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Illegal Migration to Australia

Abstract

This thesis is a study of illegal migration to Australia and refugee and asylum seeker policy in this country, strongly criticized by many states, human rights organizations and lawyers for its 'inhumane' approach to the most vulnerable people in the world. Furthermore, it is argued that the current methods, which include arbitrary offshore detention, militarized defence operations in the sea, aimed at demonizing asylum seekers, emphasizing their 'otherness' in order to exclude them from the Australian society, are not consistent with the UN 1951 Refugee Convention. This thesis explores a critically overlooked issue pertaining to Australian military intervention in many of the source refugee countries, especially in the Middle East, as a part of US-led coalition. Moreover, by analyzing the number of visa overstayers the present research demonstrates that the problem of 'boat people' coming in large numbers to Australia is politically contructed and have been used by many politicians, who employed the tactic to win votes, especially in pre-election period.

Key words: illegal migration, Australia, asylum seekers, offshore detention, the 1951 Refugee Convention

Diese Arbeit ist eine Studie über die illegale Migration nach Australien und Asylsuchenden in diesem Land, stark von zahlreichen Staaten, Menschenrechtsorganisationen und Rechtsanwälte, wegen seines unmenschlichen Ansatzes zu den am stärksten gefährdeten Menschen in der Welt kritisiert. Außerdem behauptet man, dass die aktuellen Methoden nicht gemäß der UN 1951 Flüchtlingskonvention sind. Sie enthalten nämlich die offshore willkürliche Inhaftierung sowie militarisierte Verteidigungsoperationen am Meer, die den Zweck haben, die Asylsuchenden zu missbilligen, ihr Anderssein hervorzuheben und aus der australischen Gesellschaft auszuschließen. Diese Arbeit erforscht ein kritisch übersehenes Problem, das im Zusammenhang mit der australischen Militärintervention in vielen Stammländern der Asylsuchenden und besonders im Nahen Osten steht, als Teil von der USA geführter Koalition. Zudem, durch eine Analyse der Nummer von Personen, die die zulässige Visa-Aufenthaltsdauer überschritten haben (die sogenannte overstayers), demonstriert diese

Studie, dass das Problem von zahlreichen nach Australien migrierenden Bootsflüchtlingen politisch konstruiert ist, und dass es von vielen Politikern als Taktik zum Stimmengewinn gebraucht wurde, besonders in der Vorwahlzeit.

Schlüsselwörter: illegale Migration, Australien, die Asylsuchenden, offshore Inhaftierung, die 1951 Flüchtlingskonvention, Inhaftierung, Inhaftierung, die 1951 Flüchtlingskonvention.

Introduction

Australia stands out among other developed nations due to its hardline approach to asylum seekers, which has been condemned internationally on numerous occasions (Doherty 2016). Interestingly, the treatment of refugees differs depending on the mode of their arrival. Thus, those asylum seekers, who came by air are entitled to quite generous programme from the government. Meanwhile, those people who fled their home countries and reached Australia by boat to seek refuge, are presented by the Government as a threat and dealt with as some criminals. We argue in this thesis that such approach is unsustainable and breaches the country's obligations to refugees under the international laws. Ultimately, the present research demonstrates that the political discourse in some Western states, including Australia, where the migration issue is securitized, oftentimes lacks counter-narrative. For instance, about their involvement in the main source countries of asylum seekers as well as the push factors, which force people to flee their homes. In the present work we address three central questions. First, which methods the successive Australian Governments employed to 'stop the boats'? Second, why these efforts proved to be in vain (here we mean that the boats still travel in the direction of Australia, although almost all of them are intercepted at sea and returned to the point of departure)? Third, why does Australia have responsibility for protecting asylum seekers, especially those coming from the Middle East? This thesis illustrates how the Australian Government tried to shift its obligations to protect refugees (boat arrivals) and which steps were taken to justify these policies, that were openly racist, discriminatory and inhumane. Furthermore, we argue that the country is actually obliged to accept the asylum seekers, especially those, fleeing the regions, in which Australia intervened as a part of US-led coalition. Finally, the present work aims at deconstructing the problem pertaining to the so-called unauthorized boat arrivals by having conducted a small comparative analysis on the

numbers of boat arrivals and visa overstayers, two groups of migrants, that enjoy completely different treatment by Australian authorities. The thesis proceeds in three parts. First, we provide an overview of the Australian Immigration policy starting from the tenure of John Howard. This time framework was chosen not by accident. It is argued that during this period of time the asylum seeker and refugee policy in Australia ceased to be consistent with the UN Refugee Convention. Second, we research into the involvement of Australia in the Middle East as a part of US-led coalition. Further, the outline of the situation in the source refugee countries is provided, thus enabling us to understand the major push factors. Finally, we briefly reflect on whether the problem of boat arrivals is real or politically constructed. Therefore, a comparative analysis of two groups of migrants is conducted.

Review of the State of Art and Academic Lacuna

After September 11 attacks in New York many Western countries have started to securitize migration, especially the one from the Middle East. Simultaneously, the United States started the notorious 'war on terror', assisted by its allies including Australia. Some of these interventions were quite controversial and many argued that they turned Middle East into the zone of conflicts. As a result, many people from the region were forced to flee their homes. However, some industrialized countries, which demonstrated strong commitment to US-led military operations, were reluctunt to accept refugees. Furthermore, these vulnerable people were presented as a threat to their national security and sovereignty. Australia with its policies of mandatory detention, offshore processing, inhumane treatment of refugees was at the forefront of other Western countries. The present research explores such dimensions as securitization of asylum seekers arriving by boat by successive Governments, the degree of Australian involvement in the Middle Eastern countries, which are the source refugee countries in most of the cases. It also aims at de-framing the conventional perception of refugees in Australia. In order to lay the foundations of the thesis, a bundle of academic literature was studied, pertaining mostly to such topics as border control, refugee and asylum seeker policies in Australia and 'war on terror'. An extensive body of research has accumulated on the topic of migration to Australia. Some experts, like Gleeson (2014) and McMaster (2001) explored how the Australian Government employed the securitization approach to justify different treatment to migrants. Other works provide an extensive

overview of Australian history, politics, culture and social structure (Hermann Mückler, Gabriele Weichart, Friedrich Edelmayer 2013) and therefore enable a researcher to understand why the Government's efforts to present asylum seekers as a threat to the country's sovereignty resonated with a vast proportion of its population. Such discriminatory policies as the White Australia enjoyed popular support for many years (Jupp 1995, Moran 2005). Therefore, one of the important features of the Australian identity is the fear of 'others'. The contemporary research also covers the issues of border control (Kevin 2012, van Berlo 2015, Grewcock 2013 &2014). Many studies detailed the methods, employed by the Governments to securitize asylum seeking (Pedersen, Watt & Hansen 2006, Mares 2002, Kuhn 2009). Thus, presenting asylum seekers as a threat to the country's sovereignty, they justified the inhumane approach to 'boat people'. The immigration policy developed gradually various methods to deter people seeking asylum in Australia (Dastyari 2007, Ruddock 2002, Taylor 2007, Wood & McAdam 2012). Many of its components, such as mandatory detention, are not consistent with the country's obligations under the UN Refugee Convention (Crock &Bones 2015). Furthermore, research identified the detrimental effects of mandatory detention on the health of refugees (Hutchinson & Martin 2004, Silove, Steel & Mollica 2001, Isaacs 2015, Johnston 2008) and revealed that many detainees were suffering from high rates of depression and anxiety as well as from the deterioration of mental health. Interestingly, none of the studies explore the links between Australia's intervention in the source refugee countries and its responsibilities to protect the asylum seekers from them. Some just mention it briefly (Martin 2015). Therefore, the present research attempts to fill an academic lacuna.

Theoretical approach and methods

The goal of the present research is to analyze the Australian asylum seekers policy, understand to which extent and why Australia is obliged to accept refugees and how the Government of the country is constantly trying to shift Australia's international responsibilities. I am applying the Copenhagen School's securitization theoretical approach, which implies that this paper will focus on the issue of asylum seekers arriving by boat, presented by the prominent politicians as an existential threat to the Australian citizens with the purpose to make it a matter of security and justify the adopted extraordinary measures to

the general public (Buzan, Wæver & De Wilde 1998). The concept was widely applied to explain the appearance of new matters on the security agenda (Schaefer, Scheffran & Penniket 2016). The Copenhagen School theoretical framework enables academia to analyze how and with the help of which tools the security threats are constructed by the politicians, general public and others. The very concept of securitization comprises three important elements such as creating 'existential threat', working out emergency action to address it and finally, the results of such actions on the relations between the components of the system due to the removing some of them out of the realm of 'normal' politics (Wæver cited in Schaefer, Scheffran & Penniket 2016). As soon as the issue becomes securitized, it justifies the less democratic approach and even the military one (Glover 2011). Importantly, such policy framing in migration results in marginalization of asylum seekers and refugees, leaves them even more vulnerable and unprotected. A perfect example of it is the introduction of the offshore processing system in Australia and military-led Operation Sovereign Borders, which stipulates interception, detention as well as turnbacks of the vessel arrivals. Importantly, these practices are not consistent with the country's obligations under the 1951 Refugee Convention. Interestingly, it is agrued that Australia's migration policies are dependent 'on recursive legal manipulation' (Dickson 2015). It implies that all the international laws should be transferred into the domestic law and that, in its turn, leaves an ampty space for the politicians to amend legislation inside the country in order to create a loophole to avoid Australia's international responsibilities to protect refugees. Interestingly, it is agrued that in democratic countries the securitization theoretical framework can be challenged by human rights activists, who may influence the public and change the perception of refugees in the society as it happened in the United States where various organizations work on re-shaping conventional refugee discourse (Glover 2011). Nevertheless, this doesn't apply to the Australian reality, where the migration securitization has been the major electoral issue for many years, enjoyed bi-lateral support and the very cultural structure of the society has enabled the politicians to create high anxiety about asylum seekers in the shortest period of time among a considerable share of the citizens (McDonald 2011). This refugee issue in the country can be re-framed only by 'genuine political leaders' (McDonald 2011). The present work provides an overview of the construction of asylum agenda as an immediate threat to national identity, borders, sovereignty and cultural values by the successive Australian Governments starting with the tenure of John Howard. The extraordinary measures, created to 'protect' the country from the invaders from the outside included penalising them for illegal entry by sending to offshore detention centres for indefinite periods of time, introducing

Temporary Protection Visas, which made the 'others' feel even more insecure, preventing them from settling in Australia and concluding various agreements with regional neighbors to outsource all the processing procedures from the country. Interestingly, the latter strategy resulted in the process of 'simultaneous expanding of geographies of control and contracting spaces of rights' (Dickson 2015). It enabled the Government to exclude and distance the asylum seekers from the Australian society. Thus, in the absence of alternative voices, the politicians could further resort to 'loud panicking' tactic while using the 'queit manoeuvring' one (Van Berlo 2015). Furthermore, the securitization of the asylum issue fostered moral disengagement among the Australian public, which enabled them to support hardline policies towards refugees without feeling any distress or moral and ethical responsibility to protect them (Greenhalgh, Watt & Schutte). To conclude, securitization of migration has a very negative impact on the asylum seekers (McDonald). Furthermore, it lead to the violations of Australia's obligations under the international laws. Such actions were condemned by the global community. Moreover, the relations with some neighbors in the Asia-Pacific region became quite strained due to the policy of boat 'turnbacks' (Roberts 2014). Therefore, Australia has to adopt a new, more sustainable approach to asylum seekers. Empirically, the present work presents an attempt at de-framing and sharing a fresh view on the asylum issue in the social realm of Australia. In order to accomplish these objectives, the research relies on the qualitative analysis of the information concerning the asylum and refugee policies in Australia. I mostly used primary sources, such as the Government websites and publications, interviews of the politicians, press-releases and various media reports from daily newspapers and broadsheets in Australia. Furthermore, in many instances I carried out the analysis and drew conclusions using the data provided by the international organizations (the UN, UNHCR etc.) and NGOs specializing in human rights issues such as Amnesty International, Save the Children, Oxfam and others. Finally, in order to resolve inconsistencies quantitative information from various statistical reports has been utilised in the current work.

Chapter I

Background Information

According to an Essential Poll (Essential Report 2016) 44 percent of Australians oppose the

decision of the Prime Minister Malcolm Turnbull to increase annual refugee intake from 13,750 to 18,750. Furthermore, 49 percent of Australian citizens approved the ban on Muslim immigration, stating the inability of these migrants to integrate into Australian society as the main reason, some respondents also indicated among the possible reasons the threat of terrorism posed by such migrants and their lack of desire to embrace Australian values (Essential Report 2016; *The Australian* 21 September 2016). Interestingly, during the UN summit for refugees and migrants, held in September this year and aimed at working out the 'more human' approach to the flows of refugees (United Nations 2016), the Australian Prime Minister highlighted that Australia's migration policy was very well-managed and stressed the importance of strong border protection as it was crucial tool in order to get public support for migration (UN Refugee Summit: Australia to Maintain Annual Intake 2016). Furthermore, the Immigration Minister Peter Dutton described the current offshore processing system and refugee boat turnbacks as successful in protecting the country's borders (Anderson 2016). In fact, according to Mr Dutton since 2013, when this policy became effective, more than 25 boats with a total number of 698 migrants on board were deterred (Kingsley & Safi 2016). Nevertheless, the programme was heavily criticized. Thus, the Australian National Audit office found out that offshore processing at Nauru and Manus cost Australian taxpayers more than $3 billion (Anderson 2016). In addition, the report issued jointly by Save the Chidren and UNICEF Australia revealed that the actual price of the existing asylum seeker framework made up $9.6 billion since 2013 (Save the Children 2016). Interestingly, the Australian authorities claim that the present policies are effective in preventing transnational crimes and saving the lives of people. For instance, the former Prime Minister Tony Abbott stated that returning asylum seeker ships was 'almost absolutely necessary if the scourge of people-smuggling was to be beaten' (Alford & Maher 2015). In contrast, the report called 'By Hook or By Crook' published by Amnesty International in 2015 revealed that the Australian government itself may be involved in two incidents that constituted people-smuggling (Amnesty International 2015). Namely, in May 2015 the Australian Navy and Border Force ships intercepted a New Zealand bound boat carrying 65 passengers and six crew members. Ultimately, the boat was returned to Indonesia, the crew arrested and the passengers held in immigration detention centre. Both groups were interviewed by Anmesty International and had not had any contact with each other for a long time. However, both of them claimed that the Australian officials gave the boat crew 32,000 USD in order to return the asylum-seekers back to Indonesia. Another incident took place in July 2015 when Australian officials intercepted an Australia bound boat, which was in bad condition, transferred all the

