpreted as a persecution based on gender (Carens, *Ethics* ch.10). Nevertheless, even when interpreting the definition of refugee more expansively, victims of civil wars, famine and natural disaster are not included, and for this reason, according to Carens, a much more expansive and flexible definition of 'refugee' should be formulated and made official[30] (*Ethics* ch.10). Refugee status should arguably depend on the seriousness of the threat to basic human rights that an individual experiences, rather than the "sources" of such threat (Carens *Ethics* ch.10). As a matter of fact, the principle of non-refoulement[31] already provides 'complementary protection[32]' by preventing states from repatriating those asylum seekers who fall outside the 1951 Convention's definition of refugee, but who would still be in danger if returned (Carens, *Ethics* ch.10). Nevertheless, those falling outside the 1951 Convention's definition, albeit still being protected by the principle of non-refoulement, are generally admitted in host countries with fewer rights compared to the rights afforded to 'Convention refugees' (Carens *Ethics* ch.10). Often, those protected by non-refoulement are only admitted on temporary basis (even though, as will be explained in the second chapter, in the case of Australia temporary protection might also involve those individuals who have been accorded the refugee status according to the 1951 Convention definition) (Carens, *Ethics* ch.10).

Another issue raised by Carens is the fact that states should provide recognised refugees who are unable or unwilling to be returned within a reasonable period, with a permanent solution, in order to be able to build a new life (*Ethics* ch.10). Once admitted as refugees, these people should enjoy most of the rights enjoyed by citizens and, over time, refugees should be accepted as members of the society due to the fact that, in Carens' words, they have "a right to membership in a society" (*Ethics* ch.10). In motivating this, Carens

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[30] Carens is not alone in advocating for an expansive definition of who is a refugee, see for example Matthew, Gibney. *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees* (2004).

[31] Under international human rights law, this principle is universal and guarantees that no one ought to be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment (the principle derives indirectly from Article 7 of the 1966 International Covenant on Civil and Political Rights and explicitly from Article 3 of the 1984 United Nations Convention against Torture, but it is also part of other regional instruments) (Molnár 53; United Nations, General Assembly, International Covenant.; United Nations, General Assembly, Convention Against Torture).

[32] For an analysis of the principle of non-refoulement and the protection that it entails, see McAdam, Jane. *Complementary Protection in International Refugee Law.* Oxford University Press, 22. Oxford Scholarship Online. .

refers to principles of “social membership and democratic legitimacy”, according to which, long-term residence leads to “a strong moral claim” to citizenship, which also entails that everyone old enough should be allowed to vote and participate in the exercise of democracy (Carens, *Ethics* ch.10). The same should be applied, according to Carens, to any long-term resident, especially to those under temporary protection schemes who are unjustly “expected to live in limbo indefinitely”(Carens, *Ethics* ch.10).

While states in the Global North are not assuming a fair share of responsibilities for the resettlement of world refugees, Carens believes that all states bear a moral duty to grant resettlement to as many refugees as possible, as he explains: “the underlying moral responsibility for refugees falls upon the international state system[33] as a whole, since the problem of refugees is a byproduct of this way of organizing the world politically” (Carens, *Ethics* ch.10). It follows that the enactment of policies that try to keep asylum seekers as far as possible from the borders of countries in the Global North, leaving the onus of hosting these people on so-called transit countries, where migrants often suffer deprivations in their basic human rights, is unjust (regardless the fact that often refugee-hosting countries are financed by richer ones to provide protection to asylum seekers) (Carens, *Ethics* ch.10).

1.8 Summary

Solidarity is defined as a relationship between the individual and a group/community (also of nations) which entails moral obligations for the members of the group and can be categorised as social, civic or political. While richer countries invoke the need for solidarity amongst state as they discuss about prospects for cooperation in order to share the ‘burden’ of asylum seekers, in reality most of their efforts are still directed at keeping as many migrants as possible outside their territories and at deterring future departures.

Policies and practices inherent to the border regimes of countries in the Global North negatively impact on the creation of relationships of solidarity between citizens and migrants, first and foremost due to the latter’s depiction as ‘Other’ and their ’illegalisation’. Moreover,

[33] Moreover, article 28 of the 1948 Universal Declaration of Human Rights states that: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized” (United Nations, General Assembly, Universal Declaration).

when migrant people are not physically excluded from society (through migration detention or reclusion in camps) they still do not 'belong' in the community when they are subject to temporary protection schemes, freedom of movement and work rights limitations, and often, the perpetual threat of detention and deportation. The socio-economic and political marginalisation of certain migrants prevents their interactions with citizens, at the same time as bordering policies and practices reinstate pre-existent hierarchies based on race and economic status. As solidarity is based on horizontal relationships, the social stratification that bordering policies and practices enable and reinforce clearly undermines the prospects for the creation of solidarity groups which include both migrants and citizens. The most common narrative on migration resulting from the widespread consensus on the 'migration management paradigm', the securitarian discourse and autochthonous politics of belonging, legitimises current bordering policies and practices and arguably disincentivizes citizens in countries of the Global North from questioning and opposing exclusionary migration policies, and acting in solidarity with migrants.

The chapter concluded by presenting the alternative narrative on migration that this thesis adopts, by supporting the view of political philosopher Joseph Carens, according to whom the current conduct of richer countries is deeply unjust and cannot be legitimised, especially in virtue of the democratic principles which these same states are founded upon. While a just world would be reached only through redistribution of resources and open borders, Carens asserts, even under the premises of today's clearly unequal world of highly controlled borders there is still possibility for enhanced justice. Importantly, in his view the international community has a moral duty to resettle as many refugees as possible and avoid that many of them die on their way to western countries, or spend protracted periods in limbo as they do today. Carens draws on the idea that every individual is of equal moral worth and albeit he concedes that states might favour their citizens in restricted circumstances, his perspective is still not a nationalist one.

Through the following chapters, the case of the Australian and Indonesia will be analysed to determine through which policies and practices a "hostile environment" (Yuval-Davis et al., *Bordering* 164) is created both in the Australian and Indonesian communities, enhancing citizens' intolerance, suspicion, racism and fears towards those who are perceived as not belonging, thus impinging on the possibilities of the creation of relationships of

solidarity between citizens of the two countries and a specific category of migrants in particular: ‘irregular’ asylum seekers.

Chapter Two
The evolution of the Australian border regime and the suppression of solidarity

This chapter traces the development phases of the Australian Border regime, constituted of complex layers of border externalisation and internalisation policies, in order to assess how these policies negatively impact on the creation of relationships of solidarity between Australian citizens and a specific category of asylum seekers in particular: the so-called 'irregular maritime arrivals'. After describing the most external layers of border externalisation (in particular, visa requirements and technologies of travellers' identification which can virtually extend border control far outside Australia, regardless the location of potential border crossers); the discussion focuses on the policies designed for, and particularly affecting, asylum seekers who attempt to reach Australia by boat, and those 'maritime arrivals' who are already in the Commonwealth country.

The chapter argues that there are various ways in which, by reinstating racial and socio-economic hierarchies, bordering policies and practices inherent to the Australian border regime exacerbate social stratification which negatively impact on the creation of 'horizontal' relationships of solidarity between citizens and migrants in the Australian community. Asylum seekers are physically distanced from Australian citizens, either because they are detained or because the legal conditions attached to their immigration status restrain them from fully participating in society (due for example to the absence or inadequacy of subsidies and health care provisions, and the lack of job training programs). In addition to this, asylum seekers are permanently subject to the threat of detention and deportation (often based on arbitrary exercise of authority by the Australian state) and therefore their 'unbelonging' in the community is constantly emphasised. Importantly, due to the fact that Australian citizens are encouraged, and in certain instances even obliged to assume the role of 'border guards', the prospects of relationships of solidarity with asylum seekers are further reduced.

Moreover, this chapter contends that solidarity is especially hindered by a public discussion which attempts to cover or downplay the diffusion of information about the deleterious effects that Australian policies have on migrants. Through confidential clauses and gag laws which prevent the evidences of the unjust treatment of migrants from being

publicly disclosed, and through the refusal of the Australian government to provide information on controversial matters such as boat push-backs, a great part of the Australian community ultimately relies on the 'official' narrative. According to this narrative, 'bogus asylum seekers' are illegal, undeserving, potentially dangerous individuals, and Australian border control policies effectively and legitimately succeed in deterring their arrival. A fundamental factor which is emphasised in the chapter is that this process of 'othering' of migrants, which constitutes the basis of the Australian government narrative, remarkably affects the way in which Australian citizens conceive of this group of people (i.e. irregular maritime arrivals). By focussing on the 'illegality' and 'illegitimacy' of irregular migrants, this narrative omits not only the reasons which lead migrant people to move, but also the very absence of legal migration pathways which determines their choice to pursue irregular routes. Thus, instead of standing in solidarity with migrants and question the legitimacy of bordering policies or oppose their deleterious effects, Australian citizens are rather encouraged to support the official narrative.

2.1 Border externalisation policies

2.1.1 Universal visa requirement and protection visas

Australia can be defined a "leader" (Hirsch 49) in border externalisation. In fact, the Australian border regime features an array of border externalisation techniques, first and foremost the imposition since 1979 of a universal visa requirement for non-citizens[34] (Hirsch 56). The universal visa requirement was introduced via an amendment to the Migration Act 1958 (Cth)[35] (Hirsch 56). In 1958, the Migration Act 1958 (Cth) replaced the Immigration Restriction Act 1901, and became the cornerstone of Australian migration policy, being still in force today (Hirsch 56). Expanded visa requirements prevent the spontaneous arrivals of forced migrants: the granting of a visa depends on the applicant's possession of a valid passport, and each visa category (such as student visa, skilled visa, tourist visa and more) entails other additional requirements which are usually hardly met from potential asylum seekers (Hirsch 57). In addition, most temporary visas require applicants to prove that they genuinely intend to stay in Australia temporarily and that they dispose of sufficient financial endowments for the duration of their stay (Hirsch 57). Migrants intending to claim protection in Australia cannot apply for a specific visa intended for entering the country's asylum system, instead, in order to enter the country with a humanitarian visa, they must be referred from the UNHCR once their refugee status has already been assessed (Hirsch 57).

Australia's resettlement program is based on a yearly quota of refugees intake, which is primarily intended for refugees referred from the UNHCR around the world (Hirsch 57). Although in Australia the resettlement program is presented in public discourse as a display of extreme generosity, bolstering the public's self-perception of a welcoming country, its quota is relatively restricted (Neil and Peterie 137). In 2021 the country will allow a maximum of 13,750 refugees to enter (a cut of nearly 30 percent compared to the previous

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[34] New Zealand citizens were the only nationality exempted from visa requirement, but since 1994 they are required to obtain a visa upon arrival (Hirsch 56).

[35] Australia, Federal Parliament, House, Migration Act 1958 (Cth).

year), which corresponds to roughly 0.05 percent of the number of refugees globally recognised by the UNHCR in 2020 (26.3 million) (Evan, Wazefadost; "Global" 2).

Despite the fact that Australia strongly encourages asylum seekers to only apply for protection offshore through the UNHCR, and despite the multiple practices that prevent spontaneous arrivals, some migrants still manage to enter Australia with other kinds of visas, and claim protection once they already are on Australian soil (Hirsch 58). The number of those whom obtain the humanitarian visa in this second way is not considered as separate from the resettlement program, as for each refugee recognised and granted protection onshore, one place is then detracted from the resettlement quota set for the current year (this zero-sum game is present only in the Australian practice, among the countries which participate in the resettlement program) (Hirsch 58).

By combining the numbers of both the refugees that Australia resettled through the UNHCR and those that were recognised in Australia and given protection there, over a 10-year period (from January 2009 until December 2018), results show that only the 0.89 percent of the refugees recognised globally in the period covered were admitted in Australia (180,790 refugees were granted a permanent protection visa in Australia out of a total of 20,3 million) ("How Generous", 2). In addition, by comparing Australia's 'generosity' towards refugees with that of other countries during the same time span, Australia ranked 29th per capita and 54th relative to national GDP ("How Generous", 2).

2.1.2 Carrier sanctions, ALOs and technologies of passengers identification

The Australian visa regime is compounded by a complex mechanism which filters undesired, irregular migrants who attempt to travel by air. This mechanism includes the imposition of carrier sanctions, the deployment of Airline Liaison Officers (ALOs), and the use of increasingly efficient surveillance and monitoring databases.

Australia has been implementing carrier sanctions since mid-nineteenth century, becoming a precursor in this practice which currently represents one of the defining features of the privatisation trend in border enforcement (Hirsch 61). The imposition of carrier sanction clearly stands in contrast with the stated purpose of the international asylum system:

due to the fact that, according to the Migration Act 1958 (Cth)[36], non-citizens cannot be *transported* to Australia without a valid visa (not even for the purpose of seeking protection in the country), not only state officials, but also transport companies employees are vested with the authority and duty to prevent certain people from crossing the Australian borders (Hirsch 61).

Complementary to the imposition of carrier sanctions is the appointment of ALOs in foreign airports in order to facilitate the exchange of information between transport companies and Australian immigration officials (Hirsch 62). In addition to this, ALOs also "provide training to airline and airport staff in passenger assessment, document examination, facial image comparison techniques and Australia's entry requirement" (Australia, Dept. of Home Affairs, Border Force, *ABF 2020* 25). Australian ALOs have especially been posted in travel hubs in refugee producing or transit countries; as a result, they are now present in 17 international airports across the Middle East and Asia (among which, Guangzhou in southern China, Dubai in the United Arab Emirates and Kuala Lumpur in Malaysia) (Australia, Dept. of Home Affairs, Border Force, *ABF 2020* 25).

Since 2005, through the Advance Passenger Processing (APP) system, airlines have been required to provide Australian authorities with the travel documentation of both their passengers and their own crew (also of those who are just transiting through the country's airports), when directed to Australia (Hirsch 63; Australia, Dept.of Home Affairs, Border Force, "Advance"). This system allows carriers to identify which individuals are allowed to board, depending on their visas and travel documents, but it also ensures that Australian officials can dispose of the details of any passenger prior to their arrival (Australia, Dept.of Home Affairs, Border Force, "Advance").

In addition, since 2004 the collection of non-citizens' biometric data (especially photographs, signatures, fingerprints, but also iris scans, audio and video recordings among other personal identifiers) was enhanced through the Migration Legislation Amendment (Identification and Authentication) Act 2004 (Cth)[37] (Chambers and Mann 392). Data collected through such technologies of surveillance and control are shared among airline

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[36] Australia, Federal Parliament, House, Migration Act 1958 (Cth).

[37] Australia, Federal Parliament, House, Migration Legislation Amendment (Identification and Authentication) Act 2004 (Cth).

companies and governmental and private agencies involved in migration control in Australia, and also among the countries members to the Five Country Conference (FCC) (Australia, New Zealand, Canada, the United States of America and the United Kingdom) with the purported aim of facilitating asylum procedures (Hirsch 64). As a matter of fact, this system of data sharing has proven effective in denying access to potential asylum seekers, as a documented case reported by Asher Hirsch confirms (64). In 2015 an applicant for a visitor visa to Australia had his visa denied by the Australian authorities (with no rights to appeal) due to the fact that the shared database system had signalled his previous attempts at seeking asylum in another FCC country, on top of his conviction for a minor offence dating back to ten years earlier (Hirsch 64).

The imposition of universal visa requirements, the impossibility to apply for a protection visa from outside Australia, and the mechanisms of identity checks and border crossers' filtering, all combine to form the prime layer of externalised border enforcement. The implementation of these measures contributed to the development of irregular migration routes to Australia, which consecutive Australian governments have tackled by devising a complex set of harsh border externalisation policies, the development of which is the object of the next section.

2.1.3 Immigration detention and the militarisation of maritime boundaries

2.1.3.1 The path to the Pacific Solution

The first 'waves' of unauthorised boat arrivals in Australia were constituted of Indochinese asylum seekers fleeing Southeast Asia, in the aftermath of the Vietnam War (Phillips and Spinks 2). Between 1976 and 1981, the first notable episodes regarding unauthorised maritime arrivals (UMAs) concerned the arrival of approximately 2100 asylum seekers especially from Vietnam, which were recognised as refugees and quickly obtained permanent protection amidst a general climate of support deriving from the involvement of Australia in the Vietnam War and the perception that those were 'genuine' refugees (Phillips

and Spinks 2; Crock 242). Subsequently, the 735, mostly Cambodian nationals[38], reaching Australia between 1989 and 1994, raised a different political response, prompting concerns in public discourse over underemployment and “people jumping the immigration queue” (Phillips and Spinks 3).

It is especially in this period that the policies of detention and deterrence of unauthorised migrants spurred, although the Migration Act 1958 (Cth)[39] had always allowed for the detention of those non-citizens which had entered country irregularly or had breached Australian law becoming liable for deportation (Crock 244). Nevertheless, such laws had been only rarely used and even in those cases, non-citizens had been granted access to legal advice and the judiciary had always supervised the detention process (Crock 244). Since late 1966, when the first immigration detention facility was opened in Melbourne, two more facilities in Australia had been used as immigration detention centres (in Sydney and Perth), all of which had been intended for short-term detention periods (Phillips and Spinks 3). The (mostly) Cambodian asylum seekers were instead detained for prolonged periods (some of them even four years) while their migration status was assessed, without judicial review or access to legal advice (Crock 244). In 1991 the then Hawke government (Labor) instituted the first remote detention facility[40] at Port Hedland (the Port Hedland Immigration Reception and Processing Centre) where asylum seekers would be detained while awaiting for their asylum cases assessment (Phillips and Spinks 4). Subsequently, the Migration Reform Act 1992 (Cth)[41] (which came into effect in 1994), enacted by the Labor government but enjoying bipartisan support, introduced mandatory and universal detention for all non-citizens in Australia with irregular migration status (Phillips and Spinks 4; Crock 245).

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[38] The situation in Cambodia was complex and arrivals of Cambodian refugees in Australia especially coincided with Vietnamese troops leaving the country, the organisation of new elections and the repatriation of refugees from neighbouring countries (Crock 242). Although this second wave was mostly constituted by Cambodians, it comprised also Chinese and Vietnamese nationals (Phillips and Spinks 4).

[39] Australia, Federal Parliament, House, Migration Act 1958 (Cth).

[40] Although formally, at this stage, immigration detention was enacted onshore, it can still be considered as part of border externalisation policies as through detention facilities situated in remote areas or on islands at the edge of a national territory, spaces where the protection of migrants’ rights is reduced are created (either through legal fictions such as territorial excision, or through the distancing of detainees from public scrutiny, or both) (Fitzgerald 14).

[41] Australia, Federal Parliament, House, Migration Reform Act 1992 (Cth).

Since its inception, mandatory indefinite detention of all unlawful non-citizens has attracted criticism especially for discriminating against boat arrivals, and being “unnecessary, costly, harmful and counter productive” (Phillips and Spinks 33). Regardless, the policy has continued to be upheld by consecutive Australian governments, at least on paper[42] (currently there are several operational immigration detention facilities in Australia[43], the running of which has been entirely privatised[44] since 1997) (Welch 333).

Despite the fact that irregular maritime migration in the 1990s had already become a relevant topic in Australian politics, between 1976 and 1994 the number of boat arrivals in Australia had been relatively small (a total of approximately 2760 people), while between 1999 and 2001 this number had rapidly spiked to 9500 (predominantly constituted by asylum seekers from the Middle East) putting pressure on detention facilities (Phillips and Spinks 9). Whilst previous arrivals were mainly constituted by UMAs originating from the Asia Pacific region, by the end of 1990s most of the UMAs reaching Australia were travelling from Afghanistan and Iraq, transiting especially through Indonesia and Malaysia and being assisted by a growing smuggling network (Crock 242). Most of those coming from Iraq belonged to Kurdish or Shia minorities and flew persecution from the Saddam Hussein regime, apart from overall material deprivation also due to the imposition of economic sanctions by the United Nations (Crock 242). Those fleeing Afghanistan mostly belonged to the Hazara ethnic minority, escaping persecution by the Taliban (Crock 242).

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[42] Section 2.2 (Temporary visa regime and the immanent threat of deportation) illustrates how in Australia, the practice of mandatory detention of unlawful non-citizens (and unauthorised maritime arrivals in particular) has been declining in favour of a policy of short-term bridging visas which allows for release from prison, but nevertheless implies a series of limitations aimed at punishing irregular asylum seekers and deterring future arrivals (Vogl 150).

[43] Of these, there are four Immigration Detention Centres (IDC), mostly in the state of Western Australia (on Christmas Island, in Perth and Yongah Hill) and one in New South Wales (Villawood); three Immigration Transit Accommodation (ITA) centres across the country (in Adelaide, Brisbane and Melbourne); and several Alternative Places of Detention (APODs) (which include hospitals and other healthcare facilities, as well as hotel and apartment style accommodation) and Immigration Residential Housing (IRH) in each state (Australia, Dept. of Home Affairs, Border Force, “Detention Facilities”).

[44] Until 2003, immigration detention facilities in Australia have been run by the multinational Australasian Correctional Management (ACM) (Welch 333). In 2004, when allegations of abuses on detainees were denounced by the Australian Human Rights and Equal Opportunity Commission (HREOC), Global Solutions Limited (GLS, currently Group 4 Securicor - G4S) was contracted by the Australian Government to run its onshore facilities, until 2009, when Serco Australia became the national onshore immigration detention service provider (Welch 333). Although GLS had lost its monopoly due to more allegations of detainees mistreatments, the company would still be contracted for the management of immigration residential houses and transit services (Welch 334).

In 1999 Prime Minister Howard (Liberal-National Coalition) introduced a system of Temporary Protection Visas (TPVs) for UMAs recognised as refugees in Australia, intended to deter future arrivals[45] (Phillips and Spinks 9). Within such scheme, access to protection was limited to a three-year period before refugees' status would be reviewed and reassessed, and importantly, it did not allow for family reunification[46] (Phillips and Spinks 9).

2.1.3.2 The Pacific Solution

The so-called "Tampa incident" of 2001 is regarded as the triggering event leading to Australian increasingly harsh measures of externalisation and securitisation of border control (Hatton and Lim 115; Crock 243) On 26 August 2001, a search and rescue operation coordinated by Australia resulted in the Norwegian ship MV Tampa to rescue 433 Afghan and Iraqi asylum seekers whom had been attempting to reach Australia on an Indonesian vessel. The ferry had been rescued because found in distress, while located in international waters, between the Australian Christmas Island and Indonesian coasts (Hatton and Lim 115). Although Australian officials urged that the rescued asylum seekers be directly transferred to Merak in Indonesia, the Norwegian Captain instead headed for Christmas Island, on request of the survivors whom threatened to take their own lives if brought back to Indonesia (McAdam and Purcell 93). During an eight-day standoff, Australian authorities denied access to territorial waters to the Norwegian ship, despite the presence onboard of passengers in critical health conditions and the pressures deriving also from an extensive media coverage of the events (Hatton and Lim 115; McAdam and Purcell 93). The Tampa affair was eventually resolved through the intervention of UNHCR and the IOM and the involvement of New Zealand, Norway, and especially the Pacific Island of Nauru and Manus in Papa New Guinea, where most rescuers were transferred for asylum status determination (Hatton and Lim 115; Crock 246). As Jane McAdam and Kate Purcell explain, Australia's handling of the Tampa

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[45] TPVs were subsequently suspended between 2008 and 2014, when they were reintroduced for both unauthorised refugees arriving by sea and air (Hafeez-Baig 120). See section 2.2 (Temporary visa regime and the immanent threat of deportation).

[46] This measure served the declared purpose of deterring future unauthorised asylum seekers from looking for protection in Australia, although the limit to family reunification was found as the main cause for a subsequent increase in boat arrivals of family groups (Phillips and Spinks 9).

affair contravene the tenets of the international protection regime, both in practice and in spirit, because according to the 1951 Refugee Convention[47], asylum seekers ought not to be discriminated according to their irregular way of travelling to a given country, and Australia's determination to punish UMAs stands in stark contrast with the good faith principle underpinning the asylum system (95).

The "Pacific Solution" was then instituted by the Liberal-National Coalition ("the Coalition") Howard government (albeit with the approval of the Labor opposition) especially to retrospectively legitimise the recent Australian conduct relating to the Tampa affair, a conduct which was in turn consistent with the preceding general harshening of migration control measures (the imposition of mandatory immigration detention and the implementation of Temporary Protection Visas) (McAdam and Purcell 92; Crock 246; Afeef 12).

The Operation Relex, part of the Pacific Solution, was instituted in September 2001, and it charged the Australian Defence Force with the task of patrolling the sea, intercepting, and if feasible, pushing-back vessels to Indonesia (Nethery and Holman 1020). Operation Relex represented a departure from the previous Australian practice relative to control of migration at sea, which had hitherto mainly been based on the "reactive detection, interception, and escort of unauthorised boats in Australian waters to Australian ports" (McAdam and Purcell 97). Since the operation entered into force, Australian officials were authorised to detain and remove unauthorised maritime arrivals (those travelling without a valid visa or necessary documentation) apprehended while on the high seas, with the purpose of preventing possible asylum seekers from reaching the Australian migration zone (McAdam and Purcell 96).

The Pacific Solution also envisaged the excision[48] of Australian external territories (such as Ashmore, Cartier, Cocos and Christmas Islands, among others) from its migration zone so that those unauthorised maritime arrivals which managed to reach Australian

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[47] Australia is party to most key international human rights instruments (such as the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, and the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) and importantly, it is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol but has progressively distanced its policies and practices from its international obligations and the protection of human rights, following a general trend in Western countries (Crock 244).