passengers and crew to another boat, allegedly supplied them with life jackets, GPS device and maps and commanded the crew to go back to Indonesia. Later after the encounter several passengers noted that the crew were in the possession of two bags, which they hadn't had before (Amnesty International 2015). The report concluded that the collected materials proved that in both instances the Australian officials violated the country's obligations under the UN Convention on Transnational Organized Crime and international human rights law. In addition, the tow-backs of the boats with asylum-seekers caused the deterioration of relations between Australia and Indonesia as Australian navy violated territorial integrity of its neighbour country several times while returning the ships (Davidson & Doherty 2015). It should also be noted that more that 90 percent of asylum seekers arriving by boat were eventually recognized as genuine refugees, therefore by returning boats Australia breached the principle of non-refoulement, which is the cornerstone of international refugee protection and follows from the right of any person to come to another country in order to seek the asylum from prosecution (Hall 2013; UNHCR 1997). It is particularly worrisome that lately the 'Australian approach' to deal with refugees and asulym seekers has become militarized and even inhumane. Thus, in the midst of the refugee crisis in Europe many public fugures offered to embrace the migrant policy from the Land Down Under. For instance, English newspaper columnist and television personality Katie Hopkins stated that 'it was time to get Australian. Bring on the gunships, force migrants back to their shores and burn the boats' (cited in Davies & Orchard 2015). Together with this, if we look at the statistics, provided by the Parliament of Australia, the approach proves to be effective if one is only interested in stopping the number of boats to Australia. In 2014 only one boat reached the shores of the country in comparison with 300 in 2013, which was before Operation Sovereign Borders, carried out by the Department of Immigration and Border Protection, came into force (Parliament of Australia 2015, Refugee Council of Australia 2016). However, these indicators do not suggest that the situation with migrant flows in the region has improved. They just demonstrate the success of the Australian Border Force in deterring the boats with people, most of whom are seeking protection and face various types of human rights violations in their countries of origin. Indeed, some experts point out at the exponential increase in the total number of asylum-seekers in Asia-Pacific region (Davies & Orchard 2015). Besides, such policy towards asylum-seekers is a stain on the reputation of the country and has been condemned by the international community on many occasions. An example of this is the speech of the UN human rights chief Jordan's Prince Zeid Ra'ad al Hussein, who characterized Australia's offshore processing and detention as well as boat interceptions and turnbacks as 'a chain of

human rights violations' (cited in Dingle 2014). Later in 2015, Juan Mendez, the UN special rapporteur, conducted a research concerning the country's refugee policy and revealed numerous cases of inhumane treatment, horrible conditions in the detention centre on the Manus Island, which condradict the United Nations Convention on Torture (*The Sydney Morning Herald* 9 March 2015). After the report was released, the UN's High Commissioner for Human Rights expressed his concerns about the existing situation and highly recommended reconsidering this policy, yet the reaction of the former Australian Prime Minister Tony Abbott was quite unexpected. The latter showed indignation, saying that 'Australians were sick of being lectured by the United Nations' (cited in Cox 2015). Admittedly, the successive governments along with the media have been trying to construct a negative image of refugees and asylum seekers for a long time. Thus, the biggest selling-national newspaper the Australian has recently published an article, written by Nick Cater, the executive director of Menzies Research Centre, investigating the multicultural model (Cater 2016). Cater desciribes humanitarian migrants from the Middle East and sub-Saharan Africa as 'self-selected', poorly educated people with 'miserable prospects' to get employed in comparison with the migrants coming from Europe or Asia, who are loyal to Australia and come and stay there not just out of convenience. Likewise, after 9/11 attacks making statements about asylum-seekers, the Howard Goverment attempted to conflate the terrorist identity and the identity of asylum seeker by using the expression 'people unwelcome in Australia' in order to legitimize the border protection policy (Gleeson 2014). Unfortunately, the government and media have a big influence on public perception of refugees in the West and Australia is no exception to the case. Nowadays many Muslim refugees come accross negative attitudes in many Western countries. Were there similar situations in the history? Why is it happening? Interestingly, in his article in the New York Times, Nicholas Kristof draws parallels between the situation of Jewish refugees during the World War II and Syrian refugees of today (Kristof 2016). He explores the notorious case of the Frank family. As in 2005 a volunteer who was in charge of arranging old refugee files dating back to the time of the World War II, came across the file of Anne Frank and her family. It turned out that her father sought asylum in the United States to flee from the Nazis, however, due to American 'paranoia' and fear to accept Jews who at the time were considered to be either Communists or Nazis, the family never obtained visas and all the Frank children, including Anne, were murdered. Aren't most of the Muslim refugees seen as a terrorists today? Kristof points out that nowadays like in 1940s the media attempts to dehumanize refugees, present them as 'self-selected' migrants without education, having no prospects of finding decent job, posing

terrorist threat to Western society, unwilling to embrace its values. As a result we can witness 'wariness towards refugees', which, in its turn causes indifference and intolerance. However, citing the consultant at the Anne Frank House in Amsterdam, it is vital to remember that 'no one takes a child on a flimsy boat… unless they are desperate' (Bekink, cited in Kristof 2016). Interestingly, very few media in Australia cover the Australian involvement in the countries, where most of the asylum seekers come from. Therefore, the present work aims at establishing the links between the willingness of the country's Government to participate in US-led military operations and its lack of commitment to accept the asylum seekers from the countries, where the coalition intervened.

Chapter II

Australian Immigration Policy. General Overview.

While it has accepted as nationals more than 650,000 refugees since the end of World War II,1 Australia represents something of an enigma in its attitude to the relatively small number of people who have come to its doorstep in search of protection from persecution.

Mary Crock (2004)

John Howard

In this chapter we will provide a general overview of the Australian Immigration Policy starting with the Howard era up to the present time. The indicated time-frame was chosen on purpose because this period saw the deviation from Australia's obligations under the 1951 Refugee Convention and its 1967 Protocol, to which the country is a signatory (Stevens 2002, UNHCR 2016). What do we mean under these duties? The parties of the Convention have the legal obligations to protect the rights of refugees. Furthermore, the document rests upon the

principle of non-refoulement, which means that a refugee cannot be returned to the place where his life is in danger (UNHCR 2016). However, with the present work we will demonstrate that Australian Government has been systematically neglecting and breaching its legal obligations. In fact, the turning point in the Australian Immigration Policy took place during the office of the leader of Liberal Party John Howard, who served the second-longest prime ministerial term, which lasted from 11 March 1996 to 3 December 2007 (National Archives of Australia n.d.). From the beginning of his career of Prime Minister Howard adopted a tough stance on migration. These words neatly encapsulate his position (PM Transcripts 2000):

Now illegal immigration does present a very big challenge to our country. Australia is an attractive place to come to by any measure because we are a liberal open society, we are seen as a place once attained, where the prospects if you can establish your case of staying, are probably better than any other society. And that represents a magnet, on the other hand, it also represents a challenge to the Australian community that does not want illegal immigration that queue jumps the aspirations of others around the world who want to join their families and who want to come and live in Australia.

While Howard maintained the humanitarian intake at approximately 12,000 places annually, he specifically targeted unauthorized boat arrivals (Simms & Warhurst 2000). In order to legitimize his policies, the Prime Minister resorted to exclusion of the asylum seekers from the Australian society, oppression and demonization of this vulnerable group of people arriving to Australian shores by boat (Every & Augoustinos 2007). Furthermore, he used the notion of sovereignty, tried to emphasize the so-called 'otherness' of asylum seekers in order to instill fear and panic into his citizens and as a result of it to deny ethical and moral responsibility at the domestic level to protect those, who were seeking refuge in Australia (Gelber & McDonald 2006, McMaster 2001). When the Liberal-National Coalition came to power, they implemented a series of reforms in the field of immigration policies. First of all, the program of family reunification was strengthened (Ruddock 2002). Furthermore, the Howard Government tailored the Immigration intake to suit the national economic interests of the country. From 1997 and further on the priority was given to business and skilled migration (Mence, Gangell & Tebb 2015). For instance, that year the ratio of skilled migrants to the total number of the program made up 37 percent in comparison with 29 percent in 1996. Moreover, the judicial review of migration decisions was substantially limited with a purpose

to facilitate the process of migration cases processing (Rudduck 2002). Additionally, a whole combination of measures was implemented in order to curtail the flows of refugees and asylum seekers, who entered the country without proper authorization. Thus, in 1999 Temporary Protection Visas (TPV) were introduced, which enabled their holders to stay in Australia just for three years and after this term they were supposed to re-apply for the refugee status again (Refugee Council of Australia 2016). Moreover, TPVs restricted the ability of refugees to sponsor their families to come to Australia and they were not allowed to travel abroad with them. Similarly, unlike the refugees coming under the offshore Humanitarian Program and permanent protection visa holders, TPV holders were not eligible to get extra-financial support from the state or get assistance in job search (Stevens 2002). Therefore, by introducing TPV the Coalition party introduced two-tiered system in relation to refugees. It divided them into those who were assessed offshore and entered the country, having the required documents, and those, who were assessed onshore as they arrived in unauthorized manner. While the first category enjoyed all the benefits of resettlement program, the second one had quite limited access to them (Parliament of Australia 2004). Importantly, the TPV was initially proposed by a right-wing politician and the leader of One Nation party, Pauline Hanson, back in 1998 (Leach 2013). However, it attracted heavy criticism from the then-Prime Minister Philip Ruddock. Nevertheless, less than one year after he personally was in charge of the introduction of TPV, which was supposed to serve as an effective deterrent for unauthorized boat arrivals (Stephen 2005). Many experts claimed that this practice turned out to be a traumatizing experience for the asylum seekers as they were exposed to uncertainty for many years, which caused, in its turn, stress, anxiety and had a negative impact on their future (Momartin, Steel, Coello, Aroche, Silove, & Brooks 2006, Murphy 2013, Stephen 2005). An example of this was the case of Reza Jaffari, who together with other 30 Hazara refugees graduated from school with outstanding results, which were enough to enter university. However, their visas were to expire in one year and they would have had to pay the same fees as international students (Stephen 2005). According to the statistical data, around 11,000 people received TPVs in the period from 1999 to 2007 (Phillips & Spinks 2011). Importantly, 90 percent of TPV holders were granted permanent visas and most probably became Australian citizens later. Undoubtedly, it served as a proof that the majority of these people were genuine refugees. Finally, it could be argued that prolongation of 'uncertainty' had a negative impact on their perception of Australia and integration into the Australian society. On the whole, the TPV system proved to be ineffective in terms of deterring refugees. According to statistics, in the beginning after the programme was

introduced the number of unauthorized boat arrivals actually increased. Furthermore, many experts claimed that the whole system, which denied refugees the right to family reunion, resulted in a spike of women and children refugees, risking their lives to come to Australia to reunite with their husbands or fathers (Phillips & Spinks 2011). The year of 2001 saw one of the most important events during the Howard era, which in many instances laid down the guidelines for further developments in the Immigration Policy. In August 2001 the Norwegian ship called the Tampa rescued a sinking fishing boat with 433 asylum seekers from Afghanistan on board (Mares 2002). This happened in international waters not far away from the Australian coast. Generally, in such situations the captain of the vessel was supposed to take the migrants to the nearest port. However, in this case, the closest point to the disaster site was Christmas Island, which was a part of Australia (Phippen 2016). It should be noted that it was the time prior to the elections. Moreover, one week before the Tampa incident there were another 3 boats, which came to Australian waters with a total number of 1000 asylum seekers onboard (Mares 2002). Thus, this event became a testing ground for the Howard Government. On the one hand, an international scandal and the deterioration of the bilateral relations with Norway were in the air. On the other hand, it was a good opportunity to win the hearts of the voters by demonstrating to them how the Coalition party and its leader John Howard were taking care of their security and prosperity. This situation lasted for five days and drew attention of international media (Refugee Council of Australia 2016). Many passengers, including women and children, were in bad health, so the captain of the Tampa sent a signal to the Australian party on numerous occasions but the help didn't come. Human-rights organizations and international media involved in the standoff in order to make Howard accept the refugees (Phippen 2016). However, he refused to let the passengers disembark on the Australian territory (Momartin, Steel, Coello, Aroche, Silove, & Brooks 2006). Correspondingly, most of the Australian citizens supported the decision of the government (Crock 2004). The other day the UNHCR offered its help in finding some compromise between the parties. As a part of the solution, it requested Howard to let the asylum seekers in and process their cases on Christmas Island (Mares 2002). Nonetheless, it assured him that in the end all those people who got refugee status would be resettled in other countries. However, Howard was determined to hold ground. The incident ended up when the SAS troops seized the ship (Gordon 2011). It should be noted that the then Prime Minister employed his diplomatic ties to the best of his ability in order to save the international reputation of his country and save bilateral relations with the parties involved in the dispute. The government asked for assistance many of its neighbors in the Asia-Pacific region and,

finally, Nauru and New Zealand agreed to resettle refugees (Mares 2002). The Tampa incident played a very important role, inasmuch it brought the victory to the Coalition party and Howard during the elections. Furthermore, at the time Australia was involved in a military mission in Afghanistan as a part of ANZUS agreement (see the chapter 'Reluctance to accept'). Therefore, this episode with 433 asylum seekers from this country demonstrated once again the lack of commitment of the Western Countries, such as Australia, to protect the lives of individuals from the Middle East region. However, the upshot of it was the development of the Australian Immigration Policy. Within several days after the event the Government introduced major changes in the border protection regime (Momartin, Steel, Coello, Aroche, Silove, & Brooks 2006). Thus, the days after the Tampa affair the Border Protection Bill came into force (Refugee Council of Australia 2016). This move was quite retrospective and aimed at avoiding such problems with foreign ships carrying asylum seekers in the future. In short, it authorized the Autralian Government to remove ships from its territorial waters (Australian Government n.d.). Another step, which Howard took, was the adoption of Migration Amendment 2001, which enabled him to excise certain territories from the migration zone under the Migration Act 1958 (Australian Government n.d.). The notorious Christmas Island along with Ashmore and Cartier Islands as well as Cocos Islands and other terrritories also fell within the scope of this legislation. Finally, on 1 September 2001 the notorious 'Pacific Solution' came into force. According to this new strategy all the unauthorized boats were to be intercepted by the Australian Navy and the asylum seekers onboad were to be sent to the offshore detention centres (Phillips 2012). Therefore, the Howard Government approached several island countries in the region with a request of signing agreement related to the establishment of the above-mentioned institutions on their territories for assessing 'boat people' (Phillips 2012). As a result, two countries agreed to accommodate the Australian immigration processing centres, namely Nauru and Papua New Guinea (Manus Island) (McKay 2013). The 'Pacific Solution' alongside other measures, introduced by Howard, eventually bore fruit and almost 'stopped the boats' as within the next five years less than 180 asylum seekers managed to come to Australia (McKay 2013). However, here it is wise to consider other factors as well. One of them was the end of the rule of Taliban in Afghanistan in 2002 (Jabour 2013). Thus, according to the UNHCR report (2002) more than 2.4 million refugees returned home. This number was the highest recorded since 1994. At that, 80 percent of returnees were Afghan refugees. Furthermore, Australia increased its resettlement quota in comparison with the previous year. Nevertheless, the sharp decrease in the number of asylum seekers and refugees in Australia, which constituted about

52 percent, dramatically stood out against other developed countries, where the relevant drop made up just 5 percent (Jabour 2013). However, was this policy sustainable? The answer is simple: it was not, both in terms of the costs paid by Australia and the dreadful price exacted from the asylum seekers. On the one hand, according to the official data, in the period from 2001 to 2007 Australian taxpayers paid more than $ 1 billion dollars to process the immigration cases of 1,700 asylum seekers on Nauru and Manus Island (Bem, Field, Maclellan, Meyer & Morris 2007). On the other hand, this policy had grave consequences on the detainees. Medical Journal of Australia claimed that the policy negatively affected mental health of the inmates (Barkham 2001). Oxfam report (2007) said that there was evidence, provided by the former asylum seekers and personnel from the detention centre on Nauru, that numerous hunger strikes and accidents of self-harm took place there. Furthermore, a lot of detainees received anti-psychotic medication. An example of the feelings of detainees was a testimony, given by a Doctor from Iraq, who in 1999 fled the oppressive regime of Saddam Hussain and ended up in one of Australia's onshore centres, called Villawood Immigration Detention Centre. Writing about his experience there, he concluded that detention for him as well as for other inmates was 'the instant loss of liberty for an indeterminate period of time in a prison-like environment' (Sultan, cited in Silove, Steel & Richard 2001). Another important point, which has to be mentioned here, is the detention of children. In the period between 2002 and 2003 the Human Rights and Equal Opportunity Commission launch an inquiry into Children in Immigration Detention, which got the name the 'HREOC Inquiry' (Hutchinson & Martin 2004). According to the data, there were 184 children in immigration detention centres at the moment. Furthermore, in 2003 the then immigration minister Philip Ruddock provided the information concerning the average stay of children in detention (Hutchinson & Martin 2004). It was more than one year and three months. Therefore, Australian 'Pacific Solution' and its practice of putting all the asylum seekers, including children, who arrived without the required documents' into detention, were not consistent with its obligations under the United Nations Convention on the Rights of the Child (CROC), which Australia signed back in 1990 (Hutchinson & Martin 2004). The Article 37 of it stipulates that detention should be applied as a measure of last resort, whereas in Australia it was commonplace in relation to all unauthorized boat arrivals. Finally, according to the HREOC report (2004) the vast majority of the children, detained on the basis of the means of transport of their arrival (boat), were granted refugee status, therefore the sufferings, which were imposed on them, and the subsequent trauma became the problem of the Australian society thereafter. Another contentious issue pertaining to the 'Pacific Solution' is the example, set by Howard

Government to the international community. If the country with democratic values puts vulnerable people into detention camps for an indeterminate period of time just because they were seeking refuge from torture, violence, war and other gross human rights violations, what would other 'less democratic' countries resort to? Clearly, the Australia's policy of detention was in violation of the Refugee Convention, as Article 31 of it prohibits punishing asylum seekers for the entry without the required legal documents (Kaldor Centre 2015). Moreover, if we consider that many of the asylum seekers, arriving by boats, fled the wore-torn countries such as Afghanistan or Iraq, the idea to detain these people for illegal entry into a safe country seems morally and ethically wrong. Furthermore, the "Pacific Solution' was not consistent with another international law, namely Article 9(1) of the International Covenant on Civil and Political Rights, which states that individuals possess the right not to be detained arbitrarily (Kaldor Centre 2015). Therefore the mandatory detention of all unauthorized boat arrivals contravenes this law. Equally, some human rights organizations expressed their concerns about the attempts of Canberra to curtail the ability of its domestic courts to somehow influence the decisions related to the human rights of the refugee, the minimalist interpretation of the international laws, which posed a challenge to the whole system of refugee protection, the misery imposed on individual refugees on Nauru and Manus Island, the lack of transparency in the determination of the status of the asylum seekers in the absence of any independent monitoring organizations and international legal councils as well as the misery imposed on the detained asylum seekers (Amnesty International 2002). Another very interesting aspect connected with the 'Pacific Solution' was that the isolated camps on Nauru and Manus Island were run by the International Organization for Migration (IOM), a leading intergovernmental organization in the field of migration (IOM 2016). One of the main objectives of the organization was to provide humanitarian assistance to migrants, including refugees. In 2016 IOM became a related organization to the United Nations (IOM 2016). However, at the beginning of 2000s it was not accountable to the UN General Assembly and not bound by any international agreements (Human Rights Watch 2002). Interestingly, IOM was contracted and paid by Australia to operate its detention centres on Nauru and Manus island (Amnesty International 2002). Furthermore, the report, issued by Human Rights Watch (2002) and named 'By Invitation Only: Australian Asylum Policy' found out that using its position where it was not bound by the international obligations of its member states, IOM served as Australia's agent in Indonesia since the beginning of 2000s. Moreover, IOM did not possess a protection mandate to work with refugees. As it was paid and contracted by Australia, its purpose was mostly to meet the expectations of the client. Furthermore, Human

Rights Watch (2002) revealed that IOM tried to persuade Afghan asylum-seekers to return home and failed to assist refugees in Indonesia to trace their families. Thus, human rights organizations recommended IOM to avoid situations when the organization was dependent on one donor, in our case Australia. As it could lead to human rights violations and nontransparent policies. All in all, the 'Pacific Solution' proved to be effective in terms of deterring asylum seekers from coming to Australia. Nevertheless, this policy had a lot of negative, 'dark' sides. First of all, it caused 'boat people' a lot of pain and suffering. In fact, most of them were recognized as genuine refugees, therefore those of them, who developed some mental or physical health problems, were in need of treatment. Further, people, who spent years in detention on an isolated island, required much more time to integrate into the Australian society than those who spent this time in community. Most probably, children in detention were affected till the rest of their life. Second, this initiative proved to be extremely expensive. This money could have been spent more efficiently on the humanitarian assistance for refugees, medical treatment and the classes of English-language. Third, the 'Pacific Solution' was heavily criticized by the international community, human rights organizations and individual states (Phillips 2012). An example of this was the visit of the UN asylum inspector to several onshore detention centres. After the tour he concluded that he had never seen 'a more gross abuse of human rights in more than forty inspections of mandatory detention facilities around the world' (Millet 2002). Finally and most importantly, this policy was not consistent with many obligations of Australia under the international law. Apart from this, it set negative example to other states in terms of treatment of asylum seekers and created a dangerous precedent for shifting responsibility to assist those in need, e.g. refugees and asylum seekers. According to some studies about the trafficking in migrants in the Asia Pacific Region, the key to combating people smuggling was the cooperation of the countries in the region in order to elaborate, implement and enforce various mechanisms to fight organized crime and prevent further victims and not depriving people of their right to seek asylum and flee from life-threatening conditions (Schloenhardt 2001). Another important event apart from the Tampa affair, which helped to understand how the government tried to demonize refugees, took place in October 2001, when the Government officials claimed that the asylum seekers had threatened to throw their children overboard if they would not let them into Australia (Refugee Council of Australia 2016). Furthermore, later they provided photos as evidence. Commenting on the incident, Howard said, 'I don't want in Australia people who would throw their own children into the sea' (ABC 2002). Later it turned out that the pictures were taken during the rescue operation when the boat of asylum seekers was sinking.

'Children overboard' incident demonstrated how the then Prime Minister was determined to use every opportunity to legitimate his policy of exclusion and show the 'otherness' of asylum seekers (Gleeson 2014). This, in its turn, helped to reduce the empathy for the refugees on the domestic level and served as a proof of a necessity to strengthen border regime and introduce stricter policies towards unauthorized boat arrivals (Gelber & McDonald 2006). Furthermore, the event clearly demonstrated how the authorities tried to use the issue with refugees to attract more voters before the Australian national elections. Research has found that Howard and his Coalition resorted to xenophobic racism to stay in power (Kuhn 2009). It was mostly aimed at the asylum seekers coming by boats, mainly from the Middle East and Afghanistan, and Muslim people in general. Kuhn claimed that the Australian government used the 9/11 terrorist attacks to intensify fear and anxiety among the population and position themselves as the defenders. Furthermore, by theoretically denying anti-Muslim racism, in practice, Howard promoted it with the wars in Iraq and Afghanistan and his policies towards refugees (Kuhn 2009). Interestingly, September 11 attacks and the subsequent wars 'helped' the then Prime Minister to secure his political power, strengthen personal and political ties with the United States and put national security along with economic management on the top of the agenda (Grubel 2011). Needless to say, Howard's policies proved to be successful, his Coalition government won the elections in 2001 (Australian Politics 2001). Another factor to consider is that the issues of terrorism, refugees and asylum seekers were among the most important along with education, employment, taxation and health (McAllister & Clark 2008). Furthermore, during his tenure Howard used the concepts of 'sovereignty' and 'border integrity' to deny Australia's ethical obligations to the international community (Gelber & McDonald 2006). This tactics of prioritizing just his commitment to the domestic population, positioned 'sovereignty' as a justification to exclude the others, who didn't share Australian values and tried to come to the country illegally. Therefore, reinterpreting the above-said, it was Canberra's responsibility to defend its citizens from the outside invaders, coming by boats (Gelber & McDonald 2006). Nevertheless, in the later stages of Howard's term in the office of Prime Minister the populist rhetoric related to asylum seekers and border protection issues started to appeal less to the domestic public. The clear evidence of this is the case with the Migration Amendment Bill 2006, which was introduced in May 2006 and attempted at expanding the 'Pacific Solution' (Taylor 2007). The bill stipulated the expansion of offshore processing regime, which became effective in 2011; thus all the asylum seekers who arrived by boat without legal documents were to be processed offshore (Refugee Council of Australia 2016). The bill per se didn't excise territory. However, it stated that all the people who arrived

in Australia illegally, even those who reached the mainland, would be treated as if they disembarked in an excised place (Parliament of Australia 2006). Therefore the bill erased the difference between unauthorized boat arrivals who reached the excised zone or the mainland. The proposal for a law was issued as a response to the angry reaction of the Government of Indonesia, caused by the fact that Australia issued TVPs to 42 out of 43 asylum seekers who arrived in its mainland to seek refuge claiming that they suffered human rights abuses by Indonesian security forces (Taylor 2007, Refugee Council of Australia 2016). The Bill was named by the media Pacific Solution Mark II and was roundly condemned by human rights organizations, some media commentators as well as by the Human Rights and Equal Opportunity Commission (Parliament of Australia 2006). The Commission characterized the bill as the 'backward step' in Australia's handling of asylum seekers (Australian Human Rights Commission 2006). Although it specified some significant improvements in the development of the policies related to refugees, such as the introduction of time limits on making decisions on refugee status, releasing children from detention and removal of most of the asylum seekers from Nauru due to the aggravation of their mental health, the Committee highlighted that the present proposal of law could lead to the violations of Australia's international obligations under the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights once again (Australian Human Rights Commission 2006). Moreover, the Bill didn't provided for the time limits for processing the immigration cases and statutory safeguards to protect the asylum seekers from human rights abuses. Furthermore, some lawyers warned that the proposed document could breach the Article 31 of the Refugee Convention 1951, which prohibits the signatories to discriminate against asylum seekers based on the means of the transport of their arrival (Parliament of Australia 2006). All facts considered, the introduction of the Migration Amendment Bill was of very politicized nature; it happened due to the deterioration of the bilateral relations with Indonesia and drew a lot attention of international observers. The Bill passed the House of Representatives but before the voting in the Senate, it was withdrawn by Howard (Taylor 2007). By approving the bill, Howard miscalculated the atmosphere in the Parliament. Commenting on his decision to pass this proposal for law, he stressed that his aim was 'to provide more protection to the Australian people' (Coorey 2006). Furthermore, he noted that those asylum seekers, who arrived on excised islands, would still be sent to Nauru. Why didn't the Migration Amendment Bill get enough support and was withdrawn? An Associate Professor of La Trobe University Savitri Taylor (2007) named 'civil society mobilization' against the bill as one of the main reasons for it. She argued that as Australia was a democratic state, its leaders felt

accountable for their actions to the domestic population. However, it considered that it had no moral obligations before the non-citizens, such as refugees and asylum seekers. Therefore, she presented the defeat of the bill as a victory of liberal values, claiming that the problems in the Australian asylum policies stemmed from the lack of alternative voices in the society in that country promoting human rights and empathy towards refugees, which were strong enough to counter false arguments made by the Government (Taylor 2007). To sum it up, this case had a very important role as it was considered as a victory of human rights defenders and encapsulated positive changes in the thinking of the Australian public in general. Another significant event related to asylum seekers policy took place in 2007, when John Howard and American President George W. Bush entered the so-called 'refugee swap' arrangement (Ghezelbash 2015, p. 111). Under the signed Memorandum of Understanding (MOU) the parties agreed to exchange up to 200 asylum seekers from their extraterritorial detention centres, namely Nauru and Guantanamo Bay in Cuba (Squires 2007). The 'swap' deal was supposed to serve as a deterrence to people smugglers. However, the data demonstrated that after the announcement of the deal there was a sharp increase in the number of migrants coming to the US with a hope to be resettled in Australia. Thus, in March 2007 the US Coast Guards reported just five Haitians coming without legal documentation, whereas one month later there were already 700 Haitians who came to the United States in an unauthorized manner (Dastyari 2007). Interestingly, the announcement of 'refugee swap' hardly influenced the number of arrivals of asylum seekers to Australia. Nevertheless, this raised serious concerns among the experts in the field of migration that such deal could lead to decrease in irregular migrants flows (Dastyari 2007). Furthermore, many questioned the legitimacy of 'refugee swap' arrangement. Thus, the president of the Centre for Constitutional Rights Michael Ratner described this controversial bilateral agreement between Australia and the United States as a 'real low point in the protection of fundamental human rights' (Deen 2007). Furthermore, according to the article 32 of the Refugee Convention it is prohibited to discriminate against refugees based on the fact that they entered a country in illegal way in case they arrived from the source-country (Dastyari 2007). Additionally, Human Rights Watch argued that unless both governments explain the reasons pertaining to national security issues as to why the asylum seekers were to be expelled to another country, the deal was not consistent with the states obligations under the 1951 Convention (Deen 2007). At the same time, other experts pointed out at the limitation of rights of refugees at the detention camps in Guantanamo Bay, Nauru and Papua New Guinea (Dastyari 2007). Asylum seekers in the offshore detention centres have no right for independent review of their cases and lack access