[48] Australia, Federal Parliament, House, Migration Amendment (Excision from Migration Zone) Act 2001 (Cth); Migration Amendment (Excision from Migration Zone (Consequential Provisions)) Act 2001 (Cth).

territorial waters and shores (undetected by the Operation Relex control system) would be denied the possibility to access the country's onshore asylum system and would instead be detained and deported to Manus or Nauru for refugee status determination (McAdam and Purcell 100). Despite the fact that Australian authorities would still be in charge of the asylum applications processing, legal assistance or judicial review of negative assessments were not granted to asylum seekers processed offshore (McAdam and Purcell 100; Phillips and Spinks 8).

Thus, since 2001 Australia made specific arrangements with the Pacific Island of Nauru and with Papa New Guinea which were to provide for the offshore processing of asylum seekers who attempted to reach Australia via boat (Nauru and Papa New Guinea were declared "safe third countries[49]" for asylum claims processing) (Moreno-Lax 685). In exchange for aid (Nauru received an A$20 million aid package) the Pacific Islands allowed unauthorised maritime arrivals to be detained in camps funded by Australia, the so-called "Regional Processing Centres" (RPC) administered by the IOM for a total cost of $289 million between 2001 and 2007 (Dehm 4, Afeef 5). Recognised refugees were to be resettled either in Australia, or, as a preferred option, in a third country (Phillips and Spinks 8).

In 2007, as a part of the Australian electorate expressed concerns with the conditions of detainees in offshore detention and in the face of mounting international criticism, the Pacific Solution was symbolically interrupted by the newly elected Rudd Government (Labor), leading to a short-lived suspension of offshore processing and the shutting down of both RPCs (Dehm 4). In the meantime, the Immigration Detention and Reception Facility on Christmas Island was inaugurated, and the policy of mandatory detention continued (Nethery and Holman 1020).

2.1.3.3 Operation Sovereign Borders

Between 2007 and 2013 unauthorised maritime arrivals mainly originated from Iraq and Afghanistan, but also from Sri Lanka, Myanmar, Sudan, Somalia, and Syria (Crock 243).

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[49] In addition, according to Australian "safe third country" provisions, Australia is absolved from processing asylum applications of individuals who had, or could have had, received protection from another country (potentially, one in which they did not even travel through) (Moreno-Lax 686).

Following a rise in unauthorised maritime arrivals[50] in 2012 and a loss of popular consent for not being able to 'protect' Australian borders, the Gillard Government (Labor) reintroduced the Pacific Solution (Grewcock, "Back" 102). In 2013, in the context of an escalating battle for votes and popularity amongst Australian politician, Prime Minister Rudd (Labor), during his brief second-term office, announced that under the 'Regional Resettlement Arrangement', no unauthorised maritime arrival would ever be allowed to permanently resettle in Australia, a position which was maintained by his successors (Grewcock, "Back" 102). Under the 'Regional Resettlement Arrangement', which came into effect on 19 July 2013, unauthorised maritime arrivals would be taken to the Christmas Island detention centre before being deported to Manus or Nauru for the processing of their protection claims[51] (Grewcock, "Back" 102).

Once Conservatives won the elections in 2013, the Pacific Solution was substituted by the (currently ongoing) Operation Sovereign Borders (OSB), characterised by an increased harshening of Australia's stance towards unauthorised maritime arrivals (Grewcock, "Back" 104). In fact, Prime Minister Tony Abbott (Coalition) had won the 2013 elections precisely thanks to his pledge to "Stop the Boats" (Grewcock, "Back" 102). After OSB's inception in 2013, boats arrivals have been drastically reduced until they were completely stopped (the last boat arrival dates back to July 2014 according to official sources), while between 2013 until January 2020 (when the last boat has been redirected), 38 vessels have been intercepted and pushed-back under OSB, for a total of 873 people on board (including 57 crew members and 124 children) ("Submission" 11).

The official description of the ongoing OSB describes it as "a military-led border security operation", part of "Australia's tough border protection policies … designed to protect Australia's borders" (Australia, Dept. of Home Affairs, "Operation"). The Deputy Chief of Army Angus Campbell was appointed for the coordination of OSB, after having

[50] 25 boats had arrived in Australia between 2002 and 2008, for a total of 449 passengers, while between 2009 and 2012 the number of boats had risen to 541, for a total of 31 048 passengers (excluding crew members) of which 17 202 passengers were accounted for in 2012 alone (Phillips and Spinks 23). Deaths at sea had risen as well, from 109 in 2009 and 231 in 2011, reaching the number of 417 in 2012 ("Annual Report" 1).

[51] This was subsequently subjected to a caveat: in 2014 the Government enacted the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014, according to which the Minister for Immigration could allow some unauthorised maritime arrivals to apply for (temporary) protection in Australia, by lifting the legislative bar on making a visa application in Australia (Hafeez-Baig 122).

been promoted to a higher degree (three-star general), which conferred him a certain decisional autonomy (Nethery and Holman 1023). This blending of military command and civil control was at the time emphasised by the Australian Defence Association, which expressed its concerns that a military officer answering directly to the Minister for Immigration could breach the Defence Act (Nethery and Holman 1023).

The deployment of OSB was also accompanied by an internal reorganisation: in 2013 the Australian Department of Immigration and Citizenship was renamed the Department of Immigration and Border Protection (DIBP), "to reflect the change in government policy" (Nethery and Holman 1023). The management of the DIBP budget was subsequently merged, in 2015, with the one of the Australian Customs Agency, in the creation of the Australian Border Force (ABF) and the relative management of a single portfolio (Nethery and Holman 1024). Since 2017, immigration, border control and national security functions have been incorporated into the newly-created Department of Home Affairs (which has subsumed the Department of Immigration and Border Protection) in what Crock defines a "major restructuring of government functions[52]" (248).

The increased militarisation of border enforcement was and still is directed especially at towing vessels back to their original country of departure (mainly Indonesia, but also Sri Lanka and Vietnam) and, since 2014, it includes special provisions for people coming from Sri-Lanka and Vietnam: for them, a policy of "enhanced screening"[53] of asylum claims is enacted while migrants are detained on Australian Navy and Custom vessels, a policy which denies them the right to appeal negative decisions (Hirsch 67).

Additionally, as part of the OSB, Australian borders' externalisation process culminated with the total excision of the country's mainland from its migration zone[54] in 2013 (whereas it had previously applied only to Australia's northern Islands) (Hirsch 68).

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[52] The Home Affair brings together "immigration, border protection, law enforcement and domestic security agencies in a single portfolio" (Barker and Fallon 1).

[53] The Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014 "amended the Maritime Powers Act 2013 (Cth) to effectively provide that nothing the Government does under the Act is invalid simply because it violates international law or is in breach of natural justice principles" (Hirsch 67; Australia, Federal Parliament, House, Migration and Maritime).

[54] The Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Act 2013 (Cth) (applied to migrants who arrive via sea without authorisation) excised the entire Australian mainland from the migration zone (Hirsch 68; Australia, Federal Parliament, House, Migration Amendment (Unauthorised Maritime)).

According to Sebastian Cobarrubias et al., “[w]ith this act, which externalizes the entire national territory from itself, the logic of externalization reaches a limit where the distinction inside/outside is not only blurred but exploded” (76). In practical terms, this amendment together with the ‘Regional Resettlement Arrangement’ and the legislation[55] adopted shortly after, implied that UMAs (those which were not intercepted at sea and returned to the country they departed from) would not be allowed to apply for asylum from anywhere in Australia, unless the Minister for Immigration granted them permission to do so, in which case they would be detained onshore until their request was processed (Hafeez-Baig 122). Those allowed to apply from Australia would only be able to apply for a temporary protection visa in the country (which, if not granted, meant that they would need to be returned to their country of origin) (Hafeez-Baig 122). Those not granted permission to apply onshore could choose to be either returned to their country of origin, or be deported to Manus or Nauru in case they still wished to claim protection (Hirsch 68). There, their “mandatory, indefinite and unreviewable detention” (Nethery and Holman 1020) would last for the duration of their Refugee Status Determination process which, if positively assessed, could only result in their resettlement to a third country other than Australia, or, if their protection application was rejected, they would be returned to their country of origin. These are currently the dispositions still in force, albeit no new unauthorised maritime arrivals have reached Australia since July 2014 (Australia, Dept. of Home Affairs, Border Force, “Monthly Operational Update: July 2014”).

Thus, when the Pacific Solution was resumed in 2012, also the original role of the RPCs was reaffirmed through the signing of two new Memoranda of Understanding between Australia and the two Pacific Islands (Dehm 4). Since 2012, Australia’s fundings to Nauru and Manus increased substantially in order to cover all the associated expenses for detention and processing of asylum claims, which would also be offshored and thus performed by officials in the two Islands, according to their national laws (Dehm 4). Between 2012 and 2019, 4183 people identified by the government language as “Illegal Maritime Arrivals” (IMAs) were transferred to the RPCs, of which the great majority (3127 people) was transferred in 2013, thus after the change in policy which would not allow them to ever

[55] The Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014, discussed in section 2.2 (Temporary visa regime and the immanent threat of deportation).

permanently resettle in Australia (Australia, Dept. of Home Affairs, Border Force, "Operational"). Establishing the centre in Manus costed Australia $1.1 billion over four years, with an additional $420 million in foreign aid; while Nauru received $29.9 million in aid and $17 million to renovate the detention buildings (Hirsch 77).

On top of this, the Australian government has been funding transnational private companies which run the centres on its behalf (G4S, IHMS, Transfield - which became known as Broadspectrum from November 2015, and Wilson Security) and non-governmental organisations[56] (Salvation Army and Save the Children) (Dehm 2). Fiona Adamson and Gerasimos Tsourapas refer to Nauru and Manus as the exemplification of the "neoliberal migration state" (869) in the Global South, where corrupted ruling class manage to capitalise on the externalisation of migration control from countries in the Global North[57]. As a matter of fact, two-thirds of Nauru's yearly total revenue in 2017-18 derived from its arrangements with Australia regarding asylum seekers (Adamson and Tsourapas 869).

Conditions of detention in Nauru and Manus[58] have been reported as characterised by "overcrowding, inadequate health care and ill-treatment … [causing] … serious physical and mental pain and suffering" (Gammeltoft-Hansen, Tan 36). Through the creation of a system of detention lacking external oversight and transparency, the Australian governments has attempted to hide from the public eye the abuses inflicted on detainees, and furthermore, it has created an environment which has rendered such abuses "inevitable" (Nethery and Holman 1022). Since the opening of offshore centres, twelve detainees have died, mainly due to inadequate healthcare, or by committing suicide (Crock 249). As an example, in April 2016, Omid Masoumali, a 23-year-old Iranian refugee set himself on fire in Nauru RPC, in front of three visiting officials from the UNHCR, after being told that his permanence in the

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[56] As Sara Dehm reports, NGOs initially provided for welfare services in the Nauru RPC, while from 2014 until 2017 this role was taken by the Australian-based company Transfield which, on behalf of the Australian government, "exercised practical and quasi-sovereign authority over the lives of the people living in RPCs" (6). In 2017, Canstruct, another Australian company, took over from Transfield (Broadspectrum) in Nauru (Dehm 3). In Manus RPC, three different companies offered their services: Group 4 Securicor (G4S) until 2014, subsequently Transfield and Wilson Security (Dehm 3).

[57] See also Julia Morris "Making a Refugee Market in the Republic of Nauru" on the effects of privatisation and outsourcing in the Australian-led offshore asylum system.

[58] In 2017 the Global Legal Action Network (GLAN) and the Stanford Law School Human Rights Clinic submitted a detailed report to the Office of the Prosecutor of the International Criminal Court, titled "The Situation in Nauru and Manus Island: Liability for Crimes against Humanity in the Detention of Refugees and Asylum Seekers" ("Situation").

facility (which had already lasted three years) would not come to an end soon (Australian Associated Press).

In 2017 the centre in Manus was closed, due to a ruling of the Supreme Court of Papa New Guinea which declared the Manus Island RPC to be unconstitutional (Dehm 9). Nevertheless, the conditions of those migrants who were still on the Island at the time of closing and who have been encouraged to 'integrate' there, did not ameliorate[59] (Grewcock, "Our Lives" 78, 84). Since 2019 the RPC in Nauru, although not yet formally closed, has fallen into disuse, and currently, according to official sources all asylum seekers both in Nauru and Manus "are not in detention; all persons reside in community accommodation, with no restrictions on their movement in the community" (Australia, Dept. of Home Affairs, Border Force, "Operation Sovereign Borders monthly update: June 2021"). Of the 3,127 people which have been sent to Nauru and Manus RPCs since 2013, only about 900 have been resettled in a third country, while the great majority is still waiting for a permanent solution, either on the Pacific Islands or in Australia, where they have been transferred mainly for medical treatments[60] ("Offshore"). Because the 2021-2022 federal budget allocates A$ 12 million for offshore processing in Nauru and Manus, while at the time of writing there are relatively few people on the Islands (109 on Nauru and 130 on Manus), commentators assume that the Australian government has not yet predisposed an alternative solution for the people stranded there (Higgins; Dehm 12).

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[59] In 2017 Behrouz Boochani, a Kurdish asylum seeker detained in Manus, wrote an article for The Guardian, explaining the difficult relationship between detainees and locals in Manus at the time of the RPC dismantling. In this Island, which economy was already struggling to deliver basic living conditions to its inhabitants, prospects for the integration of 800 foreign people amidst general discontent towards asylum seekers are scarce (Boochani, "Days").

[60] Australia has entered into agreements with third countries in order to provide for the resettlement of refugees: in 2014 Australia signed a responsibility sharing agreement for the relocation to Cambodia of recognised refugees detained in Nauru (Failla 638). Nevertheless, the plan was a failure as only few accepted to be resettled in Cambodia, where "transferees are at serious risk of isolation, destitution, discrimination, and expulsion" (Failla 682). In addition, in 2016 a refugee swap deal was signed between Australia and the United States, although to date it only provided a solution for a small minority of the migrants involved (Crock 249). Due to weak domestic economies, the option of integrating migrants in Nauru and Manus seems only available on paper, as the UNHCR itself has deemed this solution as "unsuitable" (Grewcock, "Our Lives" 75).

2.2 Temporary visa regime and the immanent threat of deportation

Most of the humanitarian visas which grant a permanent stay in Australia are the ones obtained while applicants are outside Australia and are usually referred by UNHCR[61] (Hirsch 57). These visas differ according to the applicants' conditions at the time of their visa request: wether they are still in their origin country, wether they are proposed by someone who is already in Australia (an Australian citizen, an Australian permanent resident, or an organisation in Australia) or by the UNHCR based on the immediacy of the danger they face (Australia, Dept. of Home Affairs, Immigration and Citizenship, "Refugee"). Those who are already in Australia on a valid visa and only subsequently decide to seek protection, can apply for the Onshore Protection Class XA (subclass 866) visa, which, if granted, leads to permanent residency (Australia, Dept. of Home Affairs, Immigration and Citizenship, "Seek ").

Instead, unauthorised maritime arrivals (those which were not deported to Manus or Nauru for asylum-claims processing) can apply for protection in Australia only "if the Minister has made a decision that it is in the public interest to lift a legislative bar on making a valid visa application[62]" (Australia, Dept. of Home Affairs, Immigration and Citizenship, "Seek"). In case they are granted the possibility to apply for a visa through the Minister's non-reviewable and non-compellable discretion, they are only allowed to apply for a temporary stay in the country: the Temporary Protection (subclass 785) visa (TPV) and the Safe Haven Enterprise (subclass 790) visa (SHEV), which, if granted, last respectively three and five years before expiring (Australia, Dept. of Home Affairs, Immigration and Citizenship, "Seek"). Subsequently, in order to protract their stay in Australia, TPV or SHEV holders can only apply for another temporary visa (Hafeez-Baig 122).

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[61] These are: Offshore refugee (subclass 200) visa; In-country Special Humanitarian (subclass 201) visa; Global Special Humanitarian (subclass 202) visa; Emergency Rescue Subclass 203; and Woman at Risk (subclass 204) visa (Australia, Dept. of Home Affairs, Immigration and Citizenship, "Refugee").

[62] All unauthorised maritime arrivals are subject to a permanent bar which denies them the possibility to apply for any kind of visa in Australia, unless the Minister exercises its discretion and grants them permission to apply (Vogl and Methven 64).

These visas do not lead to permanent residency in the country (apart from limited exceptions in the case of SHEV holders, although requirements are so stringent to make this a very farfetched possibility) (Hafeez-Baig 122). While TPVs and SHEVs do provide access to social welfare, work rights, healthcare, and education (albeit these rights are subjected to some restrictions), the periodic review of temporary visas implies that refugees live in the "permanent threat of possible repatriation" (Hafeez-Baig 123). Moreover, TPV and SHEV holders require the Minister of Immigration's permission to travel outside Australia, they must notify the Department of Immigration within 28 days in case they change address, and they are not entitled to family reunification (Hafeez-Baig 125). In particular, denial of family reunification and the limited time-span that TPVs and SHEVs holders are allowed to spend in the country before they need to undergo the visa assessment process over again, are the aspects which have the most dire effects on mental health (Hafeez-Baig 125).

TPVs and SHEVs were introduced in 2014 through the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014 (Cth), although temporary visas for irregular maritime arrivals had already been employed during the Howard years between 1999 and 2008 (Hafeez-Baig 120). Recipients of TPVs and SHEVs are: firstly, those unauthorised maritime arrivals in Australia which had not yet cleared their immigration status by the time the amendment on temporary protection came into effect; secondly, approximately 30,000 unauthorised maritime arrivals which are referred to as the 'Legacy Caseload'[63]; and lastly, unauthorised asylum seekers who have reached Australia without a valid visa, travelling by plane (Hafeez-Baig 122). Despite the fact that consecutive Australian governments have defended temporary protection visas as a means of deterrence, such measures are arguably more punitive in nature: they apply mainly to a group of unauthorised maritime arrivals who are already in the country[64] and while they do certainly

[63] The 'Legacy Caseload' refers to those asylum seekers (mainly originating from Afghanistan, Bangladesh, Burma (Myanmar), Iran, Iraq, Lebanon, Pakistan, Somalia, Sri Lanka, Sudan and Vietnam) who arrived between 13 August 2012 and 1 January 2014 and were not deported to Manus and Nauru RPCs, generally due to the numerical limits imposed by the capacity of offshore facilities ("Fact Sheet" 1). Their asylum claims are assessed in Australia, once the Minister for Immigration gives them permission to apply for protection, which in some cases has taken up to four years following their arrival ("Fact Sheet" 1).

[64] In fact, the category of unauthorised air arrival is a minor one due to the strict imposition of carrier sanctions, and, according to official sources, since July 2014 no other unauthorised maritime arrivals have reached Australia as a result of the Operation Sovereign Borders' maritime control.

constitute a deterrent, they especially represent a “punishment for punishment’s sake” (Hafeez-Baig 146).

Most of the applications for TPVs and SHEVs (the ones presented by the ‘legacy caseload’ asylum seekers) are assessed through the ‘fast tracking’ procedure for refugee status determination, introduced through the same Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014 (Cth) (Hafeez-Baig 146) As its name suggests, the new procedure was supposed to shorten processing time for these temporary visas, but recent data show that decisions on TPVs and SHEVs applications take longer than applications for permanent protection visas which are assessed through the standard procedure (“Fast Tracking”). In addition to criticism against the limits that ‘fast tracking’ imposes on review process and procedural fairness safeguards, scholars find that the inexplicable lengthening of visa assessment constitutes one more punitive expedient employed by the Australian government (“Fact Sheet” 1-2; Hafeez-Baig 146).
As of May 2021, almost 7 years after the amendment came into effect, 4,120 people out of the 31,142 of the ‘Legacy Caseload’, are currently still awaiting a final decision, while 18,318 have been granted a temporary protection visa (either TPV or SHEV) and 8704 have been denied protection in Australia (Australia, Dept. of Home Affairs, “IMA” 2).

Thus, as mentioned above, despite the re-opening of offshore detention centres in 2012, only a part of unauthorised maritime arrivals has since then been transferred to the RPCs, mainly due to the limited number of people that the facilities in Nauru and Manus could manage (Vogl 156). Pressures on the immigration detention system especially between mid-2012 and mid-2013 (in this period, 19,048 people arrived by boat) constitute the main reason why asylum seekers have increasingly been released in the community after having been shortly detained for health and security checks[65] (Vogl 156). Because this practice has “mainly been achieved through policy change or the expanded exercise of existing discretions, rather than legislative reform” (Vogl 153) its results can be inconsistent with Australian law. Although since its enactment in 1994, mandatory indefinite detention of all

[65] Since November 2011 the then Labor government had announced that irregular maritime arrivals would be released in the community on a bridging visa after being detained for health, identity and security checks, a practice which had already been set out in the Department’s policy guideline in 2008, although it had not been fully implemented (Vogl 155). The shift in onshore detention policy is concomitant with the suspension of the Pacific Solution by the Rudd government and the promises that Labors had delivered to the part of their electorate which was critical of Howard’s refugee policy (Vogl 155).

‘unlawful non-citizens’ under the Migration Act has never been repelled, and despite the fact that offshore detention has been presented as one of the pillars of Operation Sovereign Borders, in practice most unauthorised maritime arrivals, especially since 2012-2013, have been initially detained onshore to be subsequently released in the community, or in community detention, while awaiting for their migration status to be resolved (Vogl 156). As Anthea Vogl emphasises, those who have been sent offshore were selected arbitrarily on discretion of the Minister for Immigration, which makes this practice even more absurd and punitive: during the peak in mid-2014, when the offshore RPCs housed some 2450 asylum seekers, some other 30,500 were detained onshore in Australia, eligible for either being transferred offshore, or for being assessed in Australia, always on ministerial discretion (156). Recently, in response to two Senate Questions on Notice, the Department of Home Affairs revealed that out of the 4,183 people who have been sent to Nauru and PNG since 2012, a significant part has been transferred to Australia for medical treatment[66] (1,446 people) and that, as of March 2021, more than one third of these people have been released in the community on ministerial discretion (Australia, Dept. of Home Affairs, Home Affairs Portfolio, Legal and Constitutional Affairs Committee, “Question on notice no. 292” and “Question on notice no. 286”).

While immigration detention and especially offshore detention have been the most discussed and criticised Australian deterrent policies, the details of the mechanism of release from detention into the community have attracted less public attention, and, being completely dependent on ministerial discretion, the functioning of release can arguably be defined as “opaque”(Vogl 158). Recently, release from community has been observed as one more punitive and deterrent technique, defined by those who experienced it as a “a move from ‘a small detention to big detention’” (Boon-Kuo113). Asylum seekers released in the community while they wait for their migration status to be assessed, are granted a Bridging visa E (general subclass 050 and protection visa subclass 051) (BVE): according to official sources, as of March 2021, 12,194 unauthorised maritime arrivals were living in the Australian community on a Bridging E Visa although in the recent past (as at June 2016)

[66] The number includes also those who have been transferred to Australia from the RPCs through the now repealed ‘Medevac Legislation’ (Migration Amendment (Repairing Medical Transfers) Act 2019), 169 of which were still in Australia as of March 2021: 144 were held in detention and 55 had been released in the community on a bridging visa (Australia, Dept. of Home Affairs, Home Affairs Portfolio, Legal and Constitutional Affairs Committee, “Question on notice no. 286).

there were 28,163 of them[67]. (Australia, Department of Home Affairs, Border Force "Illegal" 4).

Formally, bridging visa holders are allowed to work in the community, but in practice most of them will struggle with accessing employment, due to language barriers, lack of Australian experience or training support, and the fact that employers are less likely to train and hire someone who will only be temporarily available ("Lives" 58). Another important factor undermining their chances of employment is the persistence of mental health issues among asylum seekers who are likely to have undergone traumatic experiences before their arrival in Australia, on top of damages resulting from the conditions of detention and the precariousness of temporary visas ("Lives" 58). For these reasons, and the fact that unemployment assistance is very limited, many bridging visa holders have resorted to precarious and unsafe working conditions ("Lives" 59).

In very limited instances, they may be eligible to receive assistance under the Status Resolution Support Services[68] (SRSS) program, in which case they would receive the equivalent of 89% of the equivalent basic national unemployment benefit allowance, which has been deemed as insufficient from the Australian Human Rights Commission ("Lives" 50). Moreover, those who wish to appeal an asylum decision are generally denied both SRSS support and work rights, a practice which deters many from seeking judicial review ("Lives" 54). Access to primary and secondary schooling is granted only until the age of 18, which makes further education practically unattainable due to the low income of most BVE holders (Weber, "State-Centric" 232). Although bridging visa holders are eligible for Medicare (Australia's universal health insurance scheme), due to low incomes, most of them will still face difficulties in accessing services not covered by Medicare such as dentistry, while those on an unemployment benefit are nevertheless denied access to cheaper prescriptions ("Lives" 60). Moreover, due to administrative delays in the process of BVEs renewals, some asylum seekers can be left without the necessary documentation for access to Medicare for protracted periods (Weber, "State-Centric" 233).

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[67] In total, between November 2011 and March 2021, 37,461 irregular maritime arrivals have been granted a BVE (Australia, Department of Home Affairs, Border Force "Illegal" 4).

[68] The SRSS was introduced in 2014 and includes three forms of assistance: case coordination; accommodation services; and financial assistance (Gerard and Weber 274).

The conditions attached to bridging visas, exacerbated by the prolonged periods of waiting due to delays in protection visa assessments, have been proven to cause irreparable mental harm, with high rates of depression, anxiety and suicide (Vogl and Methven 64). Those living in the community have described such deterrent Australian policies (including the overtly intentional delay in protection applications assessment) as "dehumanising" (Hartley and Fleay 5). Arguably, the "immense precarity and socio-economic vulnerability" (Vogl 158) attached to bridging visas serve the purpose of pressuring asylum seekers to leave 'voluntarily'. Nevertheless, asylum seekers on bridging visas keep engaging in copying strategies "to regain a sense of control and independence" (Hartley and Fleay 14) in a context where the mere act of engaging in physical activity to take care of one's own health can be an act of resistance.

2.2.1 Visa cancellation powers

Despite being allowed to temporarily reside in the community, unauthorised asylum seekers, and maritime arrivals in particular, are constantly reminded of their 'unbelonging' in the Australian community, especially through their immanent 're-detainability' and 'deportability' deriving from the broad visa cancellation[69] powers in the Migration Act 1958 (Cth)[70] (Vogl 160). Since June 2013, according to the Migration Amendment (Subclass 050 and Subclass 051 Visas) Regulation 2013, under section 116(g) (regulation 2.43 of the Act), ministerial powers to cancel bridging visas were expanded providing the Minister for Immigration with the authority to cancel a visa not only in the face of an attested criminal offence committed by the visa holder (who has thus been found guilty of a crime), but also in cases where the latter is still under investigation and thus has only been charged with an offence against the Australian law, or the law of another country (Vogl 160; Australia, Governor−General). Section 116 has since then become the main cause of bridging visas cancellations (Vogl 160).

[69] Although this section discusses visa cancellation, there is also the constant possibility of visa non-renewal in case the applicant is deemed not to be in need of protection any longer (Vogl and Methven65).

[70] Australia, Federal Parliament, House, Migration Act 1958 (Cth).

In December 2013, ministerial discretions relating to visa cancellation were further enlarged through the introduction of the Code of Behaviour for Public Interest Criterion, which specifically relates to unauthorised maritime arrivals (Vogl and Methven 62; Australia, Minister for Immigration). The Code, which asylum seekers have to sign in order to be released from detention on a bridging visa, at the Minister's discretion, expands state power to control asylum seekers and has a disciplining function as it requires " racialised 'others' to learn from and adopt the customs of the new host state over their own cultures" (Vogl and Methven 65). Indeed, commenting on the vague and paternalistic content of the Code, Anthea Vogl and Elyse Methven assert that the "perverse preoccupation with the subject of manners is consistent with colonial, civilising discourses" (179). The expectations (of how the bridging visa holder should behave in Australia) provided by the Code are not limited to obeying national laws: they include behavioural norms that do not correspond to existing criminal or civil laws and do not apply to the community at large (Vogl 164). The "antisocial" and "disruptive" activities listed in the Code include: "harassing" (as disturbing or irritating someone continuously); "intimidating"; "bullying" (including spreading rumours, or excluding someone from a group); "anti-social behavior" (including spitting or swearing in public, or other behaviours that might result as offensive to someone); and "disruptive behavior" (such as disturbing someone or causing disorder) (Australia, Dept. of Home Affairs, Dept. of Immigration 1). Failure to comply with the Code's provision might lead to visa cancellation and re-detention (onshore or offshore), or the reduction or termination of income support (Vogl, Methven 62).

A study discussed by Vogl and Methven and which was conducted on the records of allegations of breaches (possibly leading to visa cancellation under the Code or under non-Code cancellation powers, including section 116(g) of the Migration Act) between 2014 and 2016, showed that 35% of BVEs cancellations in that period depended on a criminal charge, and not on a conviction, and that cancellation powers were mostly exercised using section 116(g) (67). "Driving offences" accounted for 28% of alleged breaches (although the specific type of offence was not specified, therefore minor offences such as parking and traffic breaches might be included) and 20% of these allegations led to BVE cancellation (68). The next most common categories of alleged breaches were "assault" (14%),"domestic violence" (10%) and "dob-in allegation" (6%) (68). Alleged breaches of the Code which represented a

small percentage (4%) included: “anti-social/disruptive behaviour”, “public nuisance” and “disturbance” (68). “Self-harm” was also listed as an alleged breach of the Code, demonstrating that even mental illness, in the context of the criminalisation of “deviant” irregular migrants, is conceived as a threat to the community and could therefore constitute the basis for re-detention or visa cancellation (Vogl and Methven 68). Vogl and Methven legitimately observe that both the way in which behavioural breaches are defined by the Code and the way in which the Department for Immigration and Border Protection interprets and judges these breaches are extremely unclear (67). Despite the fact that according to the afore mentioned data the breaches of the Code counted as a minority and were only rarely used to cancel a visa, this opaque mechanism arguably bears intrinsic “disciplinary” consequences (Vogl and Methven 69). As a matter of fact the study revealed that in cases in which the BVE holder was found to have breached the code, this often resulted in a referral for counselling (Vogl and Methven 69). Such counselling sessions aim at reinforcing and facilitating surveillance and policing of BVEs holders by service providers, who are tasked with ensuring that the formers understand and comply with the Code’s behavioural norms (Vogl and Methven 69). Moreover, it should be noted that the same analysis also revealed that service providers were the main sources of allegations, which constitutes a troubling aspect of the mechanism of policing and surveillance of asylum seekers (and which is the topic of the next section) (Vogl and Methven 69).

In 2014 the widely criticised Migration Amendment (Character and General Visa Cancellation) Act 2014 (Cth)[71] strengthened the ‘character test[72]’ and added the provision of mandatory visa cancellation for certain non-citizens (Billings, “Characters” 121). While visa cancellation powers relative to section 116(g) of the Migration Act and the Code of Behaviour apply specifically to bridging visas and primarily affect unauthorised maritime arrivals, section 501 of the Migration Act applies to any non-citizen and has increasingly been used to revoke visas and detain and deport long-term non-citizens (Billings, “Characters” 121). Since the amendment came into effect, the number of visa cancellation on

[71] Australia, Federal Parliament, House, Migration Amendment (Character and General Visa Cancellation) Act 2014 (Cth).

[72] The test allows the government to refuse entry, or cancel the visa of a non-citizen, on the basis of their “past activities, reputation or known criminal record” (Billings,“Characters” 121). Typically, non-citizens are detained prior to removal (Billings,“Characters” 121).

character ground has increased dramatically precisely due to the mandatory visa cancellation provision, applied to non-citizens who have a criminal history (Billings, "Characters" 122). As of May 2021, this category of non-citizen accounted for more than 50% of onshore immigration detention population (Australia, Dept. of Home Affairs, Border Force, "Immigration Detention" 7). The low threshold for having a 'substantial criminal record' and the broad ministerial discretion exercise of these cancellation powers which hinders transparency in the process have deservedly been the subject of an extensive literature (Billings, "Characters"; Moore). Nevertheless, due to the fact that, rather than asylum seekers, visa cancellation on character ground have disproportionally concerned New Zealand and United Kingdom citizens, its functioning will be not be thoroughly addressed here (Billings, "Characters" 129).

However, it is relevant to notice that visa cancellation on character grounds and the relative re-detention and deportation of non-citizens create a de facto separated criminal system for non-citizens who are "subjected to differential types of sentencing, process, and punishment" (Moore 1307). Arguably, the same is true in the case of those asylum seekers on a bridging visa who have their visa cancelled under section 116(g) of the Migration Act, on the basis of a charge (often a minor one) of which they have not yet been convicted (Vogl and Methven 71). In these cases, the lack of proportionality and the disregard for the presumption of innocence lead to the preemptive re-detention of asylum seekers, which usually lasts months before their charges are heard by the courts (Vogl and Methven 71). In some cases, bridging visas are not re-issued even when the charges have been dropped, simply because the Minister, who holds a non-reviewable discretion on visa issuance, might retain that this is in the community's best interests (Vogl and Methven 71).

Indeed, non-citizens are expected "to be better than us" (Weber, *Policing* 184) that is, Australian citizens. Social cohesion in the Australian community is disrupted also through the normalisation of the expectation that non-citizens have to earn "citizenship rights and social inclusion" (Weber, *Policing* 183). Critically, as Anthea Vogl and Elyse Methven emphasise, whilst the behavioural standards listed in the Code are presented as consistent with the expectations of the Australian community, the Australian community itself is not subjected to the same norms, which exclusively apply to a specific category of asylum seekers (66).

2.3 Border internalisation policies

One of the fundamental implications stemming from the Code is that it expands State's power to surveil, control and punish a specific category of non-citizens to virtually everywhere in Australia because by signing it "asylum seekers become subject to the intrusive, omnipresent gaze of departmental officials, community organisations, law enforcement, their peers and the general Australian community" (Vogl and Methven 69). In fact, anyone in the community can report alleged breaches of the code. The majority of allegations (61%) in the study discussed above came from the organisations that provide assistance to BVEs holders: SRSS providers; the 'National Allegation Assessment Team Dob-in Line' was the next most common source of allegations (9%), while police accounted for 5% (Vogl and Methven 70).

Asylum seekers who sign the Code are primarily subject to monitoring and reporting by immigration service providers, whose contractual duties involve ensuring that asylum seekers understand and comply with the Code's provisions, on top of reporting to immigration authorities any breach of the Code by the asylum seekers whom they assist (Vogl and Methven 62). The Federal Government contracts social workers to provide resettlement, health and community services, even though the support they are supposed to deliver is limited, and migrants' advocates complain that it has been further diminished in recent years (Maylea and Hirsch 163). Other providers of essential services are also involved in the policing and surveillance of BVEs holders, albeit through different mechanisms, and contribute, together with the service providers employed by the government, to the enactment of the "structurally embedded border" (Weber, "State-Centric" 230). Weber explains that this mechanism arises from "the assembling of public and private agencies into 'migration policing networks' aimed at the identification of deportable non-citizens[73]; and the systematic withdrawal of services to various categories of non-citizens, aimed at conserving resources for citizens and generating 'voluntary' departures" ("State-Centric" 230). In fact, on the one hand, internal borders are policed by chains of public and private actors which cooperation, especially in information exchange, facilitates the expulsion of unlawful non-citizens; and on

[73] In this case the category of non-citizens that Weber refers to is the one of asylum seekers and in particular, unauthorised maritime arrivals in Australia (Weber, "State-Centric" 232).

the other hand, the latter's 'voluntary' departure is encouraged by barring them access to essential services (Weber, "State-Centric" 230). Based on their immigration status (the visa they are granted), individuals can face restrictions not only on their employment, but also on which health and education services they can access to, becoming subject to re-bordering practices which determine their "social, political and economic inclusion" (Weber, "State-Centric" 230).

Service providers (from health, education, welfare sectors) play a fundamental role both in gathering and exchanging information and in service supplying. The cooperation of service providers is not necessarily voluntary or conscious, on the contrary, technologies of control are so pervasive that potential breaches of the Code might be reported involuntarily, through inter-agency data exchange (Weber, "State-Centric" 237). For example, during an interview, one caseworker revealed of having accidentally submitted information (which could potentially lead to the deportation of the BVE holder he was assisting) to the Department of Immigration and Border Protection, while he was attempting to determine wether his assisted was allowed to access vocational study according to the (non-transparent) visa conditions (Weber, "State-Centric" 237). However, there are also examples of voluntary compliance with the system of policing and surveillance on the part of service providers: some schools have been reported as displaying a particularly punitive approach towards asylum seekers, especially if compared to the treatment reserved to other students (Weber, "State-Centric" 238). School principals are aware both of the fact that taking disciplinary actions towards asylum seekers students (such as suspending them) might lead to their re-detention, and of the fact that the SRSS caseworkers are required to report any incident to immigration authorities (included signalling in which days the asylum seeker did not go to school and why) (Weber, "State-Centric" 238). What is even more troublesome is that many doctors interviewed confessed on having witnessed their colleagues adhering to deportation practices by "certifying fitness to travel and supervising the use of sedatives to induce compliance" (Weber, "State-Centric" 239). Unsurprisingly then, asylum seekers living in the community can become suspicious of service providers and even avoid searching for mental health assistance, as they fear that it could constitute grounds for re-detention or deportation (Vogl and Methven 70).

Additionally, through what James Walsh defines as the exemplification of the "civilianisation of migration policing" ("Report" 276), since 2004 Australian citizens have been encouraged to anonymously report any individual suspected of being an irregular migrant, or any illicit behaviour by a suspected non-citizen ("Report" 280). Through two telephone lines and their corresponding online report submission forms (the Border Watch and the Immigration and Citizenship Fraud Reporting Service), citizens can communicate to authorities the presence of suspicious vessels on the coastal areas, any kind of unusual activity in their neighbourhood, and the presence of suspected unlawful individuals (especially visa overstayers, non-citizens involved in sham marriages, irregular workers and their employers) (Walsh, "Report" 281). Under the slogan of "If it doesn't feel right, flag it" (Australia, Dept. of Home Affairs, "Examples") an explanatory governmental webpage reminds reporting volunteers that any information they provide might be helpful and instructs them on how to make the most out of their surveillance task: what kind of intelligence information is more useful, how to collect it and which behaviours or situations should raise suspicion.

According to Walsh, this mode of civilian participation has a divisive effect on society as a whole due to the creation of "atomized denunciators" who perform dangerous and "racialized patterns of surveillance" ("Report" 287). In fact, non-citizens' marginality is exacerbated through these inevitably racialised, every-day bordering processes which target those perceived as 'other', mainly on the basis of their ethnoracial characteristics triggering suspicion (Walsh, "Report" 287). This, especially coupled with the fact that state and local police in Australia are allowed to perform stop and search operations to conduct identity checks on individuals suspected to be unlawful non-citizens (Weber, *Policing* 62; 174) arguably creates a "hostile environment" (Yuval-Davis et al., *Bordering* 97) for racialised others.

Bordering practices resulting from technologies of surveillance and policing of non-citizens, and their associated public discourse, create a climate of fear and hostility in society as a whole, where the 'responsibilisation' of both citizens and non-citizens emerges as a defining feature of the border regime (Vogl and Methven 70; Walsh, "Report" 277). As previously assessed, through the Code, asylum seekers are constantly reminded that they are required to take responsibility for conforming to the values of the Australian community and

that their failure to do so can lead to arbitrary and indefinite re-detention or deportation (Vogl and Methven 70). At the same time, not only service providers, but all citizens are involved in the monitoring of those perceived as ‘out of place’. The process of ‘othering’ via public discourse becomes an essential precondition for the formation of responsible citizens who come to experience reporting of the ‘illegal’, dangerous other as contemporarily a “moral duty and [a] civic responsibility” (Walsh, “Report” 284). Both the media and the authorities cultivate and amplify sentiments of fear and resentment towards non-citizens by encouraging voluntary reporting and celebrating its alleged positive results in terms of enhanced security for the community (Walsh, “Report” 283). The creation of this environment can foster xenophobic sentiments, discrimination and in extreme cases, even episodes of racist violence (Walsh, “Report” 284).

Regardless the effective volume and final outcomes of dob-ins, the existence of these reporting mechanism serves as reminder for irregular migrants of their “radical precarity” (Mezzadra, “Gaze” 126). Importantly, the very involvement of citizens in patrolling the community confers them the “essential role in initiating deportation, the ultimate sovereign action” (Walsh, “Report” 284). Similarly to the case of service providers who, in supplying their services, discriminate individuals based on their immigration status and become involved in the policing and punishment of migrants; citizens’ voluntary involvement in the monitoring and reporting of the ‘other’ implies their complicity in the criminalisation, exclusion and, ultimately, deportation of non-citizens, which underscores the deep impact that bordering policies and practices exert on society both through the public discourse that complements and enables bordering processes and practices, and through the very technologies of control and surveillance which recreate these re-bordering practices on a daily basis (Walsh, “Report” 284-285). For these reasons, the civilianisation of border control bears “consequences that may fracture the social, entrench hostility and division” (Walsh “Report” 286). Although being presented as a way to preserve the security of the community, reporting mechanisms ultimately disrupt social cohesion and create inhospitable societies for both citizens and non-citizens (Walsh, “Report” 287-289).

While any irregular non-citizen can be subject to denial of service provision and policing and reporting by service providers and citizens, asylum seekers who travelled to Australia by boat are by far the more targeted category of migrants in the Australian context,

despite the fact that (or possibly, precisely because) historically, the great majority of them has been found "to be persons who are actually owed protection under the 1951 Refugee Convention"(Crock, 239). For this reason, their case is particularly explicative of the way in which internal and external bordering processes and practices can be enacted on a category of individuals (Vogl 151). This specific subset of migrant people is not only subject to external bordering processes which criminalise them on the basis of their mode of arrival, but it is also "subject to policing and control associated with the regulation via the 'internal' border" (Vogl 151), which exacerbates the precariousness of their stay in Australia. Temporary visas which do not allow family reunification, nor adequate basic support services, already constitute an instrument of punishment and deterrence per se, especially considering that the status of 'lower-class' refugees of irregular maritime arrivals only depends on the way in which they reached Australia, and not on the 'seriousness' of their protection claims (albeit even a differentiation based on this last parameter could be contested). In particular, through the enactment of visa cancellation powers, and the disciplining function of the Code, borders are reproduced in the every-day lives of those subjected to these mechanisms, who are constantly faced with the possibility of re-detention and deportation (Vogl and Methven 63). The combination of these factors determine asylum seekers' exclusion from the Australian community, and the reduced possibility for the creation of relationships of solidarity between them and citizens. While on the one hand this category of migrants in particular is socially, politically and economically excluded from the community due to the conditions attached to their migration status; on the other hand, the community itself is encouraged or even compelled[74] to take on an active role in the border regime.

2.4 Silencing the Other through secrecy

A recent study published on the Journal of Pacific Rim Psychology in 2019 confirmed that currently, when discussing the immigration topic, the highest concerns reported by Australian citizens is the perceived "incompatibility of the[ir] values and beliefs" (Pattison

[74] Because the service providers are contractually obliged to report on the asylum seekers they assist, they might incur in sanctions if they fail to act accordingly.

and Davidson 8) with those of unauthorised asylum seekers. As will be thoroughly discussed in the next section, this is mostly attributable to the prevalence in Australian media and political discourse of negative stereotypes on 'irregular' asylum seekers (conceptualised as 'illegal', 'queue-jumpers', potential terrorists) (Pattison and Davidson 9). Importantly, the prevalence of these negative stereotypes has become even more influential on public opinion as the policies enacted by the Australian government have silenced asylum seekers' voices and have limited citizens' possibilities of interaction with them, or curtailed citizens' access to impartial information (Pattison and Davidson 9).

To a certain extent, the media itself has often been forced to primarily rely on the government's version of the events, as for example during the Howard years, when journalists have been ordered to keep at a 700-meters distance from detention centres (Welch 332). In 2005, details on the contract that the Australian government stipulated with GSL (the private company running Australian detention centres) were leaked, evidencing that the eventual presence of the media in a detention centre was to be classified as a "critical incident" (Welch 335) which had to be notified to immigration officers within an hour. Operators failing to comply would be subjected to a $25,000 fine (Welch 335). Interestingly enough, despite these occasional leaks, contracts stipulated for the management of detention facilities by private companies are mostly confidential (Welch 335).

Access to data regarding irregular migration was increasingly restricted starting from 2013, when, with the rampant militarisation of border control, not only did Australian maritime interception, deportation and/or return practices strengthen, but were they also removed from public scrutiny as the Australian government classified them under "national security" matters and refused to provide regular accounts on boats interceptions and push-backs (Nethery and Holman 1024). Although the purported legitimation for this decision was to deprive migrants smugglers of information which could facilitate their business operations, objections have been made to the limits that this imposes on external supervision of government's actions (Nethery and Holman 1024). More recently, the monthly OSB updates started to report basic information about vessels interceptions and turn-backs, nevertheless,

the Australian government refuses to provide more details about the conduct of such operations[75] ("Submission" 3).

The freedom of the press was directly targeted in 2014, when journalistic investigations on operations of special intelligence, which include those relative to maritime interceptions, or anything relating to them, were officially prohibited (Martin, "Turn" 338). Subsequently, authorities were allowed to require telecommunication companies to provide them with the data obtained by journalists during investigations, for the purpose of identifying sources and, if applicable, prosecuting those who leaked data classified as sensitive (Martin, "Turn" 338). In 2014 alone, this law was applied by the Australian Federal Police to examine eight journalistic investigations regarding migration policies (Martin, "Turn" 338).

Additionally, the personnel employed in privatised detention centres both onshore and offshore, since the commencement of the Pacific Solution, has been legally required not to disclose details on detention matters (Maylea, Hirsch 163). Such confidentiality agreements were stipulated both between members of the personnel and their employer, and between members of the personnel and the Australian Department of Immigration and Border Protection (Australia, Parliament, "Administrative" 2.29). As evidenced in Michael Welch's analysis, while the privatisation of the detention system was made possible by a general commitment to neoliberal principles of governance in Australia, privatisation was not just an outcome of neoliberalism, but also a policy decision arguably designed to undermine officials' accountability for the abusive practices perpetrated in the detention facilities (335). Together with the provision of confidentiality clauses, this had a "deadening effect on public discussion" (Welch 335).

Confidentiality provisions have been further enhanced through the introduction of the Australian Border Force Act 2015 (Cth)[76], of which Section 42 introduced criminal liabilities (punishable with imprisonment for two years) for the disclosure of protected information by an employee, consultant or contractor of the Immigration Department (Maylea, Hirsch 163). Because the disclosure of Commonwealth information was already prohibited under

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[75] Asylum seekers advocates are particularly concerned with reports and allegations of abuse, coercion and fraud by Australian naval authorities involved in turn-back operations ("Submission" 4).

[76] Australia, Federal Parliament, House, Australian Border Force Act 2015 (Cth).

Australian law, numerous commentators contend that the ultimate function of the Border Force Act 2015 (Cth) is to increasingly "silence those who would speak out about the conditions and the atrocities taking place in detention centres" (Maylea, Hirsch 163). The secrecy surrounding Australia's detention centres did not go unnoticed: in 2015, the UN special rapporteur François Crépeau cancelled his visit to the offshore facilities due to the perceived lack of cooperation on the part of the Australian government regarding access to detention centres, and because the anti-whistleblowing provisions under the Border Force Act would impact on the reliability of his survey (Lee, "UN").

Following national and international criticism against anti-whistleblowers policies, in September 2016 health practitioners managed to be exempted from the secrecy provision and in October 2017 the Border Force Act was amended to narrow the categories of information disclosure which would constitute an offence and thus make detention centres personnel liable to incarceration (Martin "Turn" 339). Although the amendment legitimised the disclosure of information about abuse or neglect, observers (among which, the Parliamentary Joint Committee on Human Rights) remained concerned that overall, the criminalisation of information disclosure persists and this limits the right to freedom of expression (Martin "Turn" 339).

Detention centres employees have not only been tied to the afore-mentioned confidentiality agreements but, as one former guard reported, they have also been specifically trained into expecting that the people they are supposed to guard are in fact dangerous, a threat to Australian ways of life, and deserving to be detained due, supposedly, to their failure to "respect boundaries" (Wallman and Olle). The testimony given by this former guard in an Australian immigration detention facility, emphasises how fostering this specific "kind of culture" (Wallman and Olle) among employees and thus preventing any form of solidarity towards migrants, would be a necessary device in order to secure the personnel's compliance with the system. Being bound to witness detainees' degrading conditions in detention, it would be otherwise challenging for most detention centres personnel "to be able to sleep at night"(Wallman and Olle), as the interviewee explained. In fact, when, Dr Patrick McGorry, a mental-health expert, was extraordinarily allowed to access one of the facilities onshore in 2010, he defined immigration detention centres as "factories for mental illness" (Welch 339).

When, as time progressed, the severe abuses to which asylum seekers are subjected under Australian policies of indefinite immigration detention eventually surfaced, the Australian government attempted to divert its responsibilities, while at the same time slandering advocates and whistleblowers (Martin, "Turn" 339). As an example, in October 2014, leaked documents obtained and published by Guardian Australia revealed that Save The Children (STC) employees working in the Nauru RPC had been reporting over several months about "persistent acts of child abuse and self harm" (Laughland and Doherty). Then Immigration Minister Scott Morrison (Liberal, currently Australia's Prime Minister) accused STC's staff of instructing and encouraging detainees to harm themselves in order to gain entry to Australia, a position which was upheld by his successor as Immigration Minister, Peter Dutton (Liberal, currently Australia's Minister for Defence) (Laughland and Doherty). Concomitantly, demonstrations by asylum seekers in Nauru RPC were escalating, with several detainees sewing their lips together in sign of protest against detention conditions and prospects of being transferred to Cambodia for permanent resettlement (Doherty). Although the government's allegations against STC's staff were subsequently found to be groundless, those employees had already lost their job and had to wait until January 2017 to receive a compensation from the Department of Immigration (Davidson). In the same year, commenting on the government's attempts at delegitimising whistleblowers, Australia's Human Rights Commission president Gillian Triggs asserted that "[g]overnments make allegations against civil society actors ... that only later, on Senate inquiries, are shown to be false. The problem is that it's too late to stop the damage – the political advantage has been gripped in short terms" (Hunt).