to any type of legal assistance. Another point worth noting is that the deal was condemned even by political elites back in Australia. Thus, the leader of the opposition party, Kevin Rudd, characterized the deal as illogical, noting that asylum seekers would just make a stopover in Australia on their way to the United States, while the leader of the Green Party mentioned the close personal and political ties between the then Prime Minister and the President of the United States, arising partly due to the support of the military missions of the latter in the Middle East (McMahon 2007). Furthermore, some traced anti-Muslim and racial subtext, noting that the arrangement was the continuation of Canberra's policy of dispatching people from Asia and Middle East to other countries (Squires 2007). Moreover, the plan was criticized by refugee organizations due to the fact that asylum seekers from the United States didn't have any cultural connections in Australia and otherwise (McMahon 2007). To conclude, the deal drew a lot of criticism from various sides and from the beginning was called controversial due to its inconsistency with the international laws aimed at protecting asylum seekers and refugees. Moreover, the ability of the MOU to deter both asylum seekers and people smugglers was also questioned. At the same time, it demonstrated the development of the bilateral relations between the United States and Australia at a new level of cooperation and revealed the similarities in their policies towards refugees and asylum seekers, which were tailored to avoid the responsibility for accepting these vulnerable groups of people in a human way. Finally, it was the last attempt of John Howard to protect the borders from 'invaders' during his term of office. Taking everything into consideration, this period was a turning point in the Australian policy towards asylum seekers. The Coalition party and its leader John Howard created the so-called two-tiered system of treatment of asylum seekers based on the mode of their arrival. As a result, he adopted a tough approach to those refugees who arrived by boats. The program included the creation of offshore centres for processing the immigration cases and defining the status of asylum seekers, introduction of TPVs, which limited the ability of the refugees to get additional financial help, sponsor their families to come to Australia and deprived its holder of the possibility to leave the country and come back. In order to get public support he resorted to racism and attempted at demonizing asylum seekers and Muslims. In addition, he invoked the concept of sovereignty in order to justify his policies and the right to 'exclude'. In short, Howard succeeded in 'stopping the boats' and bringing economic prosperity to the country but failed in terms of meeting Australia's international obligations to asylum seekers and refugees, thus challenging the international protection regime (The Sydney Morning Herald 24 November 2007).

Kevin Rudd and Julia Gillard (Labor Party)

On 3rd of December 2007 Kevin Rudd became Australia's 26th Prime Minister when the Labor Party won office (Australian Prime Ministers 2016). Interestingly, one year before the elections he wrote an article called 'Faith in Politics' to an Australian national magazine The Monthly (Rudd 2006). Contemplating his country's treatment of asylum seekers he wrote:

The biblical injunction to care for the stranger in our midst is clear. The parable of the Good Samaritan is but one of many which deal with the matter of how we should respond to a vulnerable stranger in our midst… We should never forget that the reason we have a UN convention on the protection of refugees is in large part because of the horror of the Holocaust, when the West (including Australia) turned its back on the Jewish people of Germany and the other occupied countries of Europe who sought asylum during the '30s.

These words encapsulated Rudd's position on the refugees and asylum seekers policies and his aspirations to introduce changes if he was to be elected as a new Prime Minister. In his work Rudd used a lot of terminology related to Christianity and Christian values. Furthermore, he reminded his readers about the horrors of the Holocaust and the consequences of the reluctance of the West to help the Jewish people, who had been in desperate need of asylum at that time. The article appealed to a lot of voters and one year later Kevin Rudd became the new Prime Minister of Australia after a decisive election victory. However, later many questioned the sincerity of his words (Grewcock 2013 & 2014, Landrigan 2010, Manne 2015). What changed in the approach to refugees when the Labor Coalition came to power and did the 26th Australian Prime Minister keep the promise to revise the Howard's policy towards asylum seekers? During his first days in the office Rudd expressed his determination to restore the international reputation of Australia, hence he adopted 'humane' approach towards asylum seekers and refugees. First of all, he kept his electoral promise and abandoned the 'Pacific Solution' (Refugee Council of Australia 2016, Topsfield 2007). Furthermore, the detention centres for processing asylum seekers' cases on Manus and Nauru were closed. Since then all unauthorized boat arrivals were supposed to be handled on the Australian territory, mainly on Christmas Island (Phillips, J 2014). In May 2008 the Rudd Government also abolished TPVs (Christopher Evans 2008). The achievements of Labor Government in immigration policy were commended by the United

Nation Committee against Torture (The Hon Stephen Smith MP 2008). In his address to the Refugee Council of Australia the then Minister of Immigration and Citizenship, Christopher Evans (2008), proudly announced the successes of the Labor party pertaining to 'returning humanity and fairness to Australia's refugee policies'. Outlining the accomplished work by his Party, Minister stated that the problem of long-term detention was being solved. Furthermore he stated that it was the fault of the previous Coalition Government, headed by Howard, pointed out at their inability to process cases. Next, Evans (2008) stressed that the new immigration policy was built on seven immigration detention principles, which included resorting to detention as a measure of last resort, reducing the period of detention to the shortest time possible as well as the abolition of indefinite detention. However, he admitted that offshore processing and the excised areas stayed in place, claiming that it was one of the election promises of his party. The then Immigration Minister also accentuated that the Government's response to those who arrive in Australia in unauthorized manner would be 'calm and measure'. So which policies did Labor party introduce to deter asylum seekers and were these policies in accordance with Christian values? First of all, as it was already mentioned when Rudd came to power he abandoned almost all of the Howard's practices of dealing with refugees, although mandatory detention was maintained. Despite the fact that the detention centres on Manus Island and Nauru were closed, a new detention centre was opened on Chistmas Island (Grewcock 2014). Interestingly, the island was situated on the way from Indonesia to Australia. It meant that the waters were patrolled by the Navy and all the boats trying to cross the Indian Ocean were intercepted and virtually all asylum seekers, who entered Australia by boat, were sent to the detention camp (Grewcock 2013). Therefore, experts argue that it was a kind of re-introduction of the 'Pacific Solution' in the Indian Ocean. However, the goals and methods, including mandatory detention, offshore processing and operations aimed at eradicating people-smuggling business, were the same (Grewcock 2013). The processing system on Christmas Island provoked criticism of the Australian Human Rights Commission (Australian Human Rights Commission 2009). The commission concluded that the Migration act 1958 didn't stipulate mandatory detention for those who arrive by boat without legal documents. Moreover, it expressed serious concerns about children and unaccompanied minors held in detention, the remoteness of the processing centre as well as the prison-like conditions, which could aggravate the emotional trauma of the inmates (AHRC 2009). A lot of refugee unrests took place on Christmas Island, the asylum seekers opposed to their mandatory detention and horrible conditions in the processing centre (Mackander 2015, *ABC News* 19 November 2010). An example of this was when a group of

160 detainees mounted a peaceful protest and sewed lips together (*ABC News* 19 November 2010). Commenting the incident the then Immigration Minister Chris Bowen highlighted that such actions would in no way influence the decision of the authorities about the refugee status of the protesters. The opposition, in its turn, deemed the event as a failure of the Labor party on immigration. Nevertheless, facing unbearable situation at home, asylum seekers kept arriving at the Australian shores. None of the measures, implemented by Kevin Rudd, helped to deter asylum seekers and the number of the boat arrivals continued to increase every year since Labor Government came to power. Thus, in the election year of 2010 it made up 6,555 people (Phillips 2014). Rudd came under political pressure of his opponents. In June 2010 his fellow party member, Julia Gillard, wrote to him that he 'lost control of border' and it was unacceptable (Manne 2015). Two days later as a result of a party coup she replaced Kevin Rudd in his office. Most probably the unsuccessful asylum seeker policy caused this change of power (Manne 2015). Nevertheless, due to his personality, Rudd was still a highly visible politician as he held office as foreign minister in the Gillard government (Craig 2014). Ironically, when Gillard came to power, she didn't manage to take control of Australia's borders as well. On the contrary, the flow of asylum seekers coming by boat continued to increase and in 2013 it peaked at a record of 20,587 (Phillips 2014). The situation became very intense as the protests, hungry strikes and unrests started to take place in many overcrowded detention centres across Australia and from 2011 the number of deaths at sea soared as well (Border Crossing Observatory 2013, Refugee Council of Australia 2016). The former leader of One Nation Party, Pauline Hanson, stated the weakness of Julia Gillard and her 'pathetic' policies as the main reason of asylum seeker's deaths at the sea (Whiteman 2010). In order to resolve the problems related to immigration, the then Prime Minister frantically searched for some partners among Australia's neighbors in the Asia Pacific Region. This 'regional solution' would enable the Gillard's government to process the cases of asylum seekers offshore on the territories of other states and would deprive refugees of the prospect of subsequent resettlement in the Land Down Under (Grewcock 2013). In anticipation of the parliamentary election in 2010, Julia Gillard formulated a plan to establish a regional processing centre in Timor-Leste, small island state in Southeast Asia, in order to thwart people smugglers (Taylor 2011). The proposal was dubbed by the media as 'Labor's Indian Solution' and pursued two primary goals (Coorey 2010, Taylor 2011). The first objective was to make sure that the processing of immigration cases was outside the jurisdiction of the High Court of Australia, whereas the second one was to avoid any additional international legal obligations to refugees (Taylor 2017). One year later already in

the role of Prime Minister she tried to approach the Government of Timor-Leste to push the plan during the Bali Process ministers' conference, regional forum dedicated mostly to the problems of people smuggling and trafficking in the Asia-Pacific region and co-chaired by Australia and Indonesia (*The Economist* by J.C. 2011). However, her proposal didn't get any attention of the participants and wasn't even put on the agenda. Some months later this plan on the regional 'cooperation' was discarded by both Indonesia and Timor-Leste. The then Timorese Prime Minister named among the major reasons the fact that initially Gillard had approached with the idea the President of Timor-Leste, who was not in authority to negotiate international agreements, and the discrepancy between the international-class services, provided to the asylum seekers, and low living standards of the citizens of the his state (*The Economist* 30 March 2011). However, even if the Regional Protection Framework plan (RAC) came into force, it would not probably be the solution to Australia's desire to shift its responsibility related to asylum seekers as it didn't give any guarantees that other countries in the region would be willing to raise their resettlement quota. For instance, after the announcement of the RAC the Prime Minister of New Zealand gave his consent to negotiate the proposal. Nevertheless, he stated from the beginning that the number of annual resettlement places would stay the same (Taylor 2011). Despite the failure to establish the Regional Protection Framework in Timor-Leste, the Gillard's Government opened negotiations with Malaysia and Papua New Guinea (Phillips 2014). These discussions initially met with success. In July 2011 Australia and Malaysia concluded a transfer agreement, which stipulated the relocation of up to 800 asylum seekers from Australia to Malaysia and the acceptance of 4000 verified refugees by Australia in return over the period of four years (Spinks 2011). Notably, the deal was supervised by the United Nations High Commissioner for Human Rights and the International Organization for Migration (Spinks 2011). The agreement was presented by the Gillard's Government as an attempt to eradicate people smuggling business in the region, which was the main reason of deaths of asylum seekers (Grewcock 2013). However, formulating the problem in such a way enabled the authorities to downplay their lack of commitment to the safety at sea (Kevin 2012 & 2013). A writer and former diplomat, Tony Kevin, researched into the obligations of Australian Government agencies to rescue asylum-seekers who messaged to them that they were in danger at sea. For this purpose he studied all the cases of boat sinking since the year of 2009. According to his findings, ethical response to rescue asylum seekers from the tragedy was oftentimes compromised due to deterrence issues, which were the top priority for the Australian Government (Kevin 2013). Indeed, the state officials declared that Australia was not legally

bound to save the lives at sea, until a boat was physically present on the country's marine borders, even though the Border Control had already obtained the information from the intelligence agencies about the vessel in distress (Kevin 2013). Coming back to the Malaysia transfer agreement, the announced cost of it totalled $ 292 million over four years (Spinks 2011). Under the deal Malaysia was supposed to retain the right to veto undesired asylum seekers (Thompson 2011). Gillard gave guarantees that all the asylum seekers sent there would be treated with dignity and would have rights to work, education and health services (*BBC News* 25 July 2011). Nevertheless, numerous human rights activists pointed out that Malaysia was not a signatory to the Refugee Convention and didn't meet even the minimal standards to accept refugees (Human Rights Watch 2011). The country's reputation was tarnished by high record of mistreatment of asylum seekers (Wood & McAdam 2012). Moreover, the agreement didn't make provision for free and mandatory education for children, therefore it was not consistent with the Convention on the Right of the Child (HRW 2011). The deputy director of Asia division of Human Rights Watch Phil Robertson criticized the deal stating that Australia used it as an opportunity to shift its obligations towards asylum seekers under the 1951 Refugee Convention and accused the Gillard's Government of attempting to convert Malaysia into its 'dumping ground for boat people' (*Al Jazeera English* 25 June 2011). However, less than once month later after the agreement was formally signed, the High Court ruled that it was unlawful under the Migration Act 1958 (Manne 2015). Moreover, this arrangement between the Governments of Australia and Malaysia undermined the whole system of refugee protection and set a negative example to other states in the region (Wood & McAdam 2012). Four years later in the interview with Stephen Sackur on BBC World News's HARDtalk Gillard accentuated that the transfer agreement with Malaysia was a new and 'innovative solution' and she believed that if it hadn't been blocked by the High Court and the Opposition's refusal to amend the laws to implement it, it would have been effective in preventing deaths at sea (Sackur 2015). Finally, she stated that the failure of the arrangement urged her to re-introduce detention camps in Nauru and PNG in August 2012, which were used by Howard Government (Packham 2012, Phillips 2014, Sackur 2015). The agreements with the authorities of Nauru and PNG were signed on 29 August and 8 September respectively (Phillips 2014). Later Gillard was accused by the Opposition of holding back on the decision for too long (Flitton 2012). The re-opening of the detention facilities on Manus Island and Nauru were a part of the recommendations given to the Government by an Expert Panel, appointed by the Prime Minister with the aim of providing advice on preventing the loss of lives at sea on 28 June 2012 (Australian Human Rights

Commission 2012). Six weeks after its establishment, the Expert Panel issued a report, containing 22 steps to take in order to improve the existing refugee policy (AHRC 2012). The document stipulated the reintroduction of case processing on Nauru and Manus Island (McCluskey 2012). Other recommendations included increasing the annual intake under the Humanitarian Programme to 20,000 places, developing regional framework for improving the protection of asylum seekers, engaging more effectively with the source countries and restricting family reunion policies for boat arrivals (Australian Government 2012, Refugee Council of Australia 2016). Therefore, the Expert Panel advised the Government to resort to 'no advantage' principle for 'boat people' paving the way to Howard's legacy of the two-tiered approach (Bowen 2012). Notably, the Gillard's Government implemented all 22 recommendations, provided by the Panel (Phillips & Spinks 2013). One of the first steps, taken by authorities, was the re-opening of the detention centres on Manus Island and Nauru, which, in fact, signified the actual reintroduction of offshore processing in third countries and the return to Howard's policies (McCluskey 2012, Taylor 2012). Several months later UNHCR issued a report, which stated that the detention centre in Nauru didn't meet the international protection standards (UNHCR 2012). Among the main concerns were harsh conditions, the absence of a functional legal framework for processing refugees as well as of an effective system for refugee status determination. In February 2013 another report was issued by UNHCR (2013). This time the organization made an inquiry into the detention centre on Manus Island in Papua New Guinea. The situation there turned out to be even worse than in Nauru. Among the most pressing issues were the practice of detaining all refugees on a mandatory basis, children in detention, the absence of any legal framework for determining refugee status as well as serious doubts in the competency of the staff to process the immigration cases (UNHCR 2013). Nevertheless, there was some progress in the Gillard Government policies in terms of human rights. Among the most important of them were the introduction of a single protection visa category for all refugees regardless of the mode of transport they used to arrive in Australia, granting bridging visas to many asylum seekers, who entered the country in an illegal manner, and giving the access to an independent review of their cases through the Refugee Review Tribunal to all asylum seekers (Phillips & Spinks 2013). However, in May 2013 with the increasing number of boat arrivals and under the pressure of its political opponents, Labor party made a decision, which was characterized by many as a return to Howard's policy of exclusion. The Government backed the legislation, proposed by the Expert Panel and aimed at creating incentives for asylum seekers arriving by boat in an unauthorized manner not to risk their lives at sea. Therefore, the Panel

recommendations involved excising the Australian mainland from the migration zone (Harrison & Coorey 2012, Iggulden 2012, Keane 2012). It meant that those asylum seekers, who managed to reach the mainland, would be denied onshore processing for the determination of their refugee status, and their claims would be processed in the same manner as of those asylum seekers who arrived at an excised territory like Christmas Island. The decision was announced by the then Immigration Minister, Chris Bowen, and caused a lot of criticism. For instance, Sarah Hanson-Young, the Greens' Immigration spokesperson, claimed that the proposal was not about saving the lives at sea but about denying the most vulnerable people in the region the right to seek asylum in Australia (Harrison & Coorey 2012). Furthermore, the Opposition stated that the Labor party lost any credibility on the issues related to immigration and border protection (Iggulden 2012). Such reaction was partly caused by the fact that six years before Chris Bowen himself along with his other fellow party members roundly condemned the idea, put forward by the then Prime Minister John Howard, which had striking similarities to the Labor proposal about the excision of the mainland (Iggulden 2012). However, the inconsistency of Labor's immigration policies could be explained by the fact that the party changed its stance on the issue due its position in power and increased level of responsibility (Keane 2012). In 2013 several months before the next election Julia Gillard was ousted from power by Kevin Rudd (Rourke 2013). During his second term as a Prime Minister in an attempt to appeal to the electorate, Rudd adopted a tough approach to immigration policy. Thus, on 19 July 2013, he and his colleague from Papua New Guinea, Peter O'Neill held a press conference in Brisbane (Grewcock 2014). At the end of the meeting the leaders announced that they signed a Regional Settlement Arrangement (*BBC* 19 July 2013). According to the new agreement all the boat arrivals who came to Australia after 19th of July would be sent to PNG for their refugee claims to be processed. If they turned out to be genuine refugees, they could be resettled in PNG (Crowe & Callick 2013). Otherwise, they would be deported to their country of origin or another third country. To sum it up, in accordance with the Regional Settlement Arrangement, the asylum seekers arriving to Australia by vessel were not eligible for resettlement in Australia. Furthermore, there was no specified limit for the number of refugees to be resettled in PNG (Rudd, 2013). The then Australian Prime Minister helped out hope that the agreement would be effective in decreasing the number of asylum seekers coming by boats and risking their lives and that it would 'send a message' to people smugglers as well (Crowe & Callick 2013). Moreover, he acknowledged that the project was quite costly and was subjected to annual review (Crowe & Callick 2013). In return to the PNG's cooperation in processing and

resettling the Australian asylum seekers, Rudd pledged to provide financial aid to the country including hospital renovation, road construction and assistance in carrying out the reform in the sphere of education and law (Crowe & Callick 2013, Ritchie 2013). One reason behind the agreement was the upcoming federal election. Coming back to power in the run up to the make-or-break moment for his party Rudd realized that he had to address urgently its 'weak point', the unprecedented number of unauthorized boat arrivals (*BBC* 19 July 2013). In the meantime, the Opposition had already come up with the plan, which included the introduction of 'tow-backs' to Indonesia, border protection mission called 'Operation Sovereign Borders' and led by the Australian Defence Force as well as the expansion of the processing centre on Nauru (Department of Immigration and Border Protection n.d., Grewcock 2014). While Rudd approached the issue from the foreign policy perspective trying to develop regional solution to the problem, his opponent offered defence and security-oriented one (Phillips 2013). From the very beginning the Regional Settlement Arrangement attracted a great deal of attention. Many critics characterized the project as quite controversial. First of all, it set a dangerous example in terms of burden sharing. Being a success with national interest, the deal when a rich country with low level of unemployment and high living standards 'sub-contracted' its obligations to asylum seekers under international agreements to a low middle income developing country with quite undeveloped infrastructure could pose a serious threat to the whole system of refugee protection and create a domino effect all over the world (Phillips 2013). When indeed, 80 percent of world's refugees were hosted by the developing countries (Park 2012). Secondly, the Arrangement made many experts doubt about the equality of its partners. Moreover, many critics pointed out that Australian Government viewed Papua New Guinea through the prism of neocolonialism by using the country to meet its internal goals related to the immigration policies (Grewcock 2014, Ritchie 2013, Schultz 2013 cited in *The Conversation*). The research found out that Australian border policy served as a political tool for expanding the influence of the country in the Asia-Pacific region (Grewcock 2014). Furthermore, it should be taken into account that PNG was under Australian control up to the year of 1975, when it got its independence (CIA 2016). Next, the country was the largest bilateral recipient of Australian aid; its share comprised 14 percent of the whole Australia's aid programme in 2015 (Hayward-Jones 2015). This relationship of 'donor-recipient' had been lasting from the mid-19th century (Ritchie 2013). Indeed, the failure of the Government of the resource-rich small Papua New Guinea to diversify the economy of the country during the recent years, when the prices for commodities were high, just prolonged and strengthened its dependence on Australia (Hayward-Jones 2013, The World Bank 2016). On the top of that,

many experts expressed concerns over the suitability of the environment for the refugees in the country. Striking 40 percent of its citizens lived in poverty despite considerable level of economic growth (Hayward-Jones 2013). The index of human development was one of the worst in the world (Schultz 2013). Moreover, the welfare system didn't function and as a result of it, the resettled refugees would not get any assistance in finding job or accommodation (Hayward-Jones 2013). Finally, the very structure of the Melanesian society was not suitable for newcomers (Schultz 2013). All things considered, the Regional Settlement Agreement raised many questions related to its consistency with the UN Refugee Convention, the capability of PNG to process and host refugees as well as the conditions in the detention centre. It also presented a radical change in Rudd's 'humane' approach to asylum seekers and demonstrated how politicized the refugee issue was in Australia. The decision of the Australian Prime Minister to send all the boat arrivals to Manus Island to be processed and resettled there also bothered the United Nations High Commissioner for Refugees (Hall & Swan 2013). The agency stressed that Papua New Guinea didn't meet basic protection standards for asylum seekers and refugees. Furthermore, after having visited the state and the facilities several weeks before the agreement came into force, UNHCR concluded that there were serious doubts in the competency of the personnel to process the immigration cases, the capacity of the facility as well as in the possibility of the successful integration of the refugees into the Melanesian society due to its cultural, economic and social peculiarities (Hall & Swan 2013). Furthermore, on the same day as the Refugee Resettlement Arrangement with PNG was announced, a peaceful protest in the detention centre in Nauru turned into a violent riot (Refugee Council of Australia 2016). As a result of the fire, which started at the end, most of the facilities were destroyed and the caused damage equaled to A$ 60 million (*The Guardian* 21 July 2013). Around 125 people were arrested and the others were provided with temporary accommodation in tents (*The Guardian* 21 July 2013). However, the claims that there was connection between the Prime Minister's announcement and the riot were dismissed. According to a representative of the Refugee Action Coalition, the main reason behind the unrests was the slow and ineffective processing of asylum seekers' immigration files (*ABC News* 20 July 2013). Several weeks after the Refugee Resettlement Arrangement with PNG became effective, Rudd concluded a parallel agreement with Nauru (Rudd 2013). The deal was an expansion of Australia's strategy to ban all 'boat people' from resettling in Australia (*Al Jazeera English* 3 August 2013). The arrangement with Nauru was very similar to that with PNG. The President of Nauru gave his consent to process and accommodate the asylum seekers coming by boat to Australia. Furthermore, if they were

recognized as genuine refugees, they would be granted a right to be resettled in Nauru (Rudd 2013). Next, the small island country was promised to get considerable financial aid for its 'cooperation' in the amount of $29.9 million in 2013-14 and additional $17 million for the re-construction of prison (Rudd 2013). Taking into account that the national budget of the small island country was only $35 million, this sum of money seemed even more significant and was considered by some experts as a direct interference of Australia in the domestic affairs of Nauru (Grewcock 2014). Being historically divided between the three Commonwealth countries, namely Australia, New Zealand and United Kingdom, under the agreement of 1919 with Australia being in control of all exports and mining, Nauru got its independence in 1968 (Storr 2013). Nevertheless, ever since then the country had been experiencing the periods of political instability. In June 2013 as a result of election, Baron Waqa came to power (Storr 2013). The new President of Nauru promised to bring political stability to the small island country, indicating that it was the main prerequisite for its prosperity (Radio New Zealand 2013). However, even though it was said that the number of the refugees to be resettled in Nauru would be determined by the Government of Nauru (Rudd 2013), it lead to the anger and fear among the local people, taking into account the fact that country's population was small and the citizens were scared because of the riots of refugees, which took place earlier (Maley 2013). Therefore, two days after the deal with Australia was signed, the tiny Pacific nation denied the possibility of permanent resettlement of refugees, thus abandoning Rudd's plan (Maley 2013). The Nauru Government spokeswoman Joanna Olsen stated that verified refugees were allowed to stay on the island for a long time while waiting for their resettlement to a third country but there was no prospect of citizenship or permanent residence (Maley 2013). All things considered, did Kevin Rudd and his Labor party kept the promise to be 'the Good Samaritan' and 'respond to a vulnerable stranger in our midst' (Rudd 2006)? At the beginning, when he just came to power in 2007 the Prime Minister introduced a lot of measures aimed at adopting 'humane' approach to asylum seekers and restoring Australia's international reputation. The initial programme included abrogating such Howard's policies as tow-backs, offshore processing of immigration files as well as Temporary Protection Visas. Nevertheless, this stance of being the 'Good Samaritan' cost him his post of Prime Minister as on 21 June 2010 he was replaced by his fellow party member Julia Gillard as a result of a coup among the Labor. Among the stated main reasons was Rudd's failure on immigration due to the sharp increase of boat arrivals. Despite her initial criticism of the previous Prime Minister, Julia Gillard didn't manage to regain control over the number of boat arrivals. Otherwise, during her whole tenure it just continued to grow. Trying to solve the problem,

Gillard hoped that the neighbors in the Asia-Pacific region would lend Australia a helping hand. Nevertheless, the plan turned out to be unsuccessful. After initial negotiations, she got refusal from the small state of Timor-Leste. Next, the deal with Malaysia was ruled to be illegal by the High Court. Therefore, trying to save her party's reputation in the run-up to federal elections Gillard re-introduced the notorious offshore processing on Manus Island in Papua New Guinea and Nauru. It marked a significant change to Labor's policy towards asylum seekers and refugees and signified the return to the approach adopted by the previous leader of the Opposition, John Howard. Nevertheless, just couple of months before the election she was ousted from power by a more charismatic Kevin Rudd. The step was taken by the Labor party members in order to minimize the gap between them and the Opposition. During his second term of office, being under political pressure it seemed that Rudd forgot about his promises, given back in 2006 in the article, which he contributed to The Monthly (Rudd 2006). Not just he became 'tough' on asylum seekers, he did something, what even Howard had not managed to do. In 2013 Rudd signed two Refugee Resettlement Arrangements with Papua New Guinea and Nauru, which stipulated that all asylum seekers were to be processed in the respective countries and if they had been found genuine refugees, they would have been resettled there. As an explanation for this decision Rudd stated that its objective was saving lives at sea and fighting people smuggling business in the region. The plan was heavily criticized as many experts pointed out that Australia tried to solve its domestic problems by 'outsourcing its dirty work' and inflicting serious damage on weeker states, like Nauru and Papua New Guinea', which used to be its colonies in the past (Webb 2013). Furthermore, it was argued that if Rudd was so determined to address the problem pertaining to the increase in the number of asylum seekers coming to Australia, the best way was not to punish the vulnerable refugees but to look at the push factors in the countries, which they fled (Briskman & Poynting 2013). To conclude, many experts assumed that Labor's policy during the years of 2007-2013 was the continuation of Howard's legacy of 'inhumane' treatment of asylum seekers (Grewcock 2014, Manne 2015). Correspondingly, a study on the comparison of Coalition and Labor government asylum policies revealed that despite some minor differences related to the annual quota on the humanitarian intake or Temporary Protection Visas, both parties shared similar views on the necessity of tough deterrence measures and the level of bi-partisan support for the key issues such as offshore processing or mandatory detention of refugees and served as a proof of these findings (Phillips 2014). Finally, both Labor and the Opposition resorted to xenophobia and racism in order to win votes in the run-up to federal elections (Briskman & Poynting 2013).