Secrecy, thus, plays a fundamental role in the 'othering' process (Maylea and Hirsch162). As detention centres are closed institutions where access is restricted to external visitors[77] or the media, "asylum seekers are often kept 'out of sight, out of mind'"(Neil and Peterie 136). In the Australian community, social and political solidarity towards asylum seekers has increasingly been undermined both through the representation of unauthorized arrivals as 'illegal', threats, undeserving 'queue-jumpers', and through the distancing and silencing of detainees whose plights have been kept as covert as possible by the Australian

[77] See Amy Nethery, "Punitive Bureaucracy: Restricting Visits to Australia's Immigration Detention Centres" (2019) for an account of the difficulties that would-be visitors to detention facilities face, and the effects that this has on migrants detainees.

government and most of its contractors, through what has been termed a "pervasive culture of secrecy" (Martin, "Turn" 337). The very human costs of Australian asylum-seeker policies are kept distant from public discussion, while through the bipartisan political discourse, strict and punitive policies which aim at displaying a tough approach to irregular migration are not only legitimised but also prized from the voting electorate (Pattison and Davidson 2).

Certainly, as time progressed, the circulation of evidences of systematic abuses towards migrants resulting from Australia's policies of border control, and in particular immigration detention, have led to an increased criticism, both internationally and inside Australia (Button and Evans). Nevertheless, as evidenced in Pattison's and Davidson's study, the persistence of high levels of endorsement of current asylum-seekers policies among Australian citizens can be primarily explained by the latter's perception of asylum seekers as a threat to Australian values and security, a perception which is fomented by a political discourse resonating in the media, aided in great part by the secrecy which pervades most aspects of Australian policies in this regard: from the execution of push-back operations, to the treatment of migrants in detention facilities (Grewcock "Ours Lives" 79; Pattison and Davidson 9). By silencing and distancing asylum seekers' voices from the Australian community, the Australian border regime leaves "little room for both alternative narratives and critical approaches to be outlined" (van Berlo, "Australia's" 103). These mechanisms, according to van Berlo, have a "shaping influence" on the Australian "socio-cultural context" ("Australia's" 104). Secrecy, opacity and obfuscation impact on the possibility that instances of solidarity with migrants emerge in the Australian community: they preclude the circulation of alternative discourses which in turn impact on the propensity of Australian citizens to question and oppose both the official narrative itself and the asylum policies that it legitimises.

2.5 Othering through political discourse

Deterrent policies such as mandatory immigration detention, offshore processing and maritime interception have never been seriously and effectively challenged by successive Australian governments, on the contrary, such policies have historically enjoyed a general

bipartisan support by the two main political parties in Australia (the Coalition and the Labor Party)[78] (Markus and Arunachalam 437). Border externalisation has been portrayed as an "economic and technocratic necessity" (Dehm 6) even in times of economic recession following the 2007-2008 global financial crisis, despite the manifestly high costs that the system entails (offshore processing alone costs on average 3 billion Australian dollars a year) (Crock 249). According to Karin Fathimath Afeef, Australia's deployment and maintenance of these deterrent policies despite the high financial and human costs involved, can only be partially explained by the factual rise in unauthorised maritime arrivals firstly in 2001 and subsequently in 2012 (13). Rather, these policies should be considered as "more expressive and symbolic than practical or economical" (Afeef 13).

In particular, at the very inception of the Pacific Solution, then Prime Minister John Howard appears to have exploited the asylum seekers argument in order to remedy for his government's downturn in opinion polls, which evidenced an increasing support for the One Nation populist party (Afeef 13). During the 1990s, xenophobic populism in Australia was on the rise, and according to Richard De Angelis, one prominent cause for this was the end of the post-war boom and the ensuing worldwide economic restructuring which led to a "rapid and stressful socio-economic change" (86) in the country. Whilst policies aimed at economic protectionism (tariffs in particular) and the maintenance of the welfare state had previously enjoyed bipartisan support in Australia, the adherence of both main parties to a neoliberal agenda since the 1980s had planted discontent amongst large segments of population (De Angelis 86). Pauline Hanson, the leader of One Nation to date, was thus able to "exploit the fears and anger of previously protected, but now disadvantaged, classes and groups" (De Angelis 86), in particular of blue collar workers. For this reason, the traditionalist and conservative Howard government had been rivalling with One Nation for electoral consent and, in doing so, had acquired part of the populist policy agenda (De Angelis 87). Since the inception of his mandate as Prime Minister, Howard had already introduced in 1999 the Temporary Protection Visa (TPV) regime for refugees, subjecting their permanence in the country to revision, on a three-year basis (Afeef 12). Howard had also joined Hanson in denying the existence of "racially-based power relations" (Curthoys 139) in Australia

[78] At the last federal election in 2019, the Coalition obtained 41.4% of votes and Labor 33.3% (Green).

deriving from the country's colonial history, a position which is debunked by most historical analysis, but which nevertheless appealed to a good fraction of the (white) Australian population. As a matter of fact, factors specific to Australia's history as an Anglo-Saxon colony in Asia and a certain perceived fear of invasion play a fundamental part in explaining how the scapegoating of (especially) irregular maritime arrivals was (and still is) possible in the Australian context, resonating amongst the audience and becoming an "electable platform" (Mc Nevin 5) for consecutive Australian governments.

Thus, during the 1990s, Australian politicians attempted to instrumentalize irregular migration as part of a strategy aiming at funneling the "anxieties" of nationals against the external 'other', thereby "scapegoating asylum seekers" (Mc Nevin 5) for the negative social and economic consequences of neoliberal approaches, which came to be perceived in Australia particularly in those same years (Tonts and Haslam-McKenzie 183). Nevertheless, as Aleef explains, some of the ensuing migration policies resulted in a backlash: Howard was, at the time of the Tampa incident, already facing popular discontent over the failure of deterrence policies which had hitherto been employed, also by previous governments, in order to discourage asylum seekers' irregular arrivals (first and foremost the imposition of mandatory detention for all unauthorised migrants in Australia) (12). Because neither Temporary Protection Visas, nor mandatory detention or early examples of migration campaigns had curbed migrants' arrivals, the pressure on onshore detention centres had resulted in riots and unrest by detainees, and the subsequent inquietude of some citizens over the perceived lost of control displayed by authorities (Afeef 12). Facing the risk of losing even more votes to One Nation, the Coalition government, according to Afeef, probably preferred to institute detention centres offshore, as "[b]uilding new centres was politically and financially costly and would be unpopular with locally affected communities" (12).

In the aftermath of the Tampa affair, Howard managed to restore legitimacy for his government: he successfully "constructed the arrival of 'boat people' as a threat" (Afeef 13), striking, according to popular polls, a 77% of consent for the decision to deny asylum seekers' access to the country, subsequently winning the 2001 federal elections. While it is true that, on the one hand, the Australian community praised the tough stance displayed by the government towards irregular asylum seekers, on the other hand, especially since 2001, it

was precisely those same Australian authorities who fomented citizens' "ill-founded fears" (Mares 74).

According to Binoy Kampmark, Howard's political discourse revolved around some separate but interrelated representations of the figure of the refugee: the one invading Australia; the bogus asylum seeker illegally exploiting the protection system; the plausible terrorist; and the queue-jumper (66). The analysis of the most commonly used adjectives referred to asylum seekers by the federal government in its official statements, delivered between August 2001 and January 2002, evidences that the most recurring ones were "'illegitimate' (36 per cent), 'illegal' (11 per cent) and 'threatening' (16 per cent)" (Klocker and Dunnmost 77).

Tampa asylum seekers were described from then Immigration Minister Philip Ruddock as invaders violating Australia's sovereign power to determine whom can access its territory and stay in the country (Kampmark 67). The endorsement of the Pacific Solution policy was further legitimised through the adoption of vocabulary and metaphors of crisis or war, used to "justify the need to repel whatever is hostile and threatening" (Mares 74). Politicians (especially members of the conservative and populist parties) conveyed the idea that Australia was the target of hordes of migrants travelling by boat, notwithstanding the fact that Australia was by no means subjected to an invasion in objective terms (Kampmark 67). Between 1999 and 2001 there was indeed a 50 percent increase on the number of asylum applications lodged in Australia (12,731 in 1999-00 and 13,015 in 2000-01), compared to the average numbers between 1997-99 (8126 in 1997-98 and 8371 in 1998-99), nonetheless, the total number "was still relatively small in international comparison, and … [it could not justify] the alarmist language employed by politicians and sections of the media" (Mares 74). Out of those 13 015 asylum seekers arrived in Australia between 2000 and 2001, only one third of them did not posses a valid visa and had mostly arrived by boat (for the great majority, although some had travelled by air) (Mares 74). The invader alien travelling by sea was nevertheless demonised and made into "a special legal Creature susceptible to expulsion, a lesser juridical entity" (Kampmark 67).

The majority of Australian media played an important role in the process of 'othering' of unauthorised asylum seekers, by favouring the circulation of the governments' positions (Klocker and Dunn 86-88). Although it should be noted that there were instances in which

journalists and editors attempted to prioritise asylum seekers' voices, "the media has also been responsible for peddling myths and exaggerating fears" (Mares 72). Examples can be found even prior to the Tampa affair: in June 2001 the Australian media amplified the news about detained asylum seekers affected by serious infectious diseases (which were instead vastly manageable, posing a very low risk for the general community), fomenting citizens' anxieties over the "threat that these uninvited visitors posed to Australian society" (Mares 72) and concurring in justifying a policy of prolonged detention. In other instances, Australian media had facilitated the convergence of 'boat people' with criminality in public discourse: initially, this association was especially related to examples of riots and unrest in detention centres in Australia, the mentioning of which did not include any reference to the treatment that migrants experienced in the first place (Klocker and Dunnmost 78). Such an association was to be further amplified in the aftermath of the attacks of September 11 in the United States, a catalytic event after which for Australian politicians and media, "[t]he criminal refugee became, inferentially, a terrorist" (Kampmark 68) (the great majority of asylum seekers attempting to reach Australia in that period was Muslim, originating especially from Afghan and Iraq).

During the run-up to the 2001 federal elections, ministers of the government in office (the Prime Minister himself, the Minister for Defence and the Minister for Immigration) even accused asylum seekers on board of another intercepted vessel (the SIEV 4: Suspected Irregular Entry Vessel) to have thrown children overboard in order to obtain access to Australia (and such disturbing reports were not investigated by the media before being reported) (Mares 72). Allegations were subsequently found to be false, according to a Senate enquiry, but no official apology was ever made (Mares 72). In the meantime, the message had been conveyed that 'boat people' were deviant and undesirable individuals, which ought not to be admitted in the Australian community (Mares 72).

Australian politicians brought attention onto the likelihood that 'boat people' were instead illegally exploiting the asylum system, primarily as they were able to afford a smuggler to transport them to Australia (Kampmark 68-69). 'Bogus asylum seekers' would thus illegitimately and illegally be "seeking a migration outcome" (Klocker and Dunn 77) instead of genuine refuge and in doing so, they would have deprived 'genuine asylum seekers' of their places. Resettlement came to be "utilised to prevent and penalise

spontaneous arrivals" (O'Sullivan 241) through the instrumentalisation of the resettlement program that Australia adheres to and through which an annual quota of refugees are admitted in the country. As Peter Mares explains, "[t]he notion of the queue jumper is powerful because it offends our sense of fair play … [and] reassures the audience that a tough approach to asylum seekers is justified" (73). The narrative of the undeserving asylum seeker who lacks patience and fail to follow civil rules ultimately strengthens, among Australian citizens, the perceived non-belonging of the unvirtuous 'other' (Mares 73). The 'queue-jumper' metaphor reached a peak in the year following the Tampa affair, but the binary framing of asylum seekers implied in the metaphor persisted, becoming the focus of the debate in Australia, which twenty years later still revolves around the "embedded dichotomy between deserving and undeserving" (Martin,"Jumping"15) migrants.

During the past decade, a "global climate of uncertainty" (Emmanuel et al. 1) fostered xenophobic sentiments in Australia, as in other countries in the Global North, despite the fact that Australian economy was not as severely hit by the 2008 Global Financial Crisis. The growing influence of autochthonic politics of belonging in the country was witnessed by UN Special Rapporteur on the human rights of migrants François Crépeau who, folowing his visit in 2016, expressed concern over Australian "xenophobia, discrimination and violence against migrants, in acts and speech" ("Report"18). In fact, the then-recent enactment of Operation Sovereign Borders had been accompanied by a political discourse which particularly emphasised the illegitimacy of asylum seekers travelling by boat, ultimately evidenced in October 2013, when Immigration Minister Scott Morrison instructed staff and contractors to refer to migrants arriving by boat as "illegal maritime arrivals" (instead of the previously used term 'irregular maritime arrivals') (Griffiths). Since the inception of OSB, videos in which Australian authorities warned possible future asylum seekers through messages such as "No way, you will not make Australia home" and "You will never settle in Australia. You have zero chance of success" have constituted a defining feature of the OSB communication strategy (Australia, Dept. of Home Affairs, "Operation").

In his article "The Sonics of Crimmigration in Australia" (2011), Michael Welch applies the dichotomy of "loud panic" and "quiet manoeuvring" to the Pacific Solution case (325). According to his analyses, Australian politicians' public discourses which criminalised asylum seekers, de-facto created panic and anxiety among Australian citizens, building a

“wall of noise” (Welch 328) which dominated over the “wall of governance” or “quiet manoeuvring” (Welch 331).This included on the one hand the implementation of controversial policies legitimised by the same panic-inducing discourse, and on the other hand the practice of “stonewalling” (Welch 331) the media, and therefore the public, creating the system of secrecy previously discussed. In an article published in 2015 Patrick van Berlo demonstrates how the same is true for the ongoing Operation Sovereign borders: in both cases asylum seekers are physically distanced or excluded from the Australian community, their voices are silenced, the public discourse erects a “wall of noise” which leaves “little room for alternative discourses or critiques” (“Australia’s” 75).

In addition, the rhetoric of the illegal, criminal queue-jumper came to be somehow juxtaposed to the image of the asylum seeker exploited by people smugglers (in turn defined as the “scum of the earth” (Missbach, Sinau 58)), in what van Berlo defines as a “schizophrenic” (“Crimmigration” 370) rhetoric. In fact, while on the one hand asylum seekers have been criminalised and associated with a risk for the Nation, on the other hand a strong emphasis has been given to the necessity to protect them from people smugglers and the perilous travels by boat, arguably in an effort to involve the part of Australian audience which was concerned with the “human costs of deterrence” (Neil and Peterie 137). Thus, according to this narrative, Australia’s duty to disrupt people smugglers’ businesses which endanger the lives of migrant people, is to be fulfilled through the erasing of any possible ‘pull-factor’ alimenting this business (van Berlo, “Crimmigration” 370). This political discourse “creates a binary imaginary of irregular boat migrants as comprising both threats and victims, it does so in order to argue that a deterrence policy is, in the face of ongoing smuggling operations, the best overall solution, from a securitisation *and* a humanitarian perspective” (van Berlo, “Crimmigration” 370).

Thus, in the Australian public discourse, when asylum seekers are ‘favourably’ referred to, it is often because they are represented as subjects lacking agency: they can either be victims whom have fallen prey to ruthless smugglers, or, more often, they are those few legitimate and genuine refugees “willing to comply with border control” (Grewcock “Our Lives” 75) which equates to awaiting in an imaginary queue with very limited prospects for resettlement (each year less than 1% of refugees recognised worldwide are resettled through such programs) (“Global” 2). Peter Mares asserts that the binary view of asylum seekers as

either victims or threats derives from the idea that "[a]s people without entitlement, refugee non-citizens are only acceptable in a certain guise — as the passive and grateful recipients of the generosity, which we, as citizens, might choose to bestow … or we can choose to withhold … In other words they are subject to our control" (Mares 74). A vertical relationship of charity is thus implied, between benevolent citizens and passive and thankful migrants, whereas unsympathetic reactions are directed towards migrants who "display a disagreeable degree of self-will" (Mares 74) by crossing borders without prior authorisation.

The deployment of deterrent and punitive policies in Australia was therefore accompanied and made possible by a public discourse, still present nowadays, which understands the relationship between 'deserving' asylum seekers and citizens as based on charity, while it attempts to restrain citizens' solidarity with those perceived as 'criminal' and 'undeserving' asylum seekers. As a matter of fact, recent surveys show that the refugees resettlement program enjoys wide support in Australia, whilst "the most common view of boat arrivals is that they are illegal immigrants and cannot legitimately claim asylum" (Markus and Arunachalam 438).

2.6 Summary

Determining which kind of solidarity (social, civic, political) is more affected by the bordering policies and practices discussed in this chapter is perhaps superfluous, because this distinction serves an analytic purpose, while in reality the three kinds of solidarity tend to overlap. Nevertheless, if we consider solidarity as a relationship that entails positive moral duties between members of a group, and that can be born out of preexistent bonds, a common cause such as collective welfare, or the common opposition to a situation of injustice (or all of them), then it can be argued that all three kinds of solidarity between citizens and migrants are discouraged as a result of bordering policies and practices inherent to the Australian border regime.

Clearly, the fact that interactions between the two groups are limited by asylum seekers' relegation at the margins of society due to the conditions attached to their migration status, exacerbates social stratification which is antithetical to relationships of horizontal

solidarity and prevents the daily exchanges and interactions which can lead to the creation of relationships of social solidarity.

Moreover, the fact that public discourse in Australia is centred on questions regarding the purported illegality and illegitimacy of irregular asylum seekers, foreshadows the reasons which motivate migration in the first place together with the fact that the choice of crossing borders without prior authorisation depends on the fact that regular routes to Australia are mostly unavailable. This narrative assumes that deterring, distancing and punishing irregular asylum seekers is not only legitimate, but also morally correct. Thus, Australian citizens are dissuaded from considering other moral issues at stake, such as the structurally unjust 'management' of migration which sees a sharp imbalance between the number of forced migrants allowed in countries in the Global North compared to countries in the South, and which is ultimately one way to preserve the current global hierarchies and inequities. In this sense, the official narrative pursued by their government does not encourage Australian citizens to oppose (in solidarity with migrants) unjust exclusionary migration policies. Rather, this narrative reinstates the consensus on the purported necessity and appropriateness of such policies.

As Australian citizens are disincentivized from interrogating the proportionality and moral legitimisation of policies that harm a group of people which has been depicted in public discourse as opportunist, undeserving, dangerous, and intrinsically 'other' during the last twenty years, a fortiori, this mechanism is reinforced by the fact that citizens are vested with the task of monitoring and policing the other group in the name of community safety. Moreover, the same public discourses which delegitimise and criminalise asylum seekers are likely to serve as an encouragement for civilian border guards to perform their policing role.

Ultimately, because asylum seekers' voices are silenced and alternative narratives further inhibited by secrecy and misinformation, Australian citizens are increasingly disincentivized from questioning migration policies, their legitimacy and morality.

Chapter Three
The Australian and Indonesian cooperation through policy transfer

This chapter argues that, similarly to the Australian case, bordering policies and practices in Indonesia bear socially divisive effects that prevent the creation of relationships of solidarity between Indonesian citizens and asylum seekers. Establishing the essential role that Australia has had on Indonesia's adoption of policies aligned with the goals of its influent neighbour is necessary in order to analyse how the Australian border regime affects not only the Australian community, but also the Indonesian one.

According to Amy Nethery and Carly Gordyn, the bilateral cooperation between Australia and Indonesia is best depicted as a case of "incentivised policy transfer", whereby Australia has provided substantial financial and diplomatic incentives to Indonesia to adopt policies consistent with Australia's own" (177). This is true not only for bilateral cooperation, but also for multilateral cooperative projects, the result of which has been the adoption by Indonesia of people-smuggling policies and the development of immigration detention (Nethery and Gordyn 178). The case for inscribing the relationship between Australia and Indonesia as 'incentivised policy transfer' is supported by the context of deep power asymmetry between the two nation-states, a context in which Australia deploys policies of border externalisation in order to immobilise migrants as far as possible from Australian shores, especially in the territory of its neighbour, Indonesia (Watkins "Bordering" 972; Nethery and Gordyn 178).

Nevertheless, the influence exercised by Australia has not implied the "coercive" or "obligated transfer" of policies, rather, because Australian-led policies have been presented as beneficial and necessary ones, Indonesia has adopted them "in its own interest" (Nethery and Gordyn 183). For this reason Nethery and Gordyn assert that in the Australian-Indonesian case, "the host state maintains its integrity as a sovereign nation that is free to make public policy decisions … albeit within a framework which has been created by another state for its own benefit" (184). Clearly, financial incentives play a fundamental part in the 'incentivised policy transfer' mechanism as they allow less wealthy nations to adopt such policies without diverting their own funds away from other areas (and possibly having to justify this to their

electorate), while at the same time the relationship with the neighbour state is strengthened, opening for more cooperation venues (Nethery and Gordyn 184).

The case of Australia and Indonesia can be mostly ascribed to this model of cooperation as the Australian influence on Indonesian policies is indisputable, especially until approximately 2013-2014 (when Australia adopted its harsh 'stop the boats' policy); however, the bilateral relationship between the two countries has undergone many phases and together with instances of 'incentivised policy transfer', others should be considered in which Australia acted unilaterally thus imposing its own policies and taking advantage of its own regional hegemonic power (Missbach and Palmer 200), together with instances in which Indonesia refused to follow it's neighbour's 'incentivised' advices[79] (Missbach and Hoffstaedter 63).

The following paragraphs reconstruct the evolution of Indonesia from a transit to a 'post-transit' country, by tracing the stages of its 'incentivised' cooperation with Australia. In fact, as a result of Australian policies of maritime interdictions and boat turn-backs, especially since the enactment of Operation Sovereign Borders in 2013, scholars are beginning to refer to Indonesia as a "post-transit" (Missbach and Hoffstaedter 71) country, due to the fact that migrants are stranded in the archipelago for indefinite periods of times, being unable or unwilling to return to their home country or move forward to Australia or any other destination.

[79] In fact, Nethery and Gordyn write about "incentivised policy transfer" in 2014, whilst the analysis by Missbach, Hoffstaedter and Palmer are more recent (2020) and cover events which followed the adoption of Operation Sovereign Borders in Australia.

3.1 Indonesia from a transit to a 'post-transit' country

Indonesia has been defined as "a quintessential transit country" (Hugo et al. 170), clearly because of its location along migration routes directed to Australia which originate in the Middle East, Africa and Asia. Moreover, being the world's largest archipelago comprising around 11,000 islands (or precisely 17,508 if we include the uninhabited ones), border surveillance in Indonesia is certainly a difficult task to be performed (Hugo et al. 170). On top of this, Indonesia has historically been both a migrants producing and receiving country in the region, which has led to the creation of networks and "migration corridors" (Hugo et al. 170) linking it to other origin and transit countries especially in South Asia (Malaysia in particular) and the Middle East. Since the 1970s, Indonesia has been a transit country for irregular migrants aiming to Australia and travelling, at first, especially from Vietnam, subsequently from Cambodia, and more recently mainly from the Middle East (Afghanistan, Syria, Yemen and Iraq in particular), and Myanmar and Sri-Lanka (although Sri-Lankans often sail directly from their country's shores) (Hugo et al. 171).

Often, before reaching Indonesia, asylum seekers have flown to Malaysia, a country which, at least before the introduction of Covid-19-related restrictions, has had a 'relaxed' visa policy towards most nationalities (Hugo et al. 173). Between Malaysia and Indonesia, routes of irregular migration have developed along "a complex industry of interconnected agents" (Hugo et al. 173) who facilitate border crossings, not only for asylum seekers directed to Australia, but also for Indonesian undocumented labourers working in the neighbouring country. The various agents in the industry are people smugglers located along the way and arranging fractions of the journey for asylum seekers (generally, migrants will rely on multiple agents throughout their crossing) (Hugo et al. 177).

When, in late 1990s, Iraqi asylum seekers arrived in Indonesia, the then-government did not increment border controls or internal policing, knowing that migrants were aiming to reach Australia and would stay in Indonesia only temporarily (Missbach "Doors" 231). It is precisely in this period that the early stages of the cooperation in border controls and counter people-smuggling operations between Australia and Indonesia developed (Missbach and Palmer 191). In 1999 Australia appointed liaison officers in Jakarta specifically in charge of smuggling investigation and intelligence operations; and it provided the Indonesian National

Police with patrol boats, on top of other kinds of equipment and economic support (Missbach and Palmer 191). In 2000, as part of the effort to coordinate counter people-smuggling tasks, a 'Management of Serious Crime' course was held by the Australian Federal Police in Jakarta, in order to train Indonesian police officers (Missbach and Palmer 191).

However, it was not until the Tampa incident (described in the previous chapter when introducing the Pacific Solution) occurred that the cooperation between the two countries would be tested on the ground: on that occasion, the standoff extensively covered by the media exposed the refusal by both Indonesia and Australia to admit the 438 asylum seekers (Missbach and Palmer 191). Australia thus pursued a double policy: on the one hand, boat turn backs to Indonesia started to be performed regardless the latter's prior approval, and on the other hand, contemporarily more efforts were directed towards enhancing the cooperation between the two countries' police forces at sea (Welch 331; Missbach and Palmer 191). The willingness of Australia to act unilaterally even resulted in occasions in which migrants' vessels sank after being redirected by the Australian authorities, before reaching Indonesia (Missbach and Palmer 191).

Thus, rising international attention on irregular migration to Australia, pushed Indonesia to adopt more stringent controls at official entry and exit points in the country, although its borders remained "porous" and difficult to surveil (Missbach "Doors" 231). In those same years, in the midst of selecting a country which would host offshore processing centres, Australia had been considering to establish offshore processing centres in Indonesia, albeit the choice had then been redirected towards Nauru and Manus Islands, as Indonesia was suspicious of an arrangement that was perceived as disproportionately favouring Australia's interests (Missbach, "Doors" 230). The then Howard government initiated a partnership between the Australian Federal Police (AFP) and the Indonesian National Police (INP): the People Smuggling Task Force (PST) (Welch 331). Whilst the program was kept as confidential as possible, a Senate Inquiry into the sinking of a Suspected Irregular Entry Vessel (SIEV-X) in 2001, shed light on the likelihood that the Australian-Indonesian joint venture to disrupt people smuggling was indeed directly responsible for the incident (Welch 331). Lack of available, official and written details about the cooperation program did not allow to determine exactly how PST operated or was organised, although as part of the

militarisation of border control and the ‘war on terror’, it appeared that “PST functioned as a quasi war cabinet” (Welch 332).

The failure of the SIEV-X sinking sparked public debates in Australia and Indonesia alike on the need for a more substantial and effective regional cooperation on fighting people smuggling (Missbach and Palmer 192). As a result, in 2002, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process), an international forum co-chaired precisely by Indonesia and Australia, was established (Missbach and Palmer 192). The Bali Process has often been acknowledged by scholars as a diplomacy and policy-making venue which “promotes Australia’s border protection interests” (Missbach and Palmer 192). The forum included 46 members: 44 states, mainly from the Asia-Pacific area, the UNHCR and IOM as non-governmental organisations (to which the United Nations Office of Drugs and Crime (UNODC) and the International Labour Organization (ILO) subsequently joined[80]) and 29 observer states (Nethery and Gordyn 189; “About the Bali Process”).

During 2001, Australia had also initiated a tripartite agreement with Indonesia and the IOM (the Regional Cooperation Arrangement) under which Indonesia accepted the return of asylum seekers intercepted at sea by Australian authorities and committed itself to prevent the departure of irregular migrants’ boats from its shores, in cooperation with Australia (Missbach, “Doors” 234). In addition, according to the agreement, the IOM would be funded by Australia in order to care for asylum seekers and refugees apprehended by the Indonesian authorities (Nethery and Gordyn 187). These migrants would be directed to UNHCR for status determination procedures, while Australia would cover through the IOM all the costs relative to migrants’ accommodation in the Indonesian community (Nethery and Gordyn 187).

Indonesia has allowed the IOM and UNHCR to operate in its territory since 1979, although the country is not a party to the 1951 Convention Relating to the Status of Refugees

[80] Today the Bali Process counts 49 members: 45 nations (Canada, the newest member, joined the forum in 2011) and 4 non governmental international organisations (UNHCR, IOM, ILO and UNODC) (Douglas and Schloenhardt 11).

or its 1967 Protocol, nor does it have a national framework for refugees protection[81] ("UNHCR Indonesia"; (Missbach et al., "Stalemate" 7). However, on top of being a party to other international instruments[82] from which international obligations also regarding refugee protection arise, Indonesia is still bound to observe customary international norms such as the principle of non-refoulement (Missbach et al., "Stalemate" 6). Despite the presence of domestic Indonesian laws which do acknowledge the right to seek asylum, they have never been used to grant asylum in Indonesia, as "no mechanism has been set up to claim this right" (Missbach et al., "Stalemate" 7). Then as now, only resettlement or voluntary return are possible permanent solutions for those asylum seekers who obtain the status of refugee: local integration is not available in Indonesia and asylum seekers and refugees are not allowed to work or study[83] during their permanence there (Nethery and Gordyn 185).

In 2005, both Australia and Indonesia adopted a Joint Declaration on Comprehensive Partnership, which included their mutual intention in fighting people smuggling; and, shortly after that in 2006, the Lombok Treaty (the Agreement on the Framework for Security Cooperation), which formally established the two countries' cooperation in "defence, law enforcement, counterterrorism, maritime security and disaster response" (Missbach and Palmer 192; Missbach, "Doors" 234). Rather than a direct intervention of Australian forces, the arrangement was aimed at enhancing the "building capacity of Indonesian authorities and funding their counter smuggling activities" (Missbach and Hoffstaedter 69), which included the provision of biometric devices by Australia, to be used for example in order to detect falsified documents.

In 2007, Australia and Indonesia drafted the Management and Care of Irregular Immigrants Project (MCIIP), according to which Australia would sponsor the renovation of two of Indonesia's main immigration detention facilities, aligning them to "international

[81] The reasons that successive Indonesian governments have provided for their decision to not to accede to the protection regime are multiple: the 1951 Convention has been deemed to be too "Eurocentric" especially in its early formulation of the refugee definition; the possible "pull factor" that acceding to the regime might entail, the relative "political and economic costs of ratification", and ultimately, the risk of rising criminality and health risks (Missbach et al., "Stalemate" 6).

[82] In 1998 Indonesia has ratified the Convention Against Torture (CAT), in 2006 the International Covenant on Civil and Political Rights (ICCPR), and in 1990 the Convention on the Rights of the Child (Missbach et al., "Stalemate" 6).

[83] Only recently, some local governments have started to gran limited education rights, but only for children (Nethery and Gordyn 185).

standards" (Nethery and Gordyn 187). Part of the project also consisted in the Australian-funded training of Indonesian officials in order to "prevent, detect and hold people so that they are processed in Indonesia", according to then secretary of the Department of Immigration and Citizenship Andrew Metcalfe (cited in Nethery and Gordyn 187). While the MCIIP aimed at "encouraging Indonesia to detain" (Nethery and Gordyn 187), detention of irregular migrants was not yet mandatory in Indonesia and in 2009 the Indonesian government even refused the Australian proposal of an 'Indonesian solution' (backed up by a AUD$50 million Australian funding) which would make migration detention in the archipelago imperative (Missbach, "Doors" 234).

Australia would urge Indonesia to detain asylum seekers due to rising numbers of irregular maritime arrivals in Australian waters and on its shores and eventually, although the 'Indonesian Solution' was not enacted exactly as Australia would have hoped for, in 2009 the Indonesian National Police set up a special anti-people smuggling taskforce (SATGAS) (Welch 337; Missbach, "Doors" 232). The tasks of SATGAS focussed on individuating and arresting irregular migrants and people smugglers, in cooperation with the Australian Federal Police (AFP) and the Australian Customs and Border Protection Service (Missbach, "Doors" 234). Cooperation involved the provision by Australia of appropriate equipment, devices and interpreters to implement investigations on irregular migration matters (including both smugglers and migrants), on top of training of anti-smuggling specialised personnel (Missbach, "Doors" 234). Between 2009 and 2010 alone, Australia allocated AU$452.5 million in aid to the partner country in order to sponsor the enhanced cooperation efforts (Nethery and Gordyn 189). In 2011, the AFP even supplied the Indonesian counterpart with patrol boats, in order to support maritime anti-people smuggling operations, in a AUD$7.1 million project, although the lack of funding for the maintenance of the vanguard equipment often meant that it could not be properly employed in the long-run (Missbach, "Doors" 234). The AFP was also able to deploy its own personnel (at times even 20 officers) in some police stations in Indonesia, where Australian officers could conduct interrogations and investigations on people-smuggling affairs in collaboration with their Indonesian counterpart (Missbach, "Doors" 234; Missbach and Hoffstaedter 69).

By conducting interviews with part of the SATGAS staff between 2010 and 2012, Antje Missbach was able to assess that Australian disbursements and political pressures were

not sufficient to cover the lack of resources of the Indonesian government and ensure the success of the ambitious project to eliminate irregular migration and people smuggling, and that therefore, often motivation to detain irregular migrants was lacking among the SATGAS staff itself ("Doors" 234). Border control in Indonesia is performed by an array of bodies: immigration and customs authorities, maritime police, and the navy but it is especially the Indonesian police which is the most involved in the interception, on land and at sea, of irregular migrants (Missbach "Doors" 232). According to Antje Missbach, all of these institutions are underfunded an understaffed, which further impinges on their efficiency ("Doors" 232). Often, according to the authorities interviewed, their own role was perceived as part of a system which aimed at 'dumping' in Indonesia migrants directed to Australia, and which should have therefore been a responsibility of the richer country (Missbach, "Doors" 234). Coupled with the fact that, even when apprehended and detained, irregular migrants could often escape because of multiple holes in the system (inappropriate detention facilities or guards' bribery[84]) the Indonesian staff would often question the utility of the whole operation, on top of expressing concerns over a certain perceived interference by the substantial number of Australian officials operating in Indonesia (Missbach, "Doors" 240).

In fact, despite a moderate success by SATGAS, between 2010 and 2012, 28,000 irregular asylum seekers had reached Australia by boat, while around 7,000 irregular migrants had been apprehended by the Indonesian authorities, together with some 90 people allegedly involved with people smuggling) (Missbach, "Doors" 232). The inquiry conducted by Missbach revealed additional factors, both contingent and structural, responsible for the partial failure of SATGAS operation, including the fact that Australian fundings were mainly directed at Indonesia's southern borders operations (the ones closest to Australia), leaving northern borders largely unmonitored; and the nature of the smuggling business itself, as an activity which relies on multiple agents, able to adapt to changing conditions and open new (often more dangerous) migration routes when a former one is closed down (Missbach, "Doors" 240). Moreover, the majority of arrested and prosecuted people involved in smuggling operations in Indonesia are not organisers of smuggling networks, but rather boat

[84] In Indonesia, allegations of corrupt officials who financially gain from irregular migration are not uncommon: border authorities have at times allowed migrants to move from one place to the other, or have abstained from blocking them, for a "certain fee" (Missbach "Doors" 229).

drivers and other crew members whose task is an easily replaceable one, or fishermen working in autonomy (Missbach and Hoffstaedter 70).

Since 2011, both Australia and Indonesia, together with the other members of the Bali Process, agreed on a Regional Cooperation Framework[85]: a non-binding instrument providing a more efficient scheme for enhanced regional cooperation on security and on combatting people-smuggling (Nethery and Gordyn 189). With the Regional Cooperation Framework, Australian-sponsored training and funding of Indonesian police, intelligence and immigration authorities was intensified (Fitzgerald, 12). A Regional Support Office was appointed in Bangkok, funded primarily by Australia and administered by both Australia and Indonesia (Nethery and Gordyn 189; "Regional Support Office"). The IOM, which is also part to the Bali Process, was involved in order to run the Australian-funded training workshops, which by 2013 had been attended by "more than 30,000 Indonesian immigration, police, and army officers, prosecutors, and local government officials" (Missbach and Hoffstaedter 69).

The Australian influence is particularly evident in the shifts in Indonesian immigration law regarding Immigration Law No. 6 (2011)[86] which is the result of Australia's "persistent diplomatic efforts" (Nethery and Gordyn 187; Indonesia, People's Consultative Assembly). The law bore meaningful changes concerning the criminalisation of irregular migrants and the agents who participate in smuggling, and by implication, it also introduced new sanctions for these subjects (Hirsch and Doig 686). The piece of legislation referred to any person without a clear immigration status as "illegal immigrant", it increased criminal penalties for migration-related offences, including the introduction of mandatory detention for irregular migrants, and the sentencing of up to 15 years in prison for participants to smuggling (and fines betweenAUD$ 50 000–AUD$150 000), whether the latter are directly involved in the smuggling network, or their involvement is limited to the roles of facilitators (Hirsch and Doig 686; Lee, "Forced" 94; Missbach, "Doors" 232).

[85] The forum is still active: more recently, in 2016, the endorsement of the Bali Process Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime "confirmed the core objectives and priorities of the Bali Process", which have subsequently been reconfirmed in the 2018 Declaration ("About the Bali Process").

[86] The new law supersedes Immigration Law No. 9 (1992) (Nethery and Gordyn 187).

The enactment of Immigration Law No. 6 (2011) led to a significant increase in the number of trials, but also convictions and sentences of migrants smugglers, whereas prior to this, people smuggling in Indonesia was not a criminal offence and, while irregular migrants could be detained in immigration detention centres (albeit it was not mandatory nor frequent), smugglers “were [only] sentenced for general immigration offences” which generally did not exceed the punishment of two-year-long imprisonment (Missbach, “Doors” 232; Indonesia, People's Consultative Assembly). Since 2011, pressures on detention centres in Indonesia began to intensify, with increased numbers of asylum seekers being detained, rising unrest among detainees and issues of coordination between the Indonesian police and immigration authorities (Missbach et al., “Stalemate” 10).

3.2 Tensions between Indonesia and Australia

Despite the fact that the ‘incentivised policy transfer' phenomenon is still pertinent to the Indonesian case, Australia’s provision of funding and training did not always obtain a total collaboration on the Indonesian part, and Australian willingness to act unilaterally to ‘stop the boats’ at all costs severely undermined its bilateral relation with Indonesia (Missbach and Hoffstaedter 70, 75). In fact, whilst Indonesia had maintained, at least formally, its cooperation efforts since late 1990s, the realisation by Indonesian officials to be in a “catch-22 situation”(Missbach and Palmer 193), coupled with Australian controversial unilateral actions, led to a weakening of Indonesian cooperation efforts on the ground. On the Indonesian part, it became clear that an efficient cooperation with Australia would lead to a rising number of refugees and asylum seekers stranded in Indonesia, especially after late-2013 when Australia took an even harsher stance towards irregular migration by boat through the implementation of Operation Sovereign Borders (Missbach and Hoffstaedter 71). Then Prime Minister Abbott went as far as proposing to purchase Indonesian fishing boats in order to prevent their use by smugglers, but the Indonesian government did not approve the deal (Missbach and Palmer 193). On the Australian part, the continuous arrivals of asylum seekers from Indonesia were a signal that cooperation was not sufficient in order to effectively ‘stop the boats’: between 1998 and mid-2013, 55,000 people are estimated to have

departed from Indonesian shores in order to irregularly reach Australia (Missbach and Hoffstaedter 67, 71).

A series of events exposed the flaws of the relationship between the two countries, starting from the diplomatic incident which occurred in 2013 (Tanter 2). On this occasion, leaked documents reported in the context of journalistic investigations, in particular by The Guardian, revealed that in 2009 the phones of the Indonesian president Yudhoyono, the one of his wife and of other high-ranking Indonesian officials had been subject to monitoring by the Australian intelligence agency (the Australian Signals Directorate) (Tanter 2). President Yudhoyono ceased intelligence and anti-people smuggling cooperation with Australia, although eventually in 2014 the Lombok Treaty was reaffirmed and strengthened by a Joint Understanding (Missbach and Hoffstaedter 71). The Joint Understanding on a 'code of conduct' set out the framework for enhanced intelligence cooperation between the two neighbouring countries' agencies, albeit with the explicit request that both countries' sovereignty would be preserved (Australia, Department of Foreign Affairs and Trade, "Agreement Between the Republic of Indonesia and Australia"; Missbach and Hoffstaedter 71). Whilst the Lombok Treaty had been reaffirmed, cooperation was never resumed to previous levels, especially because of the events which had occurred after the spying scandal and the subsequent interruption of cooperation between the two countries (Missbach and Palmer194).

Only a few months prior to the renewal of the Lombok Treaty in 2014, Australia admitted on having invaded Indonesian territorial waters at least six times between 2013 and 2014, in the context of boats-turn-back operations, without prior consult or consent from the sovereign authorities in question (Missbach and Hoffstaedter 71). The Joint Understanding on a code of conduct was then signed with the aim of preventing also this kind of 'accidents' from occurring, but the resumed cooperation was nevertheless tainted by mutual lack of trust between the two parties (Missbach and Palmer 194). Further undermining the relationship between the two countries, on that same year, Australia's decision to cut fundings to and suspend resettlement from UNHCR Indonesia was made public, and presented by Australian politicians as a necessary measure to decrease the "pull-factors" of migration to Indonesia (this unilateral initiative was clearly met with disappointment in Jakarta) (Missbach, "Asylum" 430; Missbach and Hoffstaedter 71).

As a confirmation of the limited value that Australia ascribed to the renewed alliance, came in 2015 the particularly troublesome allegations that Australian officials had been bribing smugglers to return vessels to the Indonesian shores (a conduct which could be conceived as a “state crime”) (Missbach and Palmer 185; Missbach and Hoffstaedter 70). In order to investigate the incident, Antje Missbach and Wayne Palmer could only partially rely on the (scarce) information provided by the Australian government on matters defined as “operationally sensitive” (187), but they were still able to reconstruct the events by assembling the disclosures emerged from a 2016 inquiry from the Australian Senate, the legal documents of the Indonesian court trial which prosecuted the vessel’s crew members, and an interview that the author themselves conducted with the captain of the boat. The boat, named Andika and originally directed to New Zealand, was carrying 65 asylum seekers and was returned to Indonesia’s Rote Island, allegedly, after the Australian navy payed the smugglers to turn the boat around (Missbach and Palmer 187).

According to Missbach and Palmer, Australia’s conduct in this case could be defined as constituting people smuggling itself: the Andika’s passengers and crew members were brought to Australian waters (whereas they were in international waters at the moment of the interception), passengers were interrogated and crew members were paid in order to transport their clients back to Indonesia on two vessels, deemed more seaworthy than their original boat, that Australian officials provided them with (Missbach and Palmer 200). Subsequently, the Australian forces escorted the two vessels back to Indonesian territorial waters, despite the fact that passengers had expressed the will to claim asylum (Missbach and Palmer 200). One of the vessels even crashed nearby the coasts of Rote Island, endangering migrants’ lives (Missbach and Palmer 200). The “modi operandi” of Australian officials in this case was clearly exceeding conventional “border protection” and resembling more of an illicit conduct, not dissimilar to the one of people smugglers themselves (Missbach and Palmer 200). This example certainly attests the “hegemonial power of Australia’s anti-people smuggling regime at home and abroad despite its legal deficiencies” (Missbach and Palmer 201); but it also explicative of how bilateral relationship between Australia and Indonesia have been deteriorating, despite their formal collaboration persists ‘on paper’.

Arguably, the absence of a consistent willingness to cooperate on asylum seekers and refugees on the Australian part is perceived by Indonesia as a ‘burden shifting’ strategy and a

display of neo-colonial prepotence (Missbach and Hoffstaedter 75). Nevertheless, as Missbach and Hoffstaedter note, Indonesia conveniently continues to consider itself as a transit country, and as such, assumes little to no responsibility for the treatment of refugees and asylum seekers inside its borders (75). Coupled with the fact that Australia keeps evading its own responsibility, regional cooperation has become all the more difficult (Missbach and Hoffstaedter 75). Nevertheless, if it is true that Indonesia has not so far been willing to bind itself to legal obligations towards refugees and asylum seekers (historically, the 1951 Convention has been perceived as Eurocentric in the South-East Asia region; while regional instruments in place are "merely declaratory, non-binding and unenforceable[87]" (McConnahie 478)); then it is also reasonable to believe that only a true cooperation commitment on the Australian part could incentivise Indonesia to take a more active role in the protection of migrants' rights (McConnahie 483).

3.3 Recent developments: the perpetration of lives in limbo

The actuation of Operation Sovereign Borders by Australia, especially the covered and often inscrutable and ambiguous activities of maritime interdictions and pushbacks, decreased the number of arrivals in Australia, but it did not decrease the arrivals of asylum seekers in Indonesia (the latter was subject to a six percent increase between 2014 and 2016) (Missbach et al. "Stalemate" 8). Following Australia's decision to interrupt the resettlement program regarding UNHCR Indonesia in 2014, the already long waiting lists and moderate chances of resettlement have undergone a swift aggravation, up to the point when in late 2017 UNHCR Indonesia had to announce that resettlement will not be possible in the foreseeable future for most refugees in the country, ultimately confirming the de-facto post-transit status of Indonesia (Missbach et al. "Stalemate" 8).

In 2015, the so-called Andaman Sea crisis evidenced the need for a coordinated action in South-East Asia (Gleeson 14). Migration flows had been originating in the Bay of Bengal

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[87] Such instruments afford little to no protection to asylum seekers in the region, who are instead treated as "an issue of undocumented labor migration and human trafficking" (Tubakovic 194). They are therefore defined as posing a security threat and, being illegal migrants, often subject to detention and deportation (Tubakovic 195).

and Andaman Sea area even before 2012, when they began to intensify, until they peaked in 2015 (in the first three months of 2015 alone, around 25,000 irregular migrants left that area, directed towards neighbouring countries) (Gleeson 8). The Rohingya in particular made the bulk of asylum seekers, fleeing persecution in Myanmar, in the state of Rakhine, and directed to Malaysia via Thailand (Gleeson 8). In early 2015 mass graves were discovered in Thailand, along the smuggling routes in camps where migrants would be detained by smugglers[88] (who would attempt to extort additional payments from them) (Gleeson 8). This discovery prompted the intervention of Thai authorities, who disrupted the smuggling network but did not predispose a solution for the irregular migrants who were awaiting to disembark in Thailand during those days (Gleeson 8). More than 5,000 migrants on at least eight boats, plus 1,000 on a trawler, had been abandoned by their smugglers in the Andaman Sea, so they had headed towards the closest shores of Malaysia, Thailand and Indonesia (Gleeson 8). Although some boats were rescued by Indonesian fishermen in the province of Aceh, the three coastal states initially pushed the boats back towards each other, before coming to terms with the fact that the situation required a different response (Gleeson 9).

Despite an initial reticence, the Andaman Sea crisis prompted multilateral cooperation in the region (Gleeson 9). At the Putrajaya meeting on 20 May 2015, Indonesia, Thailand and Malaysia held the Ministerial Meeting on Irregular Movement of People in Southeast Asia, where both Malaysia and Indonesia agreed to assist the boats and offer "temporary protection" to the migrants arriving on their shores, while Thailand limited its offer to rescue at sea (Gleeson 9). Malaysia and Indonesia expected the international community to provide resettlement for the asylum crisis within a year (but they soon acknowledge their hopes to be unfounded) (Gleeson 10). After Putrajaya, a series of meetings followed: the Special Meeting on Irregular Migration in the Indian Ocean in Bangkok in May (and a second one in

[88] This case demonstrates how clearcut distinctions between smugglers and traffickers are not always possible in reality: while smuggling refers to the act of facilitating border crossings for a fee and implies the voluntary choice of smuggled persons to conclude the agreement, trafficking involves "force, coercion, abduction, fraud and deception" of the victim (van Liempt 140). In this case, migrants make a voluntary choice to cross borders, but they were exploited along the way.

December), the ASEAN (the Association of South East Asian Nations[89]) Ministerial Meeting on Transnational Crime (AMMTC) was held in July that year, and the Jakarta Declaration Roundtable Meeting on Addressing the Root Causes of Irregular Movement of Persons in Jakarta in November (Gleeson 10).

The Bali Process only intervened in early 2016 by adopting the Bali Declaration on People Smuggling, Trafficking in Persons, and Related Transnational Crime, which reaffirmed member states' commitment to respect their respective international obligations, including the principle of non-refoulement, and the need to protect vulnerable peoples in the region (Gleeson 11). Importantly, on that occasion the Bali Process recommended that a mechanism should be established in order to consent cooperation to be carried out efficiently in case of emergencies such as the Andaman Sea one (Gleeson 11). While the regional responses to the crisis were "unprecedented" and displayed a willingness to communicate and cooperate at the multilateral level, they were also largely "unfulfilled", as Madeline Gleeson explains: the focus in the region mainly remained on fighting international crime and smuggling, rather than providing protection and addressing the root causes of forced displacement (Gleeson 15).

The number of Rohingya attempting to reach Malaysia via sea has declined following the crisis, but it is mostly attributable to increased maritime patrolling and smuggling networks disruption, than to the tackling of the humanitarian disaster in Myanmar (Gleeson 15). The fact that the principle of non-inference has historically been of paramount importance among the ASEAN members should also be taken in consideration (Iskandar 186). When the Malaysian Prime Minister Najib Razak accused Myanmar of genocide in 2016, the act was arguably breaking the "non-interventionist ASEAN tradition" (Gleeson 14) and, following the meeting of ASEAN foreign ministers in the same year, the government of Myanmar announced that it would keep the other members informed on its domestic developments concerning the Rohingya people (Gleeson 14). From the point of view of the

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[89]ASEAN is an intergovernmental organisation comprising ten member states: Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam. In 2009 the ASEAN established the Intergovernmental Commission on Human Rights (AICHR) and in 2012 adopted its own Human Rights Declaration (AHRD). Despite representing a potential avenue for the creation of protection mechanisms in the region, economic and security concerns of member states seem to have inhibited this process. Among the ASEAN member states, only the Philippines and Cambodia have signed the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (Mayerhofer 232,234).

non-interference priority, this declaration was certainly groundbreaking, but it did not constitute or result in a "commitment to address human rights violations" (Gleeson 14). As Gleeson concludes, "[d]iscussions and commitments remained informal, non-binding and generally closed to civil society and public scrutiny, as states continued to eschew binding obligations" (15).