Tony Abbott and Malcolm Turnbull (Liberal-National Coalition)

In September 2013 Tony Abbott scored a landslide victory in the elections with the Liberal-National Coalition having won 88 seats in the House of Representatives (*BBC News* 7 September 2013, Packham & Shanahan 2013). The newly elected Prime Minister promised to 'stop the boats' of asylum seekers coming to Australia (Rourke 2013). His other commitments included reducing Australia's humanitarian programme to 13,750 places, abandoning access to legal assistance for refugees as well as denying them the right to permanent residency and family reunion (Rourke 2013). He demonstrated his resolve during the first days in the office. Thus, as soon as Abbott was sworn in, he launched the military-led plan dubbed as Operation Sovereign Borders aimed at eradicating people smuggling, protecting Australian borders, preventing asylum seekers from coming to the country by boat and saving lives at sea (Cowie 2013, Laughland 2013). Some called this innovation of Liberal-National Coalition as the 'policy of total deterrence' (Chambers 2015). It was to be implemented by all government agencies, which were in charge of border protection, and supervised by Deputy Chief of Army, who was directly responsible to the Minister of Immigration (Cowie 2013). The Operation Sovereign Borders envisaged such measures as intercepting and turning back the vessels with asylum seekers, prohibiting refugees from resettling in Australia, improving and expanding the offshore detention centres in Nauru and Manus Island and buying extra vessels for tow-backs of asylum seekers, whose boats were in bad condition (Asylum Seeker Resource Centre 2014, Australian Government n.d.). How did Abbott's Government manage to justify such tough and 'inhumane' approach to the Australian public? The research demonstrated that the then Prime Minister resorted to the tactics of 'loud panicking' and 'quiet manoeuvring' in order to ensure the support of his citizens for the operation (van Berlo 2015). As most of the information related to the Operation, even that which had been public before, became classified as 'operationally sensitive', the Government used the opportunity to create the so-called crimmigrant image of asylum seekers arriving in Australia by boats (Corcoran 2014, van Berlo 2015). The concept of crimmigration appeared as a result of insecurities, caused by the process of globalization' and represents the merger of such fields as criminal justice and migration control (van Berlo 2015). Therefore, this approach helped to distance the 'insiders', namely Australian citizens from 'outsiders', illegal migrants, participating in criminal deals with people smugglers and looking for better life in the Land

Down Under. Furthermore, due to the lack of the 'voices' of the asylum seekers and refugees, this group of people became marginalized in the Australian society (Cox 2010). This fact enabled the Abbott's Government to foster the 'othering' process and homogenize the whole group of people, coming to Australia by boats and seeking asylum there, thus downplaying the push factors in the source or transit countries and, therefore, erasing the ethical responsibility of Australia to protect these vulnerable people (Gelber & McDonald 2006, van Berlo 2015). To conclude, presenting the refugees as illegal 'outsiders' through the political discourse and media helped to create the atmosphere of 'loud panicking', while the creating of offshore processing and tow-backs were a part of 'quiet manoeuvring' plan of Canberra (Letts 2014, van Berlo 2015). All these facts justified the harsh measures introduced in relation to boat arrivals and moved the whole issue of illegal migration and border protection into the military sphere. The next step, taken by the new Prime Minister was the re-introduction of the Temporary Protection Visas on 18 October 2013 (*ABC News* 18 October 2013). This plan was one of the Abbott's electoral promises in the run-up to the election. According to the then Prime Minister the reintroduction of TPVs was implemented in order to solve the problem with the backlog of the immigration cases of 30,000 asylum seekers who were at that time residing in Australia on bridging visas (Leach 2013). The Abbott's TPVs allowed the refugees to stay in Australia for the period of up to three years, provided them with access to social security benefits, short-term treatment for trauma and English language classes (Australian Government n.d.). However, its holders neither enjoyed the right to travel outside Australia (just in extraordinary cases), nor could they sponsor their family members for a visa (Australian Government n.d.). Moreover, they could never apply for a Permanent Protection visa to be resettled in Australia. The research into the second TPV regime found that this policy was inconsistent with Australia's obligations under the Refugee Convention and the accompanying International Human Rights Law in three ways, namely in terms of violating the rights of asylum seekers to family reunification and health, discriminating against refugees based on the mode of their arrival in Australia and penalising them for the entry without valid documents (Hafeez-Baig 2016). Furthermore, it was noted that TPVs under Howard's Government were more 'humane' than those re-introduced by Tony Abbott, as the latter made it impossible for asylum seekers to finally resettle in Australia. In December 2013 the new visa regulations were vetoed by Labor and the Greens (Hurst 2013). At that, the Opposition Senator Kim Carr stressed the fact that depriving asylum seekers of the opportunity to apply for family reunion, would just trigger an increase in the numbers of women and children coming by boats illegally as it had happened during the Howard's era (Hurst 2013). Finally,

the Immigration Department itself acknowledged that the TPV strategy turned out to be a failure in terms of deterrence (McAdam 2013). Interestingly, it was argued that this policy could have a detrimental effect on the Australian society as a whole as TPV holders experiencing stress and anxiety due to their inability to bring their families to safety, would probably have difficulties securing some job and in the end they would pose a challenge to Australian welfare (McAdam 2013). In response to the rejection of the plan, the Coalition introduced a directive No. 62 (The Refugee Council of Australia 2016). According to it, those refugees who had already been granted permanent visas, would experience major difficulties in reuniting with their families as the new legislation stipulated that the cases of boat arrivals would be given the lowest priority by the Immigration Minister (Farrell 2014). The experts warned about harmful side effects this directive could have, especially for children in detention (Farell 2014). Further, the representative of Human Rights Watch accentuated that the proposal was not consistent with the Convention of the Rights of the Child, which stipulated that family reunion category had to be prioritized (*SBS News* 8 January 2014). In 2014, despite the disallowance of Temporary Protection Visas by the Senate, Abbott also introduced Temporary Humanitarian Concern visas (Refugee Council of Australia 2014). It caused an outburst of anger from human rights activists, who expressed their indignation over the controversy of the proposal (Whyte 2014). Many argued that the new type of visa had the same restrictions as the TPVs, introduced before and banned by the Senate, including the absence of possibility of resettling in Australia and of access to family reunification (Whyte 2014). Therefore, this loophole enabled the Government to actually implement its proposal, which was overturned before. As a part of other restrictive measures the Government stripped asylum seekers and refugees, who had arrived by vessel, of state funded legal aid, thus saving $ 100 million, as the then Immigration Minister Scott Morrison claimed (*The Australian* 31 March 2014, Laughland 2014). Immigration lawyers argued that this decision could lead to the cases, when true refugees would not be granted the status and would have to return to the source countries, where their safety would be jeopardized (Griffiths 2014). Finally, according to the Untied Nations Human Commissioner for Refugees, asylum seekers were supposed to receive legal aid during the process of their status determination as it served as a 'safeguard' (Laughland 2014). The new step demonstrated the resolve of the Liberal-National Coalition not only 'to stop the boats' coming to Australia but also to prevent all these 30,000 people who had come to the country before from settling permanently there. By accentuating the fact that asylum seekers who came to Australia illegally were funded from tax-payers' money, the Government tried to further present them as crimmigrants and evoke negative sentiments

among the domestic public toward refugees. Interestingly, the Coalition also continued the strategy of regional cooperation, aimed at outsourcing Australian obligations under the 1951 Convention to process and resettle refugees coming to its shores to the neighboring countries. Thus, on 26 September 2014 the Australian Immigration Minister and Cambodia's Minister of Interior signed an agreement, characterized by human rights organizations as 'seriously flawed offshore processing system' (Amnesty International 2014). According to the deal an unspecified number of refugees, processed in Nauru, would be permanently resettled in Cambodia (*BBC News* 26 September 2014). Notably, all the costs associated with resettlement were to be covered by Australia. Furthermore, Cambodia would get an additional US $ 35 million under the deal (Dominguez 2014). Although Australia had the capacity to process and resettle the refugees arriving in its territory, it adopted 'deplorable' treatment of this vulnerable group of people sending them to Cambodia, where the record of human rights was poor (Abbott R. cited in Dominguez 2014). Moreover, both human rights activists in Australia as well as the UNHCR stressed the lack of transparency over the deal, as the details of it were kept secret until it was signed (Dominguez 2014). In her article, which she contributed to the Guardian, Greens Senator for South Australia Sarah Hanson-Young (2014) made a research into the situation in the country, which would receive asylum seekers from Australia. The situation was very troubling as there were many disturbing factors there, including a large number of displaced people inside the country, low-paid, unofficial jobs, endemic corruption and poor level of protection of children and young women (Hanson-Young 2014). Therefore, many viewed the deal as a cruel and short-term purely political decision of the Coalition, which demonstrated complete disregard to Australia's international obligations and human sufferings of people. Nevertheless, more than one year later after the agreement was concluded, just four refugees were resettled in Cambodia. Taking into account that Australia paid $ 55 million for the deal, it was more than $ 13 million for one refugee (Doherty & Farrell 2015). Ironically, the Interior Ministry spokesman announced that the Cambodian Government didn't expect any more refugees to come (Meyn 2015). According to the monitoring organization working with Nauru detention centre, the authorities tried to exert pressure on asylum seekers in order to persuade them to relocate to Cambodia, although, except the four refugees, none agreed to follow this path (Meyn 2015). To conclude, the deal with Cambodia could be considered as a total failure of the Coalition both in terms of its 'cruelty' and unsustainable approach toward refugees and in terms of its price, which turned out to be too high in the end. At the end of Abbott's term of office he decided to make sure that those 30,000 refugees, who were in Australia as a legacy of turbulent years when Labor

party was in power and didn't manage to 'stop the boats', did not have any chance to stay in the country permanently. The second objective was to deter unauthorized maritime arrivals in general. In December 2014 the Migration and Maritime Powers Legislation Amendment came into force (Refugee Council of Australia 2016). The new bill granted unprecedented powers to the then Minister of Immigration and Border Protection Scott Morrison (Doherty 2014). The new law introduced major changes to the Australian law pertaining to the issues of asylum seekers and refugees and placed the international law in the whole system differently (Crock & Bones 2015). In order make other politicians back the bill, the Coalition resorted to bargaining power (Whyte 2014). Thus, it was stated that if the new legislation became effective, all the children would be released from the detention centre on Christmas Island. According to the words of Senator Ricky Muir, he had to 'decide between a bad decision or a worse decision' (Muir cited in Crock & Bones 2015). The new law stipulated such alterations to Migration Act as fast-tracking refugee claims, denying them the right for merits review, enabling the Immigration Minister to detain asylum seekers, deporting them to other countries, even without the consent of these states; creating TPVs as a separate visa type, introduction of a new visa type called Safe Haven Enterprise Visa (SHEV) as well as self-reinterpretation of Australia's obligations under the UN 1951 Refugee Convention, of which Australia was a signatory (Crock & Bones 2015, McAdam 2014, Refugee Council of Australia 2016). The Migration and Maritime Powers Legislation Amendment deeply affected both asylum seekers and refugees, who were in offshore detention centres, and those, who arrived in Australia during the tenure of Labor party and were in the mainland. It greatly reduced the level of ability of asylum seekers to look for protection in Australia and virtually deprived them of the possibility to settle there permanently (Crock & Bones 2015). Thus, TPVs prevented the individuals from applying for a protection visa. Meanwhile, SHEV allowed staying in the country for the period of five years if a refugee was employed in regional Australia or enrolled in a full-time study there (Australian Government n.d.). In the same manner, a SHEV didn't provide for the possibility to apply for permanent residence. It could be done just at the discretion of the Prime Minister. To sum it up, by passing the Bill Australia set its own system of legislation related to refugees and asylum seekers, which contained the reinterpretation of the country's obligations and responsibilities under the Refugee Convention, which the Government deemed to be suitable for them and in compliance with their main political objectives. The new statutory framework, introduced by the Coalition, was condemned by the United Nations High Commissioner for Refugees, the UN's Committee Against Torture as well as by the human rights committee of the Australian

Parliament (Doherty 2014). The focus of the bill was not on the protection but on the deterrence of asylum seekers. Furthermore, it vested unlimited power and decision-making in the Immigration Minister, thus making the immigration system devoid of the checks and balances. However, few positive changes took place as well. For instance, Morrison promised to grant work permit to 25,000 people who were in the country on bridging visas. Moreover, approximately 468 children left the detention centre on Christmas Island (Doherty 2014). Nevertheless, the downsides of the Australian Immigration Programme and treatment of asylum seekers arriving by boat without legal authorization far outweighed the upsides. During his tenure Abbott made his best to ensure that none of the boat arrivals would get a chance to start new life in Australia, settle there permanently and bring his/her family to safety. On 14 September 2015 Tony Abbott was ousted from power by his fellow party member Malcolm Turnbull (Bourke 2015). According to some critics, Abbott downfall was caused by his domineering leadership style (Ghazarian cited in Scott 2015). Among other reasons of Turnbull's defeat was the report about the inappropriate conditions at Nauru detention centre, published by the Australian Senate (Parliament of Australia 2015). Furthermore, the allegations of abuse and rape there were made (*BBC News* 1 September 2015). In addition to that, Abbott had to accept another serious challenge when the information was leaked that Australian authorities paid money to the people smuggler from Indonesia to return asylum seekers, heading to Australia, back to the point of their departure (Innis 2015). All these facts undermined the position of the then Prime Minister as well as his credibility. It is worth noting that Turnbull took a similar stance on the issues related to asylum seekers and refugees as his predecessor. Thus, the hard-line immigration policy stayed in place. Among major changes included the introduction of Border Force Act, which prohibited the employees working at the Australia's offshore detention centres to disclose any information related to the conditions there and stipulated the punishment of up to two years of imprisonment for those who violated it (Doherty 2016, Karlsen 2015). Importantly, on 26 April 2016 the Supreme Court of Papua New Guinea ruled that the Australia's detention centre on Manus Island was unconstitutional as it violated the right to liberty under it laws (Lewis 2016). The authorities of the small island nation stated that the camp had to be closed. According to the court ruling, refugees were brought to PNG against their will, put into detention there and then resettled (Doherty, Davidson, Karp 2016). However, Australia was still their destination country and they didn't wish to remain in PNG. In the response to the announcement, the Australian Immigration Minister Peter Dutton emphasized that Australia would not change its immigration and border control policies and none of the boat arrivals