The passing in 2016 of the long-awaited Presidential Decree 125 Concerning the Handling of Foreign Refugees in Indonesia has to be seen in this context: the "Andaman Sea crisis was a wake-up call for Indonesia" (Missbach et al., "Stalemate" 8). In fact, while the right to seek asylum is formally recognised in instruments such as the ASEAN Human Rights Declaration, there is a persistent lack of domestic mechanisms which ensure that this right is upheld in practice, and the new Indonesian law was supposed to address this gap, by establishing a framework for handling refugees in the country (Missbach et al., "Stalemate" 9). While the regulation does by no means consider resettlement in Indonesia as a solution for refugees, it still provides some important elements, at lest on paper: it recognises the "duty to rescue refugees stranded in Indonesian waters" (Missbach et al., "Stalemate" 11), and it states the preference for housing asylum seekers and refugees in "community shelters" after a first period of administrative detention (Missbach et al., "Stalemate" 15). Nevertheless, the legal document does not contain any reference to the time-limit of detention and the necessity to include and coordinate local governments with immigration and police authorities in the transition from detention to community housing is regarded by observers as troublesome, both because of the funds required for the operation and because of a lack of willingness on the part of local governments to invest funds in hosting refugees, due to rising discontent of Indonesian citizens towards asylum seekers (the reasons of which will be analysed in the following section) (Missbach et al., "Stalemate" 16).

One of the most controversial elements which has been impinging on the effectiveness of the regulation is precisely the fact that, from its inception, the realisation of community housing has been depending on external donors, which has historically been Australia providing fundings through the IOM (Missbach et al., "Stalemate" 17). In fact, when in 2018 Australia cut fundings to IOM in Indonesia, it left all newcomer asylum seekers in the country without available resources, and still forbidden from working (Missbach, "Falling"). Since 2014 all routes to Australia had been closed, both irregular ones through the

implementation of Operation Sovereign Borders, and the regular ones through the unilateral Australian decision to deny resettlement to refugees referred from UNHCR Indonesia (Missbach, “Falling”). This had caused around 4,000 asylum seekers to self-report themselves to Indonesian authorities between 2014 and 2017, surrendering to detention and “giving up their already limited freedom of movement to avoid homelessness and starvation” (Phillips and Missbach150; Missbach, “Falling”).

In fact, in order to receive support from UNHCR and IOM, migrants had to go through the Indonesian detention system, to be then registered with the Refugee Status Determination program and be ‘taken care of’ from IOM (Missbach, “Falling”). This arrangement was already lacking because of the long waiting lists and very scarce chances of resettlement for those found to be refugees (statistically the great majority), a situation which was worsened by Australia’s cut to resettlement places (Missbach, “Falling”). Asylum seekers and refugees’ permanence in what has become a ‘buffer’ state is marked by severe limitations which, aggravated by the protracted waiting, have been sentencing migrants to live a “life in limbo”(Brown 34).

Even when Australia was still entirely funding IOM Indonesia[90], a good portion of those funds was still devoted to encouraging ‘voluntary returns’, which has historically been IOM’s (and Australia’s, but also the Indonesian government’s) preferable solution: between 1999 and 2013, more than 3,000 people were returned through IOM from Indonesia to countries such as Afghanistan, Iraq and Iran, and roughly the same number of migrants were returned (mainly) to Afghanistan, Iran and Pakistan between 2015 and 2016 alone (2,168 in 2015 and 684 in 2016) (Hirsch and Doig 691). The returnees included “people granted refugee status, people awaiting status determination, and failed asylum claimants” (Hirsch and Doig 691). Since 2018, when Australia cut funds to IOM for community accommodation and migrants’ subsistence, ‘voluntary’ returns have been all the more encouraged, although the practice of repatriation is only contemplated in international law when the procedure is carried out in safety and when returning is genuinely voluntary, and not compelled by the

[90] Phillips and Missbach also investigate on the dynamics of the “economies of transit” which came into being in Indonesia, in detriment of migrants’ rights. The study reveals how Australian funding to IOM has been fuelling corruption and embezzlement among Indonesian officials who have reportedly exploited migrants under their supervision (Phillips and Missbach 149).

host country's authorities through the denial of work rights, subsidies and resettlement (Hirsch and Doig 692; Missbach, "Falling").

According to UNHCR Indonesia, in 2020 there were 13,743 asylum seekers and refugees in the country[91] (mainly from Afghanistan, followed by Somalia, Myanmar, Iraq, Sudan, Sri-Lanka and Yemen) ("UNHCR Indonesia"). Approximately half of them (7,700) have been in Indonesia for more than five years, they have undergone the administrative detention phase and have been referred to UNHCR and IOM, and qualify for IOM's assistance which means they live in one of the 85 IOM-runcommunity-housing facilities, awaiting for resettlement (Mixed Migration Centre 5). The remaining asylum seekers and refugees in Indonesia live within local communities, mostly around Jakarta, but without support neither from IOM nor from the Indonesian government, which continues to forbid 'transit' migrants from working, leading to "situations of extreme destitution and poverty" (Mixed Migration Centre 5).

Moreover, by decentralising the handling of refugees and giving more decisional autonomy to local authorities with the enactment of Presidential Decree 125 of 2016, the Indonesian government has favoured the creation of disparities: some local authorities impose curfews to asylum seekers (the violation of which might result in detention (Ilham)), others decided to ignore the implementation of the 2019 circular according to which children of refugees could enrol in school (Mixed Migration Centre 5,6).

The current reality of asylum seekers in Indonesia is one of deprivation, irrespective of the subsidies they might receive: even though those without support are certainly facing harsher limitations, both groups live on the edge of economic, social and political life in the Indonesian community, being unable to work and in most instances also unable to afford adequate medical treatments and education (Mixed Migration Centre 5, 6). In the absence of guarantees to be resettled, the "life of protracted limbo" (Brown 34) has deleterious effects on the mental health of migrants subject to these restrictions, which is evidenced by the number of suicide cases: at least 13 since 2014, with four cases just in the last year, due to exacerbated precariousness caused by the pandemic (Timmerman).

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[91] More precisely, the official data report 10,121 refugees and 3622 asylum seekers. Of these, 73 per cent were men, and 27 per cent women, and out of the total refugee population, 28 percent were children ("UNHCR Indonesia").

Arguably, by preventing the departure of boats from Indonesian shores and pushing back vessels at high sea, Australia was attempting to circumvent the prohibition of refoulement, although, as underlined by Pijnenburg, "the plight of intercepted migrants in transit suggests that returning someone to those countries—and by extension containing them there—may breach the principle of non-refoulement and other human rights norms"(315) in particular the right to leave a country. Overall, Pijnenbur asserts that the conditions of migrants in Indonesia could "amount to inhuman and degrading treatment" (314) due to lack of "physical safety, severe material deprivation and social isolation" (314).

3.4 Civilianisation of migration policing in Indonesia

While evidencing the points of conflict and the different phases that the cooperation between Australia and Indonesia has undergone, the precedent description has especially highlighted the stark influence that Australia has had on the formulation and deployment of Indonesian policies regarding irregular migration, asylum and people smuggling. In particular, following Nethery and Gordyn it has been argued that Australian pressures on Indonesia has led to the increased criminalisation of both people-smuggling (188) and irregular migration (186), which has also resulted in the increment of immigration detention. Multiple scholars sustain this view[92], including Missbach, who in fact argued that "[w]ithout the very generous Australian funding channelled through IOM, it is unlikely that Indonesia would detain thousands of transit migrants" (*Trouble* 241). Law No. 6 of 2011, which does not mentioning asylum seekers or refugees at all and introduces the term 'illegal migrants' to describe migrants without a visa has been regarded as one of the most evident examples of Indonesian law "modelled on Australian immigration law" (Nethery and Gordyn 187; Indonesia, People's Consultative Assembly).

This section investigates how the criminalisation of irregular migration and migrants smuggling in Indonesia has impacted on the Indonesian community and its perception of asylum seekers. By focussing in particular on the recruitment of civilian border guards, it is

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[92] See also Nethery et al., according to whom, "[t]he provision of Australian funding for detention in Indonesia has resulted in an increased propensity of Indonesian officials to detain" (88).

argued that Australian-sponsored bordering policies and practices have diminished the possibilities for the creation of relationships of solidarity between the Indonesian community and asylum seekers.

Not all elements which impinge on the interactions between asylum seekers and Indonesian citizens depend on the Australian influence, at least not directly. In some cases, frictions between locals and asylum seekers have been intensified by the fact that the latter were Shi'ite Muslims, while the majority of Indonesian population is Sunni (Missbach et al., "Stalemate" 16). In other cases, as for example in the province of Bogor in 2012, tensions arose because refugees living in the community for a long time, unable to work or study, would "form attachments with local women" (Nethery and Gordyn190). The subsidies that some refugees have been receiving have also been the reason for tensions, due to the fact that many in the Indonesian community itself face unemployment and destitution (Nethery and Gordyn190).

Recently, Amnesty International's Indonesia Director Usman Hamid has questioned the most prideful elements of Indonesia's national identity, evidencing how the reality does not live up to these standards: "the national motto, Bhinneka Tunggal Ika – Unity in Diversity, and the country's image as a tolerant and pluralist nation" (Hamid). Refugees and asylum seekers are one of the groups which experience exclusion in the Indonesian community, being subject to autochthonous politics of belonging which entail that "[l]imits and hierarchies are perpetuated, drawn and redrawn" as migrants face "layers of racism and processes of 'othering'" (Purdey et al.). According to an Indonesian immigration officer in the Ministry of Law and Human Rights who has been working with asylum seekers between 2014 and 2017, the prejudices which affect asylum seekers and refugees in Indonesia today largely depend on their criminalisation and the process of securitisation which has associated irregular migrants with security threats, with the complicity of the media, and has often identified them as "potential disease carriers, troublemakers and criminals" (Ilham[93]). This association has been remarkably strengthened by the fact that many of these migrants have been detained, also for long periods of time especially in the past, thus reinforcing the public's view of irregular migrants as criminals (Ilham). In this sense thus, the Australian

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[93] Ilham is not the real name of the author, but the one he used to sign the article which has been published on Inside Indonesia, in the edition of June 2021 dedicated to racism.

influence on the perception of asylum seekers by the Indonesian community is apparent, due to the influence (both political and material in the form of sponsorship) that the neighbouring country exercised in the 'illegalisation' of irregular migrants and their detention in Indonesia which have ultimately "stigmatised" these migrants and "adversely affected their assimilation into local communities" (Ilham). Clearly, restrictions on work and education rights impede interactions with Indonesian citizens, further separating the two groups (Ilham).

As mentioned before, Australia's influence in Indonesia includes the "outsourcing of state-led border watching to the wider public" (Missbach, "Doors" 233). While practices that encourage citizens to become 'border guards' are not easily measurable in their practical incisiveness, they still demonstrate how state-led bordering policies can affect society by instilling "a rather questionable self-generated responsibility among ordinary citizens" (Missbach, "Doors" 233). Through the IOM, Australia has sponsored[94] multiple training and campaigns to educate not only Indonesian authorities (between 2007 and 2012 the IOM in Jakarta organised workshops which saw the participation of more than 7000 members of the Indonesian police and immigration forces); but also civilians (Missbach, "Doors" 234-235). Between 2007 and 2011, more than 16 058 Indonesian citizens, especially belonging to coastal communities, have joined IOM's seminars on irregular-migration-related issues (Missbach, "Doors" 235).

Information campaigns[95] constitute a measure of border externalisation which Australia has been employing in order to encourage civilian reporting and dissuade potential people smugglers from enabling irregular border crossings (Hirsch and Doig 696). Smuggling is defined as "the facilitation of movement across international borders which is not

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[94] During those same years, IOM's expenditures in Indonesia rose from $26,634,503 USD in 2010 to $40 million USD in 2013: the deployment of these campaigns is only part of IOM's projects in Indonesia, which, as previously assessed, include 'care and management' of migrants in Indonesia and 'assisted voluntary return' programs (Watkins "Irregular" 1113).

[95] Other information campaigns, those directly targeting migrants, discourage potential asylum seekers from embarking on irregular border crossings. Campaigns promoted by Australia since mid-1990s have been depicting migrants' homeland as safe, and the decision to embark on irregular migration as risky and destined to fail (Watkins, "Australia" 282). These campaigns, which in 2019 alone accounted for AUD$39.9 million funding, have been deployed through an array of means and media outlets: "radio; TV; newspaper; internet ads; street performances; community workshops; billboards; posters; leaflets; comic books; branded merchandise; and, YouTube videos" (Watkins, "Australia" 286). Information campaigns have externalised Australia's borders as far as Albania and Turkey or Northern Africa (more precisely, Sudan in Northeast Africa and Somalia in the Horn of Africa), but they have especially targeted the numerous refugee-producing countries in the Middle East and in South-East Asia (Watkins, "Australia" 286).

authorised by the State" (van Liempt 140). The criminalisation of people smuggling and especially the erroneous generalisation which often associates smugglers to traffickers reflects a world-wide trend of institutional responses to the surge in smuggling networks, which in turn is the direct result of the illegalisation of unauthorised migration and the shrinking of regular pathways of mobility (van Liempt 149). Although public discourse in Indonesia associates irregular migration with security threats such as terrorism, drug trafficking, and trafficking in persons (McKenzie 13); migrants-smuggling networks in Indonesia are hardly associable to transnational organised crime as they are constituted by loose and temporary networks, where the smugglers have often been found to be former asylum seekers themselves, or in most cases, local fishermen, acting independently or cooperating, although outside of hierarchical structures (Missbach and Sinanu 66).

The Australian-funded information campaign analysed in this section targeted 14 Indonesian coastal communities comprising over 100,000 inhabitants and has been running from 2009 to 2014: the *Public Information Campaign to Curb Irregular Migration and People Smuggling in Indonesia* (Watkins "Irregular" 1113). Together with usual advertising, the campaign involved community and religious authorities in the delivery of the campaign's messages, and the organisation of special festive and educational events (Watkins "Irregular" 1113). The messaging of the campaign was centred on the idea that people smuggling is a sin, but also a criminal offence which ultimately jeopardises the security of one's family and community at large, harming the honour and self-worth of those who engage with it (McNevin et al. 226). These campaigns especially conveyed the association of smuggling and irregular migration with moral sins, and urged citizens to take on a surveillance role by reporting on co-nationals' immoral conduct and on possible irregular migrants (instead of assisting them, neither on land nor sea) (Watkins "Irregular" 1112).

A preliminary survey conducted by the IOM found that religious values[96] were the main drivers of smuggling activities among Indonesian coastal communities and therefore the campaign projects were devised adopting a "values-based approach and moral messaging" (Watkins "Irregular" 1113). IOM's contractors devised some guidelines for sermons and

[96] From an Islamic perspective, asylum involves questions related to the norms of "hospitality and obligation owed to strangers and outsiders" (McNevin et al. 231). Similarly, Christian values of solidarity were also mentioned as a motivation for assistance to migrants, as the main religious groups in these coastal communities were precisely Muslims and Christians (Watkins "Irregular" 1113).

distributed prayer pamphlets: in 2010 alone, more than 3,000 copies of these booklets were distributed and on average, each month more than 7,000 Indonesians assisted to religious services where anti-irregular migration and people smuggling sermons were recited (Watkins "Irregular" 1114). Both Christian and Muslim sermons present nationalistic and xenophobic arguments, as they accuse irregular migrants of improperly taking advantage of Indonesia and its citizens (Watkins "Irregular" 1122). Christian sermons were particularly focussed on representing irregular migrants as 'bogus asylum seekers' only attempting to improve their economic status by travelling to Australia (Watkins "Irregular" 1116). Instead, the main message conveyed in Muslim sermons regarded the association of morality with domestic law: according to this narrative, transporting irregular migrants to Australia amounted to a breach of Australian (and since 2011 also of Indonesian) law, therefore it constituted a sin (Watkins "Irregular" 1114). Paramount relevance was given to the sovereignty of states and the importance of their borders, which were to be defended against the foreign and criminal 'other' who lacked the "right motives" for moving (Watkins "Irregular" 1114). The campaigns' messaging in general focussed on criminal activities (irregular migration and people smuggling) and did not include any reference to the right to seek asylum or the reasons which might force migrants to travel via irregular routes (i.e. the inaccessibility of legal routes) (McNevin et al. 230). Through a twisted argument, these sermons even implied that, by reporting irregular migrants, the good citizen would spare them from committing a sin (crossing borders without authorisation), thus, the act of reporting irregular migrants would help preserve both the good citizen's and migrants' integrity (Watkins "Irregular" 1115).

As Josh Watkins pointed out, the campaign's slogans such as "Rejecting Offers from People Smugglers is the Right Thing to Do" and "I Know Smuggling Irregular Migrants is Wrong" display a "pedagogical approach" ("Irregular" 1116) which aims at conditioning Indonesian citizens to conceive of irregular migration and questions of morality attached to it, in a certain way.

These slogans were present at community events organised as part of the campaign strategy to reach a wide public (events comprised family activities such as photo-days, movie-nights[97]

[97] "I Know" and "Don't Get Involved" are the titles of two films often projected at such events (McNevin et al. 226).

and “proud fisherman days”(Watkins “Irregular” 1113)). These slogans were particularly present in the advertisements used by the campaign, which involved all media and channel, especially spots on the radio, newspapers, flyers and posters, and merchandise of various kinds (Watkins “Irregular” 1113). Through the dissemination of branded objects and gadgets[98], the campaign aimed at entering the everyday lives of coastal communities, making sure that as many people as possible would own and daily look at an “I Know” calendar or a branded family portrait, a methodology defined by Watkins as “bordering pedagogy” (“Irregular” 1118). The campaign thus has reproduced bordering practices in the everyday lives of Indonesian citizens, but also of irregular migrants, by depicting them as the criminal ‘other’, different from the righteous Indonesian citizen (Watkins “Irregular” 1122).

It remains unclear wether the campaign was successful in conveying the association of smuggling with a sin: the fieldwork carried out by McNevn et al. in 2016 evidenced that economic considerations were usually more influent in the decision making of Indonesian coastal communities members with regard to irregular migration (McNevin et al. 228). In fact, interviewees among local fishermen reported of having denied assistance to vessels in distress, out of concerns over criminal penalties and the possibility of loosing one’s boat if intercepted by Indonesian or Australian authorities (McNevin et al. 228). The reason why they wouldn’t facilitate the onward movement of migrants towards Australia has thus been individuated in economic reasons rather that moral ones (McNevin et al. 228). Reportedly, due to the possible losses that the fishermen would risk by smuggling migrants to Australia, they would rather bring them back to Indonesia, if found in danger at sea (McNevin et al. 228). Nevertheless, interviewees have also referred of coming across vessels which were closer to Australia than Indonesia, and that carrying those vessels and/or passengers back to Indonesian shores would be too costly for them (due to the time and fuel employed in completing the operation) (McNevin et al. 228). Being fully aware of the fact that rescuing these migrants and bringing them to the closest shores (Australia) would constitute smuggling according to authorities, but also considering the costs of bringing them back to Indonesia, some fishermen confessed they did restrain from rescuing migrants altogether, which points

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[98] A 21-months calendar was produced in order to last longer on potential people smuggler’s shelves and a survey conducted by the IOM had revealed that most coastal inhabitants desired a family portrait picture but couldn’t afford any, therefore in 2010 alone the IOM delivered 2618 family portraits (of approximately 9163 people) (Watkins “Irregular” 1118).

to a troublesome effect of information campaigns and smuggling-criminalisation policies: the "disincentives to rescue" (McNevin et al. 228). At the same time, others interviewees have expressed the idea that smuggling irregular migrants to Australia would be a convenient option for them, as their families could still receive the payment for their venture, even if they were apprehended and detained (McNevin et al. 235). This does not imply that moral issues were never part of the decision-making process of the interviewees when considering to rescue people at sea, although it was not the morality conveyed by the campaign: some of these fishermen acknowledged the act of rescuing as an imperative according to the fishermen's code of conduct (McNevin et al. 235).

Thus, in organising the campaign, the socio-economic context of fishermen targeted by the campaign messaging itself, was not taken into consideration (McNevin et al. 235). In fact, as anthropological studies suggest, "within these communities illegal or semi-legal activities is considered neither abnormal nor shameful" and "rather, such activity falls within the mix of work that is simply available" (McNevin et al. 234-235). Smuggling has historically represented a source of income for fishermen in the area, just like the smuggling of other objects such as particular hardwood, it was one more activity that would enable them to make a living for their families (McNevin et al. 235). As noted by McNevin et al., the underlying "colonial rationality" (235) is intrinsic to the migration management paradigm according to which one country's governance is "bad" because intrinsically prone to "corruption and crime" (235), while the other (western) country's governance is the correct one, setting the global standards of morality and legality, is clearly visible in the way the information campaign in Indonesia was devised. In fact, "[t]his colonial rationality sets up a double standard between those whose tolerance of illegality is perceived as corrupt, criminal, and backward and those whose tolerance of the same is perceived as enlightened, pragmatic, and humanitarian" (McNevin et al. 236). Thus, according to this rationality (which also corresponds to the narrative purported by the standard migration management paradigm) on the one hand, irregularly transporting asylum seekers to Australia would be criminal and immoral, just like the act of rescuing vessels in distress or generally offering assistance to irregular migrants; while practices of maritime border control such as the ones carried out by Australia which involve boat turn backs (which have resulted in vessels being sent back to Indonesia in unsafe conditions, or the cases of shipwrecks induced by official 'smuggling

disruption activities') are instead morally correct and legal (McNevin et al. 236). The positioning of Australian policies and practices as 'the right ones' regardless their outcomes or context in which they are deployed (the absence of regular migration pathways) is arguably a display of colonial rationality, inherent to the migration management paradigm based on the clear-cut distinction between legal and illegal migration (McNevin et al. 236).

Provided that it remains disputed whether, as declared by the IOM[99], the campaign was a real 'success' in instilling the correlation between smuggling and sin amongst Indonesian coastal communities; it can still be argued that it certainly enforced (and was contemporarily sustained by) a narrative which purports the illegality of seeking asylum without prior authorisation from the destination state, and which overshadows the structural reasons of irregular migration in favour of a technocratic view of human mobility as something that has to be managed through the 'right' set of policies (Hirsch and Doig 696).

The campaign is embedded in the process of criminalisation of irregular migration in Indonesia and, due to the fact that it was sponsored by Australia and it mirrored Australian policy objectives, it stands as one exemplification of Australian bordering policies influence in the Indonesian community (Hirsch and Doig 696). Through the campaign, Australia has been "funding the dissemination of misleading messages" (Hirsch and Doig 696), which have impacted on the exclusion of asylum seekers from the Indonesian community, as can be evidenced by the resulting disincentives to rescue and assist, and the parallel incentives to report and surveil borders. As in Australia, also in Indonesia the "structurally embedded border" (Weber, " State-Centric" 230) is at work: punitive measures deprive migrants of basic rights, encouraging 'voluntary' departures, while civilians are recruited in order to police internal borders.

Indonesian bordering policies which resulted from its cooperation with Australia through incentivised policy transfer (in particular the criminalisation of irregular migrants and smugglers, the increase in immigration detention, together with maritime borders patrolling and the recruitment of civilian border guards); translate into what Ilham has described as a "thorny social issue" in Indonesia: racism, discrimination, prejudice and

[99] In 2010 the organisation published the results of a survey according to which the campaign had already "achieved a radical shift in public opinion" on people smuggling, which had moved "from general acceptance/tolerance or ignorance to … virtually unanimous rejection" (McNevin et al. 223).

marginalisation of and towards asylum seekers. Not unlike the case of the Australian community, Indonesian citizens are less likely to engage in relationship of solidarity towards asylum seekers, precisely because of the bordering practices that stem from the Australian border regime and its border externalisation policies in Indonesia.

3.5 Summary

This chapter has argued that policies and practices inherent to the Australian border regime which reinstate racial and socio-economic hierarchies, having a divisive effect on society and impeding solidarity between citizens and asylum seekers, extend also to the Indonesian community. In order to establish how bordering policies and practices in Indonesia are in large part dependent on Australian influence, the first part of the chapter has outlined the cooperation through incentivised policy transfer between the two countries. Provided that there have been cases in which Indonesia did not comply with the Australian agenda, the analysis still provides evidence of the manifested Australian impact on some landmark Indonesian laws and practices regarding asylum seekers. By dispensing financial and diplomatic incentives, Australian policymakers have had a crucial role in the criminalisation of irregular migration in Indonesia and in the policies which have been enacted over the past two decades to detain and police irregular asylum seekers and their facilitators in the archipelago. Through both incentivised cooperation and unilateral actions, successive Australian governments have managed to turn Indonesia from a transit country to a buffer state where asylum seekers directed to Australia are immobilised and suffer severe deprivations of basic rights.

While Indonesia passed laws manifestly inspired to the Australian ones, illegalising irregular migrants and their facilitators; Australia funded the expansion of Indonesia's capability to police, intercept and detain these migrants and their smugglers. Additionally, through the IOM, Australia conducted pervasive information campaigns which aimed at instructing Indonesian citizens on the risks of getting involved in smuggling and the duty of a good citizen (or a good Muslim/Christian) to report irregular migrants and smugglers. By on the one hand encouraging civilian reporting and on the other hand criminalising smuggling

(intended not just as the actualisation of border crossing but also as providing assistance and hospitality), Indonesian citizens have ultimately been disincentivized even to rescue migrants in distress.

The criminalisation of asylum seekers in Indonesia (just like in Australia) has heavily impacted on the exclusion of these migrants from the Indonesian community and on the reinforcement of pre existent hierarchies based on race and social status, which prevent the development of horizontal relationships of solidarity. While depicting asylum seekers as dangerous criminals or opportunists, public discourse in Indonesia has omitted the reasons which lead migrants to leave their countries in the first place, the unavailability of legal mobility pathways, and the universality of the right to seek asylum. As in the Australian case, Indonesian citizens have therefore been dissuaded from standing in solidarity with asylum seekers by questioning and opposing their own government's policies. Instead, the 'migration management paradigm' narrative has been presented as incontrovertible and the policies that it requires as morally correct and indispensable in order to protect citizens from the dangerous other.

Chapter Four
Contesting the Border Regime Through Subversion and Resistance

The previous chapters have focused on the limits that bordering policies and practices inherent to the Australian border regime impose on the creation of relationships of solidarity between citizens and asylum seekers, both in Australia and Indonesia. This chapter explores the exceptional instances in which, despite the permanent context of exclusionary bordering policies and practices, certain individuals in the Australian and Indonesian community have indeed acted in solidarity with asylum seekers by opposing the border regime, in a more or less overt way. Nevertheless, as the analysis evidences, although remarkable, these acts of solidarity mostly consisted of temporary or individual initiatives which more often than not failed to involve wider segments of the society, and resulted in limited policy change.

With the purpose of providing a promising avenue for the creation of widespread solidarity between citizens and migrants, which is necessary in order to trigger the kind of mobilisation that can effectively challenge the Australian border regime and lead to relevant policy changes, the final part of the chapter introduces the work by Behrouz Boochani, a Kurdish refugee who spent long years on Manus Island, and his Australian translator and colleague Omid Tofighian.

4.1 Solidarity in the Australian community

Borders are a "site of struggle" (Weber, "State-Centric" 232) clearly involving migrants who are directly targeted by bordering policies and practices[100], but also citizens who attempt to confront or refuse the border regime. Acts of resistance especially by social-workers, education and health care personnel in Australia have challenged the "structurally embedded borders"(Weber, "State-Centric" 228). As mentioned in the second chapter, through the differentiation and denial of service provision, structurally embedded borders actualised by service providers determine migrants' "social, political and economic inclusion" (Weber, "State-Centric" 230). At times, the denials of service can cause the 'voluntary' repatriation of migrants, or they can be forcibly detained and removed in case one of the multiple checkpoints enacted by service providers (either voluntarily or involuntarily) detects a failure on the migrants' part to respect the conditions attached to their migration status (Weber, "State-Centric" 230). Nevertheless, as Leanne Weber contends, it is precisely the "dispersed and performative nature" of structurally embedded borders which "creates the conditions for resistance to it" ("State-Centric" 230).

Service providers in particular "have worked in solidarity with asylum seekers" (Weber, "State-Centric" 243), prioritising the ethics and codes of conduct at the basis of their professions over governmental directives and federal laws. Subversion arguably entails serious risks for service providers themselves, who might face the loss of their job, criminal charges and damages to their reputation, as a result of their activism (Maylea and Hirsch 164). Moreover, they constantly need to balance their actions against the likelihood that, if removed from their positions, they would be deprived of any possibility to make a difference for the asylum seekers they assist at all (Maylea and Hirsch 164). Direct attacks on service providers from government officials have contributed to create a climate in which solidarity

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[100] According to Martina Tazzioli et al., the concept of "migrants struggles" encompass both instances in which migrants overtly "challenge, defeat, escape or trouble the dominant politics of mobility" and "the daily strategies, refusals, and resistances through which migrants enact their (contested) presence" (80). These struggles happen at any stage of the mobility process, making "migration is itself a field of struggle" (80) and forcing the border regimes to constantly adapt to counter the challenges posed to it by migration. While more or less organised protests and contestations of borders by migrants are the most self-evident examples of struggles, more often than not, migrants struggles "consist in the mere fact of persisting in a certain space, irrespective of law, rights and the pace of the politics of mobility" (82).

practices towards asylum seekers are all the more criminalised: in 2104, for example, then Minister for Immigration Scott Morrison declared that service providers should act professionally, that is, according to the gagging laws and service denial practices which are included in the contracts they stipulate with the government, instead of acting as "political activists" (Morrison in Maylea and Hirsch 169).

Research work conducted by scholars over the development of social work in Australia in the past 30 years evidence that asylum seekers are not the only minority affected by the general dismissal of the very ethics of social work as part of a welfare system which aims to even inequalities as far as possible, in favour of neoliberal directives which focus on "accountability and outcomes, competition and efficiency, risk management, and privatisation of services" (Greenslade et al. 423). Nevertheless, as reported by social workers and service providers in general, asylum seekers in Australia, and in particular irregular maritime arrivals, are indeed the "most vulnerable" (Weber, "State-Centric" 232) of the groups that service providers engage with.

Certain service providers in Australia have resisted borders by refusing to provide immigration authorities with sensitive information about asylum seekers (Weber, "State-Centric" 238). A head teacher in the state of Victoria has reportedly decided not to suspend an asylum seeker student after having pondered the situation with the case worker responsible for the teenager and having reached the conclusion that risking the pupil's re-detention and deportation was clearly not proportionate to the gravity of that case (Weber, "State-Centric" 238). Others in the Australian community have campaigned in order to widen asylum seekers' access to basic services, leading to some remarkable results: in the state of Victoria, the lobbying and advocating work advanced by the main professional associations of service providers, especially health care workers, have resulted in the implementation of state-level practices (such as the provision of funds by the Department of Health and Human Services in Victoria, through an NGO, in order to ensure medical assistance to asylum seekers, and education for those aged over 18) (Weber, "State-Centric" 236).

At a federal level, lobbying by these groups granted work rights for asylum seekers on a bridging visa (until 2014, this category of visa holders would not be allowed to be regularly employed); moreover, following their public objections, in 2016 health workers were able to be exempted from restrictions under anti-whistleblower laws in detention facilities (Weber

"State-Centric" 240). The Australian Association for Social Workers (AASW) has been advocating for policy reform especially since 2013, collecting evidences of the conditions that asylum seekers would be subject to under the Australian border regime, and involving collaborators in different fields, especially academics, in order to contribute to the work of research and exposure of the systematic abuses perpetrated in offshore and onshore detention centres (Maylea and Hirsch 169). One positive outcome of this mobilisation consisted in pushing the Australian government to at least reduce the number of asylum seekers detained offshore by signing a deal[101] with the United States in order to concede for the resettlement of some refugees there (Maylea and Hirsch 169). Clearly, the deal did not challenge the basis of the Australian asylum policies, but it could still provide for a permanent solution for those refugees who participated in it (Maylea and Hirsch 169).

Advocacy work from service providers and other groups supporting asylum seekers has at times enabled the mobilisation of wider segments of society. The case for solidarity as a potentially catalysing and transformative force can be made in the context of the 2015 civil society protest in Melbourne, which blocked the implementation of the Border Force Operation Fortitude - a multi-agency operation to be deployed right on Melbourne streets, targeting visa fraud and antisocial behaviour (Davey). Because the operation aimed at individuating irregular migrants by employing police forces specifically tasked with implementing migration status checks, according to protestors, it would implicitly justify an intensification of the use of racial profiling by the police, thus impacting also on asylum seekers (together with all migrants and racialised minorities), exacerbating an already hostile environment (Davey).

In February 2016, the Australian High Court[102] ruled that 267 asylum seekers (including 54 children and 37 babies) who had been transferred to Australia for medical reasons, should be re-deported to offshore processing centres (Goldenziel 547). The ruling sparked the public campaign #LetThemStay in the Australian community: protests were

[101] The refugees 'swap' deal, described in the second chapter, allowed for the resettlement in the United States of some refugees held in Manus and Nauru, in exchange for the resettlement in Australia of refugees held in the United States (Maylea and Hirsch 169).

[102] In Plaintiff M68/2015 v. Minister for Immigration and Border Protection, the Human Rights Law centre represented the plaintiff, a Bangladeshi asylum seeker who had been transferred from Nauru to Australia for medical treatment and while in Australia had filed suit on behalf not just of herself but also of 267 other asylum seekers in the same circumstances, contesting the legitimacy of the Australian policy of offshore migration detention (Goldenziel 547).

organised by multiple organisations in 12 different cities around Australia, in order to pressure the Australian government to abandon its policy of deportation and abuses (Hall et al. 40). Protests saw the participation of doctors refusing to release patients hospitalised in Australia, and churches offering "sanctuary" to asylum seekers across the country (Hall et al. 40, 46). Nevertheless, although almost half of the group of 267 asylum seekers were then allowed to stay in the Australian community, on a temporary basis, and despite the remarkable mobilisation prompted by #LetThemStay, even in this case no permanent changes were made to overall Australian asylum policies (Hall et al. 49).

More recently, the outbreak of Covid-19 pandemic has exacerbated the conditions of precarity of non-citizens in Australia, and in particular of asylum seekers in immigration detention and Alternative Places of Detention (APODs), often commercial hotels situated in the main cities such as Melbourne and Brisbane (Vogl et al. 45). Already in March 2020, almost 1200 health care experts and epidemiologists had gathered to officially demand the release of migrants from detention facilities by the Australian government, in order to prevent the proliferation of the virus (Vogl et al. 43). Similar remarks were made by the Australasian Society for Infectious Diseases, the Australian College of Infection Prevention and Control and more than 1000 academics from all over the world, collaborating on an open letter addressed to the government of Australia (the project was initiated by Academics for Refugees, an Australian network of academic scholars advocating for asylum seekers and refugees rights) (Vogl et al. 43). Arguably, basic precautions for the prevention of contagion cannot be respected in overcrowded facilities which have not been designed to ensure that everyone has the possibility to practice social distancing and isolation, or even have appropriate access to basins or hand sanitisers (Vogl et al. 44). According to experts, the government did not adequately prevent the health hazards that maintaining people in detention would pose both to detainees and the society at large, as the personnel working there still constitutes a link between detention centres and the external community (Vogl et al. 45). Despite the previously discussed lack of external scrutiny and transparency over detention centres (run by the private multinational Serco), in April 2020, reports from inside the detention facilities showed that the staff had not been properly applying protective measures, while visitors were completely denied access to detention facilities, exacerbating the punitive character of immigration detention, "in the name of 'protection'"(Vogl et al. 46).

The double standard treatment of non-citizens in this case was particularly stark: while the "sentimental refrain 'we are all in this together' has been a common catchphrase" in Australia since the pandemic started, "it clearly does not extend to detained non-citizens" (Vogl et al. 45). Of particular concern are those refugees and asylum seekers detained in APODs in Australia, generally in small crowded rooms with scarce aeration (Vogl et al. 46). When these groups began to protest and expose their living conditions on social media, they were soon joined by members of the Australian community, although without managing to impact on governmental guidelines (at the time of writing, asylum seekers are still detained in unsafe conditions) (Vogl et al. 47). Moreover, despite the fact that external protests were performed in compliance with social-distancing norms (protestors gathered outside the hotels in Melbourne and Brisbane but remained in their own cars) the police did nevertheless impose conspicuous fines to participants (Vogl et al. 47).

4.2 Solidarity in the Indonesian community

In certain instances, also Indonesian citizens have acted in solidarity with asylum seekers by opposing their government's directives and refusing national laws which criminalise spontaneous assistance to irregular migrants (Missbach, "Facets" 48). In the midst of the Andaman Sea crisis, when Indonesian, Malaysian and Thai authorities denied asylum seekers' boats access to their territories (instead, they would refurbish the unstable vessels with fuel and food supplies and order that they continue sailing), some boats managed to draw closer to the Indonesian province of Acheh, and were rescued by local fishermen (Missbach, "Facets" 48). The rescues happened on multiple occasions: 578 asylum seekers were brought ashore from fishermen from the village of Seunuddon on May 10, 2015, and 1229 more people were rescued from shores nearby the city of Langsa between May 15 and 20 (Missbach, "Facets" 48). A total of 1807 asylum seekers were hosted by Achehnese villagers during that period, despite the threats of Indonesian military officials, who adamantly reminded fishermen of the fact that rescuing irregular migrants could have amounted to smuggling under Indonesian law (Missbach, "Facets" 48). As discussed in the precedent chapter, international pressures and media coverage of the Andaman Sea crisis and

the Acehnese case pushed the governments of Malaysia and Indonesia to allow asylum seekers to accede their territories, at least for initial refuge (Missbach, “Facets” 48). Despite the efforts by Indonesian government to hamper such initiatives, the hospitality of Indonesian fishermen exemplifies the potential of bottom-up solidarity acts, as it precipitated the subsequent institutional responses which, albeit imperfect and insufficient, still constituted a breakthrough that without fishermen’s involvement “might otherwise have seemed impossible” (McNevin and Missbach 297).

Acehnese people welcomed Rohingya asylum seekers for multiple reasons, among which, hospitality as a cultural trait and factors deriving from the history of Aceh are paramount (Missbach, “Facets” 54). “Honoring one’s guests” (peumulia jamee) is a local custom based on the principles of universal hospitality, but also on the fact that those who practice hospitality will be rewarded (Missbach, “Facets” 46). Antje Missbach remarks how “fortune (rejeki) and the divine” were leitmotivs in the interviews she conducted with local Acehnese rescuers: “I can get that money [that the rescue cost me] back again from god when I go back to the sea. I believe God will help me get fish ” (“Facets” 55). Aside from the rewards, assistance and hospitality are seen as an obligation in peumulia jamee: a young volunteer declared that him and his peers in the community would help Rohingya “because it’s [their] duty as Acehnese” (Robbins 7). Commentators also underline the fact that Rohingya migrants, unlike most other Muslim refugees in Indonesia, are Sunni Muslim like the majority of Acehnese people, and this is likely to have played some role in facilitating a positive response to the migrants’ call for help (Robbins 6).

In addition to this, the memory of the 2004 tsunami is still very much present amongst Acehnese people, who had been severely hit by the natural disaster: the province lies on the North Western corner of Indonesia’s Island of Sumatra, right at the epicentre of the earthquake which caused the tsunami itself. Thus, Acehneses conceive their actions in support of Rohingya migrants also as a way to ‘pay their own debt back’ after having received significant international help on previous occasions (Missbach, “Facets” 55). Moreover, due to its historical aspirations as a secessionist region, between 1976 and 2005, Aceh has been the scene of long periods of instability and violence which saw many local political dissidents finding refuge and hospitality abroad in order to escape from the Indonesian government (Missbach, “Facets” 55). In the face of peumulia jamee and the

experiences unique to the Acehnese people, “refusing to offer any hospitality when possible is deemed a severe breach of conduct” (Missbach, “Facets” 55). According to Missbach, the history of political oppression experienced by Acehnese people also facilitated specific initiatives of political and civic solidarity as petitions were issued in order to urge the international community and the Indonesian government to tackle the issue of Rohingya’s persecution in Myanmar (“Facets” 58-59).

There are additional reasons why the history of separatist movements in Aceh have contributed to the regional response to the Andaman Sea crisis: the acts of disobedience against the Indonesian government’s impositions gave a renewed impetus to the sentiments of independence among Acehnese people, emphasising their perceived regional role of “abode of peace (darussalam)”, in opposition to the reprehensible conduct displayed by the national government (Missbach, “Facets” 57-59). One interview with a fisherman expressed this contraposition between locals and national authorities: “We helped out of solidarity. If we find someone in the ocean, we have to help them no matter who they are. The police did not like us helping but we could not avoid it. Our sense of humanity was higher” (Missbach, “Facets” 59).

Certainly, as Missbach underlines, the opportunity for political and economic gain was soon sized by regional leaders and NGOs operating in the area and which contributed to the arising of hospitality initiatives in the region (“Facets” 61). Nevertheless, the presence of political and economic interests should be separated from the initial, spontaneous acts of rescuing, providing shelter and basic needs to asylum seekers which was an example of solidarity from the bottom-up (Robbins 8). Departing from the fishermen’s initiative, villagers from the whole province were involved in gathering and organising the delivery of donations: in the context of modest economic possibilities on the part of Acehnese villagers themselves, their mobilisation out of solidarity with asylum seekers cannot be minimised (Robbins 8).

In other cases, the Indonesian community acted in solidarity with asylum seekers by supporting them during their protests and demonstrations, as mentioned by Mahardhika Sjamsoe’oed Sadjad, regarding events which took place in 2018 in Kalideres, West Jakarta (10). As previously discussed, the time that asylum seekers spend in Indonesia waiting for resettlement has recently been increasing, due both to Australia’s decision to suspend

resettlement from the archipelago and to the global fatigue in the resettlement process which every year allows only a tiny percentage of world refugees to achieve a permanent solution. Long periods of 'life in limbo' coupled with the fact that asylum seekers cannot work in Indonesia, leave them relying on external assistance, which had in great part been provided by IOM under Australian mandate. It is then unsurprising that, when in 2018 Australia announced it would cut fundings to IOM, leaving many asylum seekers without support, the news sparked a general panic among those who from that moment on would fall outside assistance projects (Sadjad 10). Many asylum seekers decided to surrender to detention in the hope of managing then to be included in the UNHCR and IOM programs: more than 300 asylum seekers from Afghanistan, Somalia and Sudan began camping outside the Immigration Detention Centre in Kalideres, demanding to receive some assistance (Sadjad 10). Local residents soon organised in order to provide migrants with food and basic items and an informal collective was set up from volunteers who offered to help managing donations (Sadjad 11). When, a few months later, asylum seekers were forced to move, they decided to camp outside the UNHCR offices in Jakarta, where even more migrants joined the protest, and were once again supported by the Indonesian community (Goudkamp). Media coverage of the events pushed the Indonesian government to act swiftly and host asylum seekers in an abandoned military building, which, according to an Australian refugee advocate who conducted on-site investigations, "lacks basic facilities – running water, electricity or toilets (five portaloos were brought in)" (Goudkamp). The compound housed some 1,257 adults and 180 children contemporarily (Goudkamp).

Although there are some local human rights lawyers and asylum seekers advocates who pressure the Indonesian government to extend work and education rights to asylum seekers 'transiting' in Indonesia, public mobilisation in this direction is still limited, just like the results obtained so far in terms of ameliorated conditions for migrants (Goudkamp). In fact, decade-long waiting periods in Indonesia in such circumstances have caused a "mental health epidemic, driving some refugees to suicide" while "[m]any others have died from treatable diseases" (Goudkamp).

Ensuing from contexts of "migrants struggles" (Tazzioli et al. 80), these examples of "border refusal" and "border resistance" (Weber, "State-Centric" 229) from Australian and

Indonesia citizens do represent instances of solidarity with asylum seekers, and in some cases, they did indeed achieve relatively remarkable results. In particular, the acts of "covert activism" (Greenslade et al. 425) or "subversion" (Maylea and Hirsch 171) by service providers in Australia, together with the political pressures they were at times able to apply on the Australian government, could create "new borders of inclusion, in ways that cut across, even if they do not completely redraw, the structurally embedded borders imposed by federal law" (Weber, "State-Centric" 244). These examples show how the movement of migration stubbornly challenges border regimes by turning "the border into a field of tension … that makes even the most rigid border profoundly unstable" (Mezzadra, "Abolitionist" 434), affecting both migrants and citizens of so-called destination or transit countries.

Nevertheless, the Australian border regime is far from being seriously challenged and contested by Australian and Indonesian citizens, in solidarity with asylum seekers. In particular in Australia, as Christopher Maylea and Asher Hirsch underline, neither the leakages of information regarding the brutal treatment of migrants in offshore detention centres (in particular the 'Nauru Files' mentioned in the second chapter), the divulgation of which constituted a form of subversion on the part of service providers, nor the circulation of news about the details of courts litigations filed by asylum seekers advocacy groups could generate the widespread outrage one might have expected, and which could have effectively triggered widely-supported demands for radical policy reforms (167 - 170). Even nation-wide protests such as the #LetThemStay one did not result in any relevant policy change (Hall et al. 49). Shirley Hall et al. observe that the potential of the protests was diminished by their specific focus on a circumscribed case (the 267 asylum seekers which had been transferred to Australia and risked re-deportation) and the fact that the discussion raised by protestors particularly revolved around children and newborns in that asylum seekers cohort (49). The large-scale protests certainly did carry "the potential for … a much broader impact on other relevant policies and on public opinion" (Hall et al. 49), but because of their restricted scope, they were ultimately short-lived and could not propel the kind of mobilisation necessary to achieve policy change.

A similar observation can be made in the case of the most relevant mobilisation by the Indonesian community which arose following the Andaman Sea crisis, but which only pertained to the case of Rohingya asylum seekers, instead of questioning asylum policies at

large. Moreover, in the Indonesian case, the prospects for policy change are further complicated by the fact that the country refuses to consider itself as anything but a transit country (which is therefore not required to provide a permanent solution to asylum seekers), which in turn greatly depends on the fact that richer nations such as Australia, despite disposing of resources which can facilitate the reception of much higher numbers of migrants than they do today, continue instead to dump the onus on less-wealthy countries such as Indonesia itself (Missbach, "Facets" 63).

In order to seriously challenge the Australian border regime by generating a widespread refusal of its inherent bordering policies and practices which limit the creation of relationships of solidarity between asylum seekers and local communities in Australia and Indonesia, a more comprehensive discourse needs to be articulated, one which is able to expose and contest the political narrative at the basis of the Australian policies, the exclusionary, punitive and abusive character of bordering policies and practices, and the multilayered system of actors which participate in the border regime. An example of such a discourse is to be found in the work by Behrouz Boochani and Omid Tofighian which is discussed in the following section.

4.3 Behrouz Boochani and 'Manus Prison theory'

Behrouz Boochani has become the face of migrants detained in Manus Island and the "voice of the voiceless" (Boochani et al. 3), by divulging on his experience as an asylum seeker since 2013. Boochani, a Kurdish journalist and activist who fled Iran and attempted to travel to Australia by boat in July 2013, was apprehended by Australian authorities while en route, on 23 July (Tofighian 5). As previously mentioned, four days before (on 19 July 2013) then Prime Minister Rudd had declared that no migrant travelling irregularly by sea would have ever been resettled in Australia and would instead be transferred offshore to undergo a refugee status determination process. Boochani's boat, which had departed from the Indonesian shores one week before being apprehended, was lost in the ocean as the new regulation was abruptly introduced, therefore neither passengers nor crew members were aware of the changed circumstances (Boochani, *No friend*, ch 5). As a result, Boochani spent

one month in the Christmas Island detention centre, before being deported to Manus Island, where he would remain until 2019 (Tofighian 1).

Boochani grew up in Eastern Kurdistan, in the province of Ilam situated in the western part of Iran, he worked as a journalist and activist engaged in preserving Kurdish people's culture, advocating for their independence and denouncing the institutional and systemic oppression and the attempt to force their assimilation, by the Iranian government (Tofighian 3). As several among his colleagues were being arrested and detained for their activism, he decided to leave Iran (Tofighian 3). His vocational training was also the reason why his story travelled across the globe: during his permanence on Manus Island, Boochani constantly reported on the migrants' conditions there (Tofighian 3). In order to avoid retaliation from the prison's guards and the Australian government, he would initially report under an alias, until he had built a strong-enough network of external collaborators and, two years later, could begin to use his real name (Boochani et al. 7).

Due to the ban on mobile phones[103] imposed on detainees in the detention facility, he had to trade his possessions (clothes, shoes, cigarettes) in order to obtain the electronic device which allowed him to communicate with the outside world and, whenever his phone got confiscated by guards during their frequent raids, Boochani managed to have another one smuggled in by local Manusians working in the centre (Boochani et al. 7). When the Supreme Court of Papa New Guinea declared the detention facility to be illegal and detainees were transferred to 'open' (but fenced and subject to curfew) community detention centres, the ban on phones was lifted and Boochani's reporting could increase (Tofighian 3).

During the six years he spent on Manus Island before escaping to New Zealand in order to attend a literary event (and subsequently apply for asylum there[104]) he extensively denounced the conditions that himself and the other detainees would endure, disclosing important insights both on their riots which sparked on the Island (one of which resulted in the death of Reza Barati, a Kurdish asylum seeker, at the hands of two guards), and on the

[103] As in Nauru, the facility on Manus island provided access to some landline phones, but not all of them would work and they would be located in public areas, allowing for no privacy during phone calls. In the case of Nauru, a complete ban on Facebook was applied on the whole island between May 2015 and January 2018 , according to observers, in order to impede migrants in the detention centre to communicate with refugee advocates and lawyers ("Nauru").

[104] Having become a 'high profile' personality in Manus, Amnesty New Zealand managed to provide him with a one-month visa to attend the presentation of his book, he was then allowed to apply for protection in the country and continue advocating from there (Tofighian 3).

conduct of the centre's personnel (Tofighian 3). Apart from posting on social media (Facebook and Twitter), he also wrote journal articles in particular for The Guardian, and was interviewed by journalists and migrants advocates via WhatsApp (Tofighian 3). During the first years of detention, Boochani even managed to clandestinely shoot a documentary film: *Chauka, please tell us the time* (2017) with his mobile phone, in collaboration with Netherlands-based Iranian filmmaker Arash Kamali Sarvestani who carried out the editing (Tofighian 3). These are just examples of Boochani's "multidimensional body of intellectual and creative work" (Tofighian 3), which is probably best represented by his autobiographic book: *No friend but the Mountains: Writing from Manus Prison* (2018).

No friend but the Mountains was written via whatsapp messages, and translated from Farsi (Persian) to English from Omid Tofighian[105], a Honorary Research Associate at the University of Sydney (Tofighain 4). The book does not only describe life on Manus, but it also covers Boochani's transit through Indonesia, where he hid from Indonesian authorities, fearing that applying for protection in that country would lead to his imprisonment and deportation (which he knew had been the case for some of his acquaintances who fled Iran and had transited through in Indonesia on that period) (Boochani, *No friend* ch 1). Instead, he arranged to be smuggled to Australia for AUD$ 5,000: the first attempt failed as the boat sank on the second day of cruising, resulting in the death of some passengers (Boochani, *No friend* ch 2). After being rescued and handed to the Indonesian police from some local fishermen, Boochani escaped from the prison and two weeks later attempted to reach Australia a second time (Boochani, *No friend* ch 3). Although Australia keeps referring to Indonesia as a country of first asylum where genuine refugees are able to enjoy protection due to the presence of UNHCR, the reality described by Boochani is one of deep uncertainty and danger: Indonesia was not a safe place for asylum seekers at the time due to the possibility of deportation and detention, and the denial of work rights and resettlement there (Boochani, *No friend* ch 2).