would be settled in Australia (Butler 2016). In fact, this promise was kept. Thus, in November 2016 Turnbull proposed a controversial refugee ban (Massola 2016). According to the new laws, the unauthorized boat arrivals would be unable to obtain any of the Australia's visas throughout their whole life due to their illegal entry to Australia. The ban would refer to all asylum seekers in Australia's offshore detention centres, namely in Nauru and Manus Island, who sought asylum on the green continent after Kevin Rudd's announcement, made on 19 July 2013, stating that nobody who came to the country illegally would be resettled there (Massola 2016, McKeith 2016). Taking into account the strained relationship with PNG due to the court ruling about the inconsistency of the refugee resettlement agreement with the country's laws and the refusal of the authorities of Nauru to grant permanent resettlement to asylum seekers, the Turnbull Government had to look for some alternative destination for the detainees to be sent. In the same way as it had happened during the Howard's tenure, the United States, Australia's closest ally, agreed to make a deal (Kenny 2016). Although, initially the deal was presented as the participation of Australia in the US-led humanitarian programme and the unilateral resettlement of the refugees from Central America, two months later when the US announced that it was ready to accept the refugees from Australian offshore detention centres on Manus Island and Nauru, it became clear that the deal was similar to 'refugee swap' (Song 2016). The arrangement was condemned by the Amnesty International, which characterized it as 'extreme step in shrinking the responsibility by the Australian Government' (Amnesty International 2016). Nevertheless, many expressed their concerns about whether the deal would take place at all due to the results of the US presidential elections (Kenny & Procter 2016). Since the newly elected President, famous for his anti-Muslim rhetoric, promised to deport all 11 million illegal immigrants (Long 2016). Therefore, it is highly possible that he will overturn the deal with Australia, signed by the then President Barack Obama. Taking everything into consideration, the Liberal-National Coalition adopted a very hard-line, 'inhumane' and unsustainable approach to asylum seekers and refugees, criticized by many international organizations, human rights activists and NGOs. During its years in power, it has been trying to eliminate virtually all possible ways for asylum seekers and refugees to settle in Australia, including sending the refugees to offshore detention centres, signing various resettlement arrangements with Nauru, PBG, Cambodia and finally the USA, reintroducing Temporary Protection visas as well as preventing all the refugees from obtaining permanent visas. Finally, the last step, taken by Turnbull Government at the end of the year 2016 was imposing a lifetime ban on all unauthorized boat arrivals, which made it impossible for the detainees in Australia's detention camps to get any visa to come to

this country. The Australian asylum seeker and refugee policy is not consistent with the Refugee Convention. Furthermore, the Government attempted at reinterpretation of the international human rights laws in order to meet its short-term political objectives. In order to achieve these goals, it resorted to the tactic of 'quite maneuvering' and 'loud panicking', taking advantage of the marginalized situation of refugees in the country as well as with the assistance of the national media. The Australian refugee policy sets a dangerous precedent when a prosperous developed country aims at shifting and avoiding its international responsibility to offer the most vulnerable people in the world a helping hand and give them a chance of wiping a slate clean.

Chapter III

Australia's 'responsibility to protect' and reluctance to accept

This chapter will focus on the source countries of refugees seeking protection in Australia and the degree of Australian interference there, it will attempt at explaining the peculiarities of Australian foreign policy, its interconnectedness with the US foreign policy and in the end it will aim at proposing solutions to the existing migration policies towards asylum seekers. Analyzing the statistics in the report of the Department of Immigration and Border Protection, we can see that the majority of refugees in the offshore component in 2014-2015 came from Afghanistan, Myanmar, Iraq, Congo (DRC) and Syria (Department of Immigration and Border Protection 2016). However, it is stated that those people who arrived illegally, or in the words of the Government of Australia 'illegal maritime arrivals', are not included into the Humanitarian Programme. Nevertheless, the nationalities of the asylum seekers at the processing centres at Manus Island and in Nauru, who arrived by boat, oftentimes coincide with those of refugees under the Humanitarian intake. As of 2014, according to the information provided by the Parliament of Australia, most of the people in detention were from Iran, Sri Lanka, stateless, Pakistan, Bangladesh, Afghanistan and Iraq (Parliament of Australia 2016). Interestingly, some experts pointed out that Australia was 'coincidentally' a part of military operations, aimed at regime change and led by the US forces in some of these countries, namely, Iraq, Afghanistan and lately Syria (Healey 2013). In fact, why did Australia participate in these conflicts? In fact, Australia is obliged to support the US missions all over the world under ANZUS security treaty between the United States and Australia

dating back to 1951 (Gnehm 2001). Nowadays the alliance between the two countries expanded beyond just military cooperation and covers such areas as business, education and academic research, science, technology, space cooperation and many others. Gnehm highlights that the longevity of this arrangement rests upon similar ways of life and democratic values. However, other researchers point out that many young people are not supportive of the alliance and condemn American 'military expansionism' (Stott-Despoja, N & Bartlett, A 2001). Indeed, recent study conducted by Charles Miller from the Australian National University proves that there is a significant gap between younger and older generations when it comes to backing the alliance between the United States and Australia (Miller 2015). The fact that today's Australia became more educated and multicultural serves as one of the main explanations for this. Furthermore, the support of older generations is mostly based on their post Second World War experience and not the present day realities. Moreover, other researchers point out that Australia's foreign policy should be more transparent and take into account public opinion and not just be the domain of Department of Defence (Stott-Despoja, N & Bartlett, A 2001). On the contrary, some argue that the alliance is strong as never before now, citing the speech of the Australian Prime Minister Julia Gillard in the U.S. Congress back in 2011, calling Australia America's 'ally for all the years to come' (Brendan 2016). However, the relationship with China is expanding and new emerging major powers in the region such as China or Indonesia are challenging U.S. dominance in the region. Therefore, the main challenge for ANZUS nowadays is the difference between Australia's economic and strategic interests: while China has become first biggest trade partner, the bond with the USA is vital for the country's security. Interstingly, in his analisys of US-Australian alliance, Nick Bisley, the Professor of International Relations and Head of the Department of Politics, Philosophy and Legal Studies at La Trobe University, concluded that ANZUS would still be the cornerstone of Australian foreign policy for the years to come (Bisley 2013). Furthermore, it is argued that this alliance represents rational calculation. Thus, even though China is the biggest trade partner, it is highly not probable that it can exercise some leverage over Australia as most of the imports are cheap consumer goods and exports to China are commodities. In the meantime, the USA is viewed as the protector of interests and guarantor of stability, prosperity and security. Under ANZUS treaty, Australia has access to US intelligence networks, technology, military trainings and hardware. Moreover, if the country is attacked, the USA will come to its aid. Finally, it provides an access to Washington, what is very important for Australia as a middle power in the Asia-Pacific region. However, as all alliances are mutual and binding, Australia also has some obligations,

some of which are quite important for the purpose of our research. First of all, numerous US satellites and intelligence stations are located on the green continent. Additionally, it hosts US marines for trainings. And finally and most importantly, Australia provides diplomatic support to the USA and feels burden to participate in every conflict, where the US troops are involved. Thus, Australia has sent its troops to some quite 'controversial interventions' in Afghanistan and Iraq (Bisley 2013), which are now among the top source refugee countries. Importantly, many experts point out that the alliance significantly limits the degree of Australian diplomacy and has a negative impact on its regional relations (Camilleri, cited in Bisley 2013). Unlike other academic works on illegal migration, this research will also analyze the situation in some of the source countries of refugees as we aim at looking into the underlying causes of migration, or the so called 'push factors'. Some members of academia argue that the United States and its military partners, including Australia, oftentimes 'contributed' to the situation in such countries as Syria, Iraq and Afghanistan. Thus, in response to the terrorist attacks on September 11, 2001, the then President of the United States George W. Bush started the notorious 'war on terror', first by launching the 'Operation Enduring Freedom' in Afghanistan, aimed at forcing al Qaeda out of Afghanistan and stopping the Taliban's support of al Qaeda, and then followed by controversial invasion in Iraq (CNN 5 October 2016, Gleeson 2014, Saikal 2016). Interestingly, the Iraqi campaign was supported by just two US allies, Australia and Great Britain (Saikal 2016). Exploring the Australian 'war on terror' discourse Kathleen Gleeson points out that the then Prime Minister John Howard, responsible for the issues connected with national security at this period of time, managed to get public support for this risky operation by reinforcing the representations of threat and security (Gleeson 2014). Nowadays looking back and assessing the very 'war on terror' and its results, many international experts conclude that the military campaign was highly contentious and it didn't succeeded in turning both Afghanistan and Iraq into prosperous democratic states. Otherwise, it brought death and destruction to them forcing more and more people from these countries and made life there more dangerous than ever before. To clarify, some researchers argue that the US strategy in this war was seriously flawed. Namely, the United States did not use one of its most powerful tools: public diplomacy efforts. Instead, the superpower resorted to the 'overuse of force and threat' (Van Evera 2006). Furthermore, initially the goal of the 'war on terror' was to eliminate al Queda. Nevertheless, in 2003 Bush decided to topple Saddam Hussein and attacked Iraq, thus diverting the military forces and resources, so badly in need in Afghanistan. Similarly, Iraq didn't pose a real threat to the West at this time, al Qaeda did. Therefore, according to the

warfare rules, the terrorist group should have been the priority for the US-led military operation. Consequently, the decision to invade Iraq as well as Israeli-Palestinian conflict played into the hands of terrorists as they turned away the Muslims all over the world from the West and helped the terrorists from al Qaeda to recruit new people, substantiate their agenda and spread it further (Van Evera 2006). Likewise, the former Australian government intelligence analyst and now Independent MP Andrew Wilkie noted that the stance of the then Prime Minister John Horward to support the US in Iraqi mission inflamed the Muslim world againt Australia and was to be blame for Bali bombing in 2005 and the Lindt Cafe Siege in 2014 (Snow & Wroe 2016). Interestingly, the British experts share the same point of view. On July 6, 2016, Sir John Chilcot delivered a speech on the Iraq Inquiry, aimed at assessing whether the US-led invasion, which took part in 2003, and if the full-scale occupation of a sovereign state was necessary and well planned (Chilcot 2016). The report concluded that military action was taken without other options having been exhausted. The Government of UK didn't reach the goals it stated. Equally, the main reason of the intervention saying that Iraq still possessed hidden stockpiles of weapons of mass destruction was not confirmed in the end. Furthermore, the alliance seriously underestimated the disastrous effects of such invasion (Chilcot 2016). According to the Distinguished Professor of Political Science, Public Policy Fellow and Director of the Centre for Arab and Islamic Studies at the Australian National University, Amin Saikal, these military operations in Afghanistan and Iraq were just the beginning of the American 'neo-conservative project, the goal of which was to spread democracy in the Middle East in order to secure the role of the US as a superpower in the 21st century' (Saikal 2016). However, this campaign with the 'emphasis on brute military force' ended up very long way from success, with both Afghanistan and Iraq being failed states (Heng & McDonagh 2011). To clarify, under the concept of 'failed state' we understand a number of developing countries which can be characterized by inability of the governments to provide necessary services to their population, extreme poverty, conflict, violence, political and economic instability (Nay 2013). Furthermore, the definition is now widely used in such spheres as humanitarian assistance, peecekeeping and global security as it is considered that failed states are threatening to regional and even global security. Finally, it is worth mentioning that the concept has been heavily criticized by many experts in international security for being Western-centric and serving to justify 'deeply intrusive' measures of Western states in the countries where their interests seem to be threatened directly (Boas & Jennings, Logan & Preble, Porteous cited in Nay 2013). Equally, the Chilcot report concluded that the invasion to Iraq was poorly planned, based on flawed intelligence reports and lacked

the legal basis (Chilcot 2016). Consequently, it posed a serious challege to one of the most important concepts in human rights protection, namely, the Responsibility to Protect (R2P), which can be defined as 'shared responsibility of sovereign states to protect populations from mass atrocities' that justifies interventions and various sanctions (Widmaier & Glanville 2015). Therefore, R2P was devised for preventing and stopping 'genocides, war crimes, ethnic cleansing and crimes against humanity' (International Coalition for the Responsibility to Protect n.d.). However, the invasion of Iraq and the failure of the coalition to discover the weapons of mass destruction there as it was claimed, raised many questions about the ambiguity of the concept and provoked fears among developing states that some Western powers would manipulate the concept in order to use their force to violate the sovereignty of weaker states to pursue their own interests there (Ainley 2015, Widmaier & Glanville 2015). Furthermore, this norm ambiguity resulted in deep mistrust between the western states and the developing ones and, shortly thereafter had a huge negative impact on the events in the Middle East turning it into a 'zone of conflicts within conflicts' and triggered the biggest refugee flow since the end of the World War II (Kingsley 2015, Saikal 2016). Equally, the invasion of Iraq and Afghanistan led to the decentralization of al Qaeda and along with the Arab Spring created the so-called power vacuum in the Middle East (Hubbard 2014, Saikal 2016). Interestingly, Australian military commitment to Afghanistan has become the longest one in the Australian history with 33,000 Australian Defence Force personnel deployed in the country since 2001 (Department of Defence Ministers 2015). As for the current involvement of Australia in the Middle East, in autumn 2014 the country has again joined US-led military action against the Islamic State in Iraq (Corcoran 2014). The-then Australian Prime Minister Tony Abbott noted at that time that the 'justification of military intervention was straightforward' but the situation in the country was very complicated taking into account the multiplicity of Iraqi identity, weakness of Iraqi government and various actors trying to advance their political interests and aims such as IS, the Shia and Sunni militias, Kurdish fighters and Iraqi government forces (Shanahan 2014). On the contrary, the Professor of International Law at the Australian National University, Donald R. Rothwell highlighted that the Abbott was responsible to substantiate the legality of this mission in a clear way and ensure that it was in accordance with the international law (Rothwell 2014). Indeed, the Prime Minister stressed that Australia got the permission of the Iraqi government for the mission. Furthermore, back in September 2014 he emphasized that Australia didn't plan to have any military interventions in Syria, as unlike Iraq it was 'ungoverned space' and its government was not recognized by Australia, therefore it would be hard to explain the legality of any