The awareness of the real hazard that every step of the border crossing entailed is very present in the book: hiding in Indonesia without reporting himself to authorities meant that at any moment, Boochani could have been arrested, and even the short transfer organised by smugglers from the Indonesian inland to the shores where his first boat would await for him

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[105] Tofighian has a refugee background himself: his family fled Iran during the Iranian Revolution and settled in Australia (Tofighian 4).

and the other asylum seekers, constituted a real risk (Boochani, *No friend* ch 1,2). Migrants would be locked in the back of a truck, unable to see which direction they were aiming to, fearing the search by some checkpoint authorities and the possibility that smugglers would just abandon them somewhere on the way, in order to escape from the police (Boochani, *No friend* ch 2).

The dangers of irregular border crossings are mostly well-known to migrants, and nonetheless, families and young people (Boochani turned 30 the day he arrived on Christmas Island) still embark on the journey (Boochani, *No friend* ch 3). The book is particularly useful in conveying the mix of agency and constraint that is part of forced migration. The decision to sail to Australia the second time despite having witnessed firsthand the dangers of the journey arguably required some degree of compulsion on Boochani's part, deriving from the fact that neither Iran nor Indonesia provided him with enough safety, and moreover, legal pathways to Australia were unavailable to him (Boochani, *No friend* ch 3). At the same time, agency is exercised when asylum seekers engage in protests in Manus or when Boochani decides to publicly denounce the abuses that the Australian regime perpetrates on migrants and to claim his rights to safety and freedom, refusing his dehumanisation as much as the role of the helpless victim (Tofighian 8).

This account makes all the more clear that the rationale behind information campaigns such as the ones funded by Australia, which aim at discouraging irregular border crossings by visually displaying the dangers of boat travels or by evoking the threat of detention, employ a paternalistic approach which simply ignores the real motives behind migration and migrants' choices (Watkins, "Australia's" 294). In addition, considering that not only migrants are forced to cross borders irregularly due to the absence of legal mobility pathways, but also that the militarisation of borders is purely designed to prevent migrants from reaching countries in the Global North, regardless their dire implications on migrants' safety[106], further confirms the hypocrisy of the technocratic and humanitarian veil behind which current border policies are presented. The multitude of voices which tell stories similar to Boochani's one, but which are often ignored or silenced, constitute a prima facie evidence of the inconsistency at the basis of the mainstream narrative on migration 'management'(Boochani et al., 2).

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[106] A clear example is the bare fact that some smuggling-disruption operations resulted in the sinking of migrants' vessels and there have been instances in which vessels have been pushed-back by Australian authorities in unsafe circumstances (see second and third chapter).

The book also provides useful insights on the techniques used by Australian authorities in order to push migrants to opt for a ‘voluntary’ repatriation. After being rescued by a British tanker as their second boat was adrift in the Ocean, passengers were handed to the Australian navy and transferred to the Christmas Island detention facility where they would be kept until being sent to Manus Island (Boochani, *No friend* ch 3). While informing asylum seekers of the two prospects that they were facing (either returning to their own country, or being detained for an indeterminate amount of time) Australian officers presented the Island as a tropic hell, riddled with mosquitoes, inhabited by backward savages and isolated from the rest of the world, informations which Boochani dismisses as “crazy stuff that doesn’t concern me at all” (Boochani, *No friend* ch 5). While the threat of mosquitoes carrying malaria would not dissuade asylum seekers from accepting the only possibility which they were granted in order to move forward, additional psychological pressures were perpetrated on the already debilitated detainees who had to undergo an inexplicable intrusive process before boarding the plane to Manus (Boochani, *No friend* ch 5). In describing this phase, Boochani underlines how humiliating and destabilising practices such as the repetition of strip-searches and interrogations were, coupled with the fact that detainees would be given out-of-size ‘uniforms’ and a reference number: “they call out my number: MEG45. Slowly but surely I must get used to that number. From their perspective, we are nothing more than numbers. I will have to forget about my name” (Boochani, *No friend* ch 5).

The Australian authorities’ not so subtle intent of making migrants well-aware of their purportedly ‘illegal’ status and conditioning them to avoid the punitive detention by returning to their home country instead, clashes with the impressions of migrants themselves who, as Boochani explains, are bewildered by the sequence of degrading events they experience (Boochani, *No friend* ch 5). To make matters worse, the day Boochani and the other asylum seekers departed from Australia, a swarm of reporters gathered to capture the event, which coincided with one of the first days of the revival of the Pacific Solution (Boochani, *No friend* ch 5). While describing his efforts to retain his own dignity at the same time as parading in front of the cameras, escorted to the plane by two guards, he comments: “[w]hat crime have I committed to justify cuffing me tightly and putting me onto an aeroplane? I would accept this if they would show me the way; I would run to get on the plane myself” (Boochani, *No friend* ch 5). Once on the Island, he soon realises that “clearly, they are taking

us hostage. We are hostages – we are being made examples to strike fear into others, to scare people so they won't come to Australia" (Boochani, *No friend* ch 5).

Life on Manus has been described as a torture[107], both by Boochani and by external observers especially on the basis of leaked informations coming from service providers employed in the detention centre (Maylea and Hirsch 162). Evidences of the effects that a life in limbo, deprivations and neglect were having on migrants had already been confirmed, especially by the 2016 leakage of the 'Nauru files', and conditions continued to deteriorate until, in 2018 more than 27 suicide attempts were reported to have occurred in Manus over just a two-week period (Robinson-Drawbridge). Detainees' morale completely collapsed in the aftermath of the 2019 Australian federal elections: the Labor party had pledged to accept the deal offered by New Zealand to accept 150 refugees from the Islands and increase its yearly humanitarian intake in order to accept even more of the refugees exiled by Australia, but when the lead of the Coalition government was re-confirmed, migrants detained in Manus and Nauru saw the only possibility of escape foundering and suicide attempts reached a new peak (McGowan).

Nevertheless, Boochani's work has a much wider purpose than the specific critique of migrants' treatment at the hands of Australian authorities and their contractors: it is the denunciation and scrutiny of a wider system that the documentary, the book and the comprehensive journalist pieces that the author has produced aim to conduct, and currently continue to pursue (Tofighian 8). During their collaboration for *No Friend but the Mountains*, Boochani and Tofighian have formulated the concept of "Manus Prison theory" (Tofighian 4). Manus Prison theory is particularly concerned with exposing the mechanisms used "in order to erase the identity, agency and personhood of the imprisoned refugees", resulting in a "systematic torture" which begins with the "attempts to reduce refugees to numbers – insignificant bodies without agency" (Tofighian 9). The central tenet of Manus Prison theory

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[107] On multiple occasions, the UN Human Rights Committee has deemed Australia responsible for the infringement of international law, in particular regarding the perpetration of inhuman and degrading treatment, arbitrary and indefinite detention and the denial of the right to an effective remedy (Maylea and Hirsch 162). In 2017, the Global Legal Action Network (GLAN) and the Stanford International Human Rights Clinic submitted a report to the Office of the Prosecutor of the International Criminal Court, demanding Australia to be investigated for its conduct in offshore detention, which could amount to "crimes against humanity" ("Situation"). The UNHCR has often criticised Australia's asylum policies, and in particular offshore detention, which deprive migrants of their basic rights, while former personnel of Australian or Australian-run detention centres have confirmed the detrimental effects on detainees' physical and mental health (Maylea and Hirsch 162).

is the notion of kyriarchal system, which originally derives from feminist theory and defines a set of interconnected and mutually reinforcing social systems based on "domination, repression and submission"(Tofighian 5). The theory does not only pertain to Manus or Nauru Islands, in fact the same system is at work in other policy fields which constitute the Australian border regime (onshore immigration detention and community detention, but also temporary visas) and in other Western countries' border regimes which "objective is control, punishment and submission" (Tofighian 9), and which have indeed recently looked at the Australian practice as an inspiration.

Through Manus Prison theory, Boochani and Tofighian examine the mechanisms inherent to border regimes: they emphasise the fact that policies formulated in countries in the Global North are imbued with colonial legacies, and the fact that the privatisation of the "border industrial complex", which sees the involvement of private companies in the "kidnapping" and other abuses perpetrated on migrants, requires that these companies are held accountable too, together with governments and official authorities (Boochani et al., 10). In fact, one fundamental part of the critique advanced by the authors is the active role in the perpetration of violence played by international private firms operating as service providers on the Island, contracted by the Australian government (Tofighian 9). Boochani is particularly critical of those who work in the centre and provide palliative care to asylum seekers who would instead need appropriate medical assistance and mental health care: "[t]hey are the main element of this systematic torture… the nurses, the doctors, the psychologists" (Boochani et al., 12).

As the authors explain, migrants are not the only individuals subject to the kyriarchal system: the same is true for the inhabitants of the Pacific Islands of Manus and Nauru, which are former Australian colonies (Tofighian 8). Boochani investigated the ways in which the Australian government made deals with the Papa New Guinean counterpart, without consulting other parties at any stage: local authorities, let alone other Mausians citizens, have been completely excluded from the talks (in Tofighian 8). During the years in which the 'processing centre' was operating at full capacity, islanders have experienced adversed side-effects, such as inflation due to the inflow of foreign money, environmental damages due to poor waste management, without really enjoying any benefit from the institution of the centre on the Island: massive fundings resulted in embezzlement rather than being directed towards

local infrastructure, especially healthcare ones (Boochani and Tofighian, “Poetics”; Opeskin and Ghezelbash 85).

Moreover, just like asylum seekers were told that Mausians were savages and cannibals, Mausians themselves were warned against the likelihood that migrants were indeed criminals, thus creating “unfounded fears between the refugees and local community” (Boochani in Tofighian 8). After the centre closed the situation worsened with locals, who were previously employed in such centre, founding themselves without a job, and with asylum seekers being ‘freed’ into the community and told to integrate there (the same is true for the Nauruan context, where local unemployment rates are as high as 90%, exacerbating animosity between autochthonous and foreign jobseekers) (Opeskin and Ghezelbash 86). Boochani has thus tried to “examine the colonial mentality shaping this policy [offshore immigration detention, ndr] …[in order to] break the rules and regulations that allow for this situation to become a reality… [and] break the borders created to keep people apart” (in Tofighian 8). Indeed, the analysis advanced by Boochani points to the fact that the Australian border regime has precluded relationships of solidarity also between Mausian citizens and asylum seekers on the Islands, a topic which could be further investigated through additional research[108].

Boochani refuses the romanticisation, sensationalisation and instrumentalisation of his experience by media and institutions: he maintains that his story is not useful if intended only as a personal experience to be exploited for the production of pitiful articles, quickly consumed and digested by the public, rather, the scope of his work is to expose how border regimes affect people all over the world and to “struggle and find new radical ways to resist [the kyriarchal systems created and/or sustained by border regimes, ndr]” (Boochani et al., 2). The authors want Manus Prison theory to be “an open call to action” (Tofighian 12): they aim at creating a discussion around the systems which enable the perpetration of torture and oppression in the name of border security around the world. Thus, apart from holding governments accountable, the authors also believe it to be necessary to expose the companies

[108] In their study, Brian Opeskin and Daniel Ghezelbash briefly mention some negative effects that the Australian offshore policy have had on social cohesion in the local communities of Manus and Nauru Islands, although as noted by the authors themselves, this topic has so far received little attention in the literature (85).

involved in the detention system and how other institutions[109] can in turn become connected to the “systems of violence” (Tofighian 9).

Moreover, the authors explicitly exhort universities and scholars to engage with “disrupting the dominant ideas and language pertaining to border regimes” (Tofighian 9). It is not without reason that Boochani himself refuses the official terminology of ‘processing centre’ and uses the word ‘prison’ instead (Boochani et al., 10). In a similar way, he also refuses and advocates for the dismantling of a certain humanitarian, romanticised view which often depicts refugees as nothing but victims: in his work, in particular in the book, he describes himself and the other detainees as neither victims nor heroes, let alone simplistic characterisations as criminals or saints, rather, he aims to depict the reality of migrants as people subject to unjust oppression, but still equipped of their own agency, and human flaws (Boochani and Tofighian, “No friend” 13).

Indeed, the recognition of Boochani’s work from the academic community inside and outside Australia is testified by the fact that in 2018 he became non-resident Visiting Scholar at the Sydney Asia Pacific Migration Centre, at the University of Sydney, in 2019 he was appointed Adjunct Assistant Professor in the Faculty of Arts and Social Sciences of the University of New South Wales, and subsequently he became Visiting Professor at the School of Law at Birkbeck, University of London (Tofighian 5). The way in which Boochani conveys “the lived experience and nuanced interpretation of systematic torture … and deliver[s] his critique through art, particularly literature and poetry” (Tofighian 6) allowed him to reach and involve a wider public. Although he was not able to personally attend the ceremony due to the fact that Australian authorities did not grant him a visa to enter the country, Boochani’s *No friend but the mountains* won the non-fiction prize at the Victorian premier’s literary awards and the Victorian prize for literature in 2019[110] (Tofighian 5). Boochani himself underlined the symbolic relevance of the award as an act of resistance to the border regime, signalling the solidarity of the literature community with asylum seekers:

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[109] One example which has also generated remarkable media coverage is the case of the National Gallery of Victoria (NGV): the gallery had been employing Wilson Security, one of the companies operating in the offshore detention centres and which had been subject to serious allegations of violence against migrants (including sexual assault on minors and women). In 2018, following the protests carried out by artists, the NGV contracted another security services supplier, attesting to the relevance of the awareness-raising work performed by Boochani and his collaborators (Harmon).

[110] The state of Victoria is known to be a relatively progressive state compared to the rest of Australia, as far as attitudes of openness towards asylum seekers are concerned (Weber “State-Centric” 232).

as the kyriarchal system aims at dehumanising migrants and silencing their voices, acting in "solidarity requires ensuring that they are heard" (Boochani et al., 20).

4.4 Summary

In the context of divisive bordering policies and practices which inhibit solidarity between local communities and asylum seekers, sporadic acts of solidarity by certain individuals in Australia and Indonesia have failed to involve and mobilise segments of society wide enough and to advance demands for relevant policy change.

Manus prison theory, as a comprehensive critique and examination of the political narratives which enable the Australian border regime and the bordering policies and practices which compose it, has the potential to reach and mobilise a wider public and trigger the creation of solidarity between citizens of 'destination' countries and asylum seekers. The theory is powerful in dismantling the dominant discourses around border control, as it exposes the inherent contradictions and hypocritical elements that sustain the securitarian narrative (which aims to dehumanise irregular migrants by portraying them as a security threat to the 'destination' country); the technocratic and purportedly humanitarian 'migration management' narrative (according to which the policies enacted by countries in the Global North are not only legitimate against the 'illegality' of unauthorised border crossings, but also morally desirable); and the exclusionary politics of belonging (which feed on the idea that individuals belonging to local communities are legitimised to exclude the 'other' from enjoying basic human rights).

The work advanced by Boochani and Tofighian is particularly effective in conveying this kind of critique because it merges the live experiences of asylum seekers as characterised by both constraint and agency, with the accurate examination of the mechanisms of oppression of the 'Other' and suppression of public scrutiny which compose also, but not exclusively, the Australian border regime. The strength of Manus Prison theory relies in its radicalism: it refuses and contests the very basis of border regimes, beginning from the languages and discourses that have enabled the sort of 'public anaesthetisation', visible today especially in countries of the Global North, where local communities have grown accustomed

to the exclusion and abuse of the ‘Other’. The fact that Manus Prison theory has managed to initiate necessary debates in Australia and to reach international academic spaces in particular gives hope that its authors’ call to action will be accepted.

Conclusion

By focussing on the reasons for the current and widespread lack of solidarity towards asylum seekers in local communities of 'destination' and 'transit' countries, this thesis has adopted an original point of view for the examination of current bordering policies and practices inherent to border regimes, which primarily originate in the Global North and extend to the Global South through practices of border externalisation. This paper has analysed highly debated, but also less-known aspects of the Australian border regime, in order to answer the question: *in which ways do bordering policies and practices impinge on solidarity between local communities and asylum seekers, thus leading the former to accept and support the enforcement of abusive and illegitimate measures on this category of migrants?*

The present study has evidenced multiple modalities in which bordering policies and practices interfere with the creation of relationships of solidarity between the Australian and Indonesian local communities on the one side and asylum seekers on the other, leading the former to accept and support exclusionary migration policies, despite their impacts on migrants. These solidarity-inhibitive mechanisms can be divided into three main categories, which remain interrelated and mutually reinforcing: first, mechanisms which reinstate pre-existing social hierarchies based on race, class and economic status; second, mechanisms which silence the 'Other'; and third, mechanisms which reinforce local communities' consensus on the hegemonic narrative on migration.

First, the study individuated, in both the Australian and Indonesian local communities, mechanisms in which bordering policies and practices reestablish social hierarchies, as a result of the top-down imposition of regulations or the promotion of practices which both directly, or indirectly, determine asylum seekers' social, economic and political exclusion from the local community. In the first case, asylum seekers' exclusion is directly caused by both Australian and Indonesian national laws which, based on asylum seekers' migration status, limit or deny the latter's access to work, education, freedom of movement, healthcare assistance and welfare support. These limitations apply to both asylum seekers in detention and those living in the community. In Australia, this mechanism is further enhanced by the

presence of behavioural norms which only apply to asylum seekers and by the fact that the latter are subject to a separate criminal system which dismisses the principles of the presumption of innocence and proportionality. In the second case, asylum seekers' exclusion is indirectly determined both in Australia and in Indonesia by the fact that local individuals in the community at large are vested with the role of border guards. In Australia, this is further compounded by service providers' duty to not only practically determine asylum seekers' access to basic services, but also to ensure that the 'Other' complies with the aforementioned discriminatory behavioural norms. The totality of these regulations and practices submits asylum seekers' stay in both Australia and Indonesia to the permanent threat of deportation, and to a constant pressure towards their 'spontaneous' departure. By enhancing pre-existent social hierarchies, these mechanisms ultimately inhibit the creation of horizontal relationships of solidarity between local communities and asylum seekers. Social solidarity in particular is obstructed by the fact that asylum seekers, even when not detained, are still socially, economically and politically excluded from equal participating in the local community, thus preventing the creation of bonds which arise in the daily-basis context of mutual exchanges and interactions.

Second, this paper identified the presence of mechanisms which silence the voices of asylum seekers, both in Australia and in Indonesia. Bordering policies and practices linked both to immigration detention and to migrants' interception and deportation by authorities certainly determine the physical exclusion of asylum seekers from local communities, but they also bear a silencing effect. Especially in the past, this silencing effect has prevented local communities in Australia and Indonesia from gaining knowledge of migrants' lived experiences of the border regime. Furthermore, in Australia asylum seekers' voices have also been indirectly silenced both by successive governments' practices of secrecy and obfuscation, and by confidentiality provisions and gagging laws which prohibit the diffusion of sensitive information about asylum seekers' treatment by the State and its contractors. Bordering policies and practices which silence asylum seekers' voices, either directly or indirectly, impede public scrutiny on the effects that the border regime has on migrants subject to it. Thus, political solidarity between local communities and 'voiceless' migrants is particularly inhibited inasmuch as the lack of transparency prevents locals' mobilisation in opposition to the abusive treatments inflicted on asylum seekers.

Third, the present study explained how local communities' consensus on the hegemonic narrative on migration is fostered, both in Australia and in Indonesia, first and foremost through a public discourse which sustains such a narrative. This current hegemonic narrative is the result of the last four decades' evolution of discourses on migration: that of 'migration management', the securitarian one, and the one sustained by autochthonous politics of belonging. The 'migration management' paradigm delegitimises irregular border crossings of migrants who are arbitrarily categorised as having purely economic reasons to migrate. 'Bogus asylum seekers' or 'illegal' migrants are thus conceived as abusers of the asylum system and, as such, simply undeserving. This discourse ultimately portrays current measures of border control as morally desirable insofar as they allow 'genuine' asylum seekers to be prioritised, on top of preventing migrants from loosing their lives due to the perils of irregular border crossings. Additionally, the securitarian discourse instils the possibility (or in fact, the likelihood) that irregular migrants, who are already criminalised by their decision to cross borders without prior authorisation, might indeed constitute a security threat to the destination country. Finally, autochthonous politics of belonging compound these discourses by determining which individuals are worthy of basic rights, depending primarily on their migration status. Thus, the public discourse promoted especially by politicians, in both Australia and Indonesia, impinges on the creation of relationships of civic solidarity between locals and asylum seekers inasmuch as citizens are less likely to demand or accept the inclusion of 'illegal' and undeserving asylum seekers in the national welfare system, or the extension of certain rights (such as the right to work) to this category of migrants. This public discourse additionally inhibits political solidarity on the grounds that local communities are less inclined to oppose the implementation of bordering policies which they do not perceive as unjust, illegitimate and morally unsustainable.

The hegemonic narrative in particular has emerged in the present study as crucially relevant in determining the suppression of solidarity between asylum seekers and local communities insofar as it legitimises and informs all of the aforementioned bordering policies and practices. This predominant narrative ultimately defines asylum seekers' unbelonging in the local community and, by virtue of their unbelonging, these migrants are not conceived as subjects entitled to claim their rights and exercise agency. Moreover, while criminalising agency, the prototype of the submissive and, therefore deserving, asylum seeker has been

constructed, turning the asylum system into a vertical relationship of charity between benevolent donors and grateful recipients. As a matter of fact, the widespread consensus on this narrative is also the main reason why even sporadic acts of solidarity by individuals in the Australian and Indonesian communities were unable to involve and mobilise larger segments of society and achieve relevant policy changes, nor to contest the border regime at its very foundations by formulating alternative narratives. Thus, predominant discourses on migration have proven to be fundamental in allowing states, especially in the Global North, to employ vast arrays of measures in order to limit access to their territories to unwanted migrants, inasmuch as these narratives define what is legitimate and morally admissible. Contemporarily, they also determine what is to be erased from public discourse or treated as a natural state of things, as in the case of the absence of regular paths of migration to the Global North for the majority of migrants, or the context of deepening global inequalities resulting from the neoliberal globalisation.

The three solidarity-inhibitive mechanisms here described are interrelated: mechanisms of silencing also enhance the consensus on the hegemonic narrative insofar as they hinder information which expose the hypocritical elements of the narrative itself. In turn, political discourses which strengthen local communities' consensus on the mainstream narrative on migration also reinforce mechanisms which reinstate social hierarchies, as in the case of the recruitment of civilian border guards, who are likely to be motivated in their policing role by discourses which depict migrants as security threats for the Nation. Similarly, asylum seekers' social, political and economic exclusion will probably be informed by the unbelonging of the 'Other' as conceptually constructed in the public discourse.

In the absence of solidarity, local communities in countries in the Global North in particular have grown accustomed to the images of fenced barriers patrolled by armed guards which delimit terrestrial borders, and to the occurrence of tragic shipwrecks of migrants' vessels along highly militarised maritime borders. Similarly, also the existence of overcrowded refugee camps, often located in the Global South, has been normalised regardless the fact that in these sites migrants spend indefinite periods of deprivations and limitations to their movement, education and work rights. These camps are but one manifestation of the control exercised on migrants' mobility by so-called 'destination countries' beyond the physical location of their borders, and which ultimately perpetrate stark

inequalities between Global North and South. Thud, borders have become a site of violence, coercion and death for those who attempt to cross them without prior approval from the sovereign authorities in question. This is true also for asylum seekers, despite their formal entitlement to claim protection under the asylum system that these same countries have built.

To conclude, the radical opposition to the Australian border regime advanced by Manus Prison theory, has been proposed in this study as a promising avenue for initiating solidarity by exposing the illegitimacy and inconsistency of the well-established, albeit not incontrovertible, hegemonic discourse on migration. By giving voice to those who are primarily subject to border regimes, this theory succeeds in rejecting and disproving both humanitarian arguments which portray asylum seekers as victims deprived of any agency, and other predominant discourses which imply the commodification (as 'burdens') and the dehumanisation (as 'illegals') of migrants. Thus, the present paper has argued that, "[f]or the master's tools will never dismantle the master's house" (Lorde), the most valuable element in the critical analysis provided by Manus Prison theory, relies in its use of asylum seekers' lived experience, which determines the theory's potential for reaching a wider audience and initiating the dismantling of hegemonic discourses which have been legitimating exclusionary migration policies, especially in the Global North, to the present day.

Future studies could further investigate the effects of the Australian border regime in the Pacific Islands of Manus and Nauru, in order to determine whether the same mechanisms of suppression of solidarity described in the present research can be individuated also in these local communities. As the last chapter of this thesis has evidenced, existent literature has hinted at the possibility that similar dynamics have indeed occurred also in the Pacific Islands which have been hosting Australian immigration detention centres, although more research is needed on this topic. Furthermore, scholars interested in Noth-South relations could employ the case of the two Pacific Islands in order to explore how the strong neocolonial ties between Australia and these Islands compare to the Indonesian-Australian relations outlined in this research, and determine whether this impacts on the mechanisms of inhibition of solidarity between locals and asylum seekers.

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