operations in this country (Hurst 2014). Nonetheless, already in 2015 Tony Abbott was asked by the US President Barack Obama to assist the United States in fighting against Islamic State in Syria (Cooper 2015). In an interview to the Australia Broadcasting Corporation he dismissed criticisms about the legal case for the intervention in Syria by saying that if 'terrorists didn't not respect borders, why should they (the Western coaliation) do it'. However, in the end, the extension of the US-led air strikes from Iraq to Syria raised many question about the legality of such action. In general, international law considers the use of force illegal. Nonetheless, there are three exceptions to the case (Pert 2015). First of them is when the state is acting in self-defence in accordance with Article 51 of the UN Charter (Farrell 2014, Pert 2015). Thus, this principle was exercised by the United States in Afghanistan after 9/11 attacks. In contrast, in this particular instance neither the United States nor Australia was directly attacked by ISIS, thus this explanation is not relevant to the case. Second exception is when the state gets the permission of the UN Security Council to use force in order to preserve international security. However, the US-led coalition was not authorized by the Council to have any missions in Syria as Russia and China used their veto. It can be explained due in part to the NATO's action in Libya in 2011, when it got UN Security Council consent to exercise force with the aim of protecting civilian population and the operation ended up with a regime change. Finally, the US-led military campaign would be considered legal if the Syrian government had asked them for help as the Iraqi officials did (Farrell 2014, Pert 2015). Nevertheless, the situation in Syria is completely different, as most of the Western countries do not recognize its current government due to the crimes committed by the state forces during the civil war in the country. Moreover, there is no legal government to replace the existing one. So, the coalition got no request from the Syrian government and this exception to the use of force cannot be attributable to Syria (Farrell 2014, Pert 2015). To sum up, the coalition airstrikes on the territory of Syria were recognized by many as legitimate, although taking into account the above-mentioned exceptions; they were most probably illegal (Farrell 2014). Interestingly, according to James Brown, Research Director of the US Studies Centre at the University of Sydney, Australian involvement in the Syrian civil war wouldn't be a game-changer. Furthermore, he noted that there was disagreement between the Defence and the office of Prime Minister regarding this military decision and how it would suit 'domestic political purposes' (Cooper 2015). Among the possible reasons of intervention were such benefits as increasing regional stability in the Middle East and therefore, contributing to the global stability and an opportunity to strengthen the U.S.-Australia alliance (Pickering 2014). However, many experts warned about the consequences

of fresh missions in Iraq and Syria, claiming that the situation in both countries was extremely difficult and that no military power in Syria would welcome external military intervention, especially this of Western countries (Fitzpatrick 2013). Equally, it could lead to the expansion of the conflict, finally growing into another Cold War, or cause more deaths of civilians as was the case in Afghanistan and Iraq in the beginning of 2000s. To conclude, experts warned at that time that there were no clear political goals which were agreed upon by all the parties involved and interfering into a civil war in another country and taking sides could lead to the 'utter lawlessness' (Fitzpatrick 2013). Similarly, before the Australian involvement in Iraq in 2014 the leader of the Green party, Christine Milne, asserted that the intervention would probably even help ISIS to recruit more people and find sympathizers as they would be able to present the conflict in the prism of fight between Islam and Western invaders (Hurst 2014). Thinking about the main objective of this military operation to target Islamic State in both countries, some researchers contended that it would only escalate the conflict and, perhaps, would just trigger transnational aspirations of terrorists (Mardini 2014). A further instance of this was a number of recent terrorist attacks in France, Turkey and Belgium. Thus, a Pentagon adviser and leading U.S. academic, Robert Pape, concluded that ISIS changed their tactics lately and started to carry out 'sophisticated group attacks' (Belot 2016). Furthermore, he stated a peculiar position in which Australia found itself because of the involvement in military operations in the Middle East as its role there was quite limited and would not change the situation on the ground, however, it was, perhaps, enough to make the terrorists want to retaliate against the civilian population of the country, therefore he advised Australian intelligence forces to exercise high degree of caution. Meanwhile, it was also argued that the inhuman policies of the Islamic State would result in its demise sooner or later and that it had already exhausted its potential for growth and would not spread further because it was unable neither to take control of the territories held by Kurds and Shia Arabs nor topple the government in Iraq (Mardini 2014). Furthermore, the intervention came into the spotlight of some critics as the US-led coalition stated the fight against ISIS as the main reason for it, however, they also attempted at toppling the oppressive government of Syria by siding with and supporting its opposition (Fitzpatrick 2013). At that, Syrian government has also been fighting against ISIS. Thus, it seems that the Western coalition aims to bring the democracy to the Middle East again. However, in the cases of Iraq and Lybia these attempts brought destruction instead of prosperity to these countries (Fitzpatrick 2013, Saikal 2016, Wroe 2015). Moreover, the former Australian defence minister Kevin Andrews highlighted that there were no alternatives to the existing government, hence he tried to urge the coalition to

work temporarily with Bashar al-Assad in order not to create power vacuum in Syria as it happened in Lybia and Iraq after the dictators there were overthrown (Wroe 2015). Another factor to consider is that the situation in the region is extremely complex with a lot of international actors involved, each of whom is pursuing his own interests. Therefore, some experts argue that the governance structures of international community like the International Criminal Court should deal with the situation and, if Assad committed some crimes against humanity, he should be extradited to the Hague and brought to the justice, while the others believe that the existing system has failed to respond to human sufferings on massive scale lately and prosecute those, who are responsible for the atrocities (Ainley 2015, Fitzpatrick 2013). Another point worth noting is that in January 2016 the Australian Prime Minister Malcolm Turnbull turned down the request of the American administration to provide substantial military assistance in the fight against Islamic State in the Middle East (*The Age* 15 January 2016). This move was quite unexpected as the Australian government was always eager to help their main ally, sometimes when they were even not asked to help. In fact, many experts voiced the same opinion. Thus John McCarthy, the former Australian ambassador to the United States, concluded that, first of all, thinking about involving into the war, the West should take into account the cost of such actions (McCarthy 2015). Second, despite the obligations under the ANZUS alliance, the Middle East is of almost no interest to Australia due to the geographical position of the country in the Asia-Pacific region and the absence of any economic or political links with the area. Futhermore, McCarthy pointed out that going into the war in Iraq was a critical mistake and that Australia could have refrained from this just like the other close US allies, Canada and Great Britain, did at the time of Vietnam war. Next, the invasion can result in the increase in anti-West sentiments. Finally, Australia is the second biggest foreign force in the region after the US and its contribution to the mission is more than substantial taking into account the lack of the interst in the region and the absence of the Security Council support to exercise the responsibility to protect. Furthermore, the West is not ready to deploy troops on the group and weary of war and American strategy is limited mainly to drone strikes of IS leaders and air bombing of IS positions and is devoid of nation-building efforts (Boyle 2015, McCarthy 2015, *The Age* 15 January 2016). Both of these methods are hotly debated topics that often divide opinion. Research conducted by the Bureau of Investigative Journalism has found that the drone programme, on which Obama's administration relied so heavily, took the life of many civilians in the countries, where it was implemented, namely Pakistan, Yemen, Somalia and Afghanistan (Purkiss & Serle 2017). It should be noted that almost all the information related to the drone programme is classified.

In July 2017 under the pressure of many human rights organizations the U.S. government revealed some data about the number of casualties among the civilian population (Purkiss & Serle 2017). However, the provided information varies considerably from the number compiled by the Bureau. For instance, according to the White House report between 64 and 116 civilians were killed in drone strikes between January 2009 and the end of 2015. Contrary to these facts, the Bureau of Investigative Journalism estimated the number of victims at 380 to 801. This inconsistency between reports raises serious concerns about the reliability of the data. How can this be explained and what consequences does this programme have? According to experts, there are major flaws in the system related to tracking casualties, which tends to exaggerate the number of killed militants (Boyle 2015). Furthermore, it can be attributed to the cultural differences as the communities in these countries oftentimes have very close ties. Therefore sometimes the links between the terrost groups and civilians are quite strong. In these cases, peaceful population can also become a victim of drone strikes just based on the assumption that it is guilty by association. This constitutes the violation of the international humanitarian law. Furthermore, often after the drone strikes the family members come to the rescue of those who was injured. For example, in 2012 at least 50 civilians died in Pakistan in a drone strike while they were trying to save the lives of their relatives who were attacked by the previous stike (Boyle 2015). Finally, in many cases drone programme contributed to undermining the legitimacy of the state governments in the respective countries and the rise in anti-Western sentiments among the local populations, affected by the U.S. drone strikes, thus, it assisted various terrorist cells including ISIS to spread and substantiate their ideas and recruit more people. Additionally, other events raised concerns among the developing countries about the desire of powerful states to overuse their force. This, in its turn, triggered the unwillingness of the parties involved to cooperate with the US-led coalition to find the solution to the Syrian crisis. The airstrikes, which mistakenly killed the troops of the Syrian army in September 2016, can serve as an example. On the top of that, Australian warplanes were a part of this operation. At this time, this grave mistake proved to be a threat to the fragile ceasefire, reached less than one week before the incident (Borger 2016). A further instance of such events is the tragedy, which happened in the village called Manbij (Ensor 2016, Graham-Harrison & Ackerman 2016). In July 2016 the airstrikes carried out by the Coalition forces killed at least 73 civilians, mostly children and women, who were mistakenly taken for ISIS fighters. At this time many activists expressed their concerns about the rising number of civilian casualties in Syria and stressed that such airstrikes undermine the credibility of the mission against ISIS (Graham-Harrison & Ackerman 2016). All in all,

according to Amnesty International at least 300 civilians were killed by the coalition airstrikes (Graham-Harrison 2016). Furthermore, the researchers from Amnesty accentuated that the US-led coalition was reluctant to name the real number of victims among civilians during the operation in Manbij and expressed fears that such stance could lead to more civilian deaths during the future campaigns. Contrary to this information, other human rights organizations in the region, including the Syrian Network for Human Rights, the Syrian Observatory for Human Rights and the Violation Documentation Centre claimed the death toll from such 'mistakes' was much higher and amounted to 600-1000 (Graham-Harrison 2016). Consequently, taking everything into consideration, it can be concluded that by supporting its closest ally in the Middle East all these years, Australia also 'contributed' to the situation in the region, therefore it should bear the responsibility for the created humanitarian crisis. Furthermore, many experts on the Australian foreign policy encourage the politicians to analyze the situation related to the alliance with the US and learn from the mistakes from the past (Brown, Leahy cited in Wroe 2016). The Head of the National Security Institute at the University of Canberra, Peter Leahy, clearly conveyed his disappointment with the current state of affairs by saying that Australia should be 'much more independent and conscious of its own national interest' as the United States 'don't have a very good record over the last few decades' (Leahy, cited in Wroe 2016). Unfortunately, the actions of the US-led coalition in Afghanistan, Iraq and now Syria, of which Australia was a part, will reverberate for many years, forcing more people to flee their homes (*it is important to highlight that we do not consider the coalition the only responsible party for the situation in the region, however, for the purpose of our research, we focus solely on Australia and its allies and their actions in the Middle East*). In fact, what is happening in the largest source countries of refugees nowadays? The upshot of invasion of Iraq was 4.7 million Iraqi citizens fleeing the country as the country plunged into sectarian violence (Asylum Seeker Resource Centre 2014, BBC 2015). After the regime change carried out by the coalition in 2003, the Shia-led government came to power. However, it was not strong enough and the whole country was dangerously divided along ethnic and sectarian lines with all parties resorting to violence. In 2008 the US forces struggle against the rebels and improving Iraqi army eventually bore fruit (BBC 2015). In 2011 the coalition withdrew its troops from the country. Nevertheless, the Shia-led government of Nouri al-Maliki was unable to unite various ethnic groups in the country and by 2014 Sunni rebels headed by Daesh established jihadist state in Anbar Province (BBC 2015). The Iraqi government sent a request to the US-led coalition to help in the fight with ISIS. The insurgency as well as low commodity prices (especially those of oil) contributed to the

deterioration of economic situation in the country (World Bank 2016). Moreover, the security issue still stays unresolved with 17, 502 Iraqis in 2015 and 10,497 at the beginning of 2016 who lost their life due to violence (World Bank 2016). All these reasons along with extreme poverty and highest unemployment rates in the region again resulted in serious humanitarian crisis, which triggered the displacement of more than 3.4 million people (International Rescue Committee 2017). Another factor to consider is that the discussions about the conflict in the Middle East nowadays are permeated mostly by the issues related to the present refugee crisis, its cost to the Western nations and impact on their future, thus most of the media try to downplay the role of the invasion and occupation of Iraq by the US-led coalition back in 2003, which later resulted in the appearance of radical groups like ISIS, sectarian violence, which set the destruction of the Iraqi state into motion and spread the philosophy of 'fighting for God' (Khan 2015). Thus, some experts even call this invasion the starting point of the current havoc in the region (Khan 2015). According to the International Committee of the Red Cross, in 2015 Iraq again became the country with the fastest rate of displaced population in the world (ICRC 2016). The situation on the ground in Afghanistan and Syria is, indeed, very tricky as well. When it comes to Afghanistan, we can conclude that Western forces failed to stabilize the situation in the country as the Taliban, defeated by the US-led coalition after its invasion in 2001, started to revive gradually after the coalition withdrew its troops in 2014 (BBC 2016). The group had seized 70 districts out of total of 398 by the end of 2015 (Stanzel 2016). To make things even worse, ISIS affiliate appeared later the same year, shattering the people's last hopes for peace, development and improvement. Equally, it destroyed any prospects of economic growth, which were predicated on the eradication of insecurity, precariousness and political instability (World Bank 2016). Additionally, the presidential elections in 2014 had disastrous effects on the future of the country: the final results were kept secret and that, in its turn, served as a destabilizing factor for many Afghans, who lost any faith in the Government and its leadership. It resulted in the military advances of the Taliban (Stanzel 2016). Apart from this, the country is characterized by mass unemployment (Malikyar 2015). Finally, in 2016 the number of casualties among civilians hit an all-time high, recorded by the United Nations, with a total of 3,498 people killed and 7,920 injured (Al Jazeera 2017). Unfortunately, one-third of the victims were children. Among the reasons of such an increase in casualties were the violence perpetrated by various armed groups, intensified fight between the government forces and the militant organizations in thickly populated areas, higher number of suicide attacks and a considerable amount of unexploded weaponry around the country. At least, 127 people were killed in air strikes, conducted by

international forces (Al Jazeera 2017). Consequently, all these factors had terrible social repercussions. According to the survey, conducted in 2016, 70 percent of Afghan citizens responded that they were afraid for their personal safety while 66 percent of people said that the country was moving in wrong direction (The Asia Foundation 2016). Hence at the end of 2015 it was estimated that there were about 3.7 million displaced Afghans with a total of 2.7 million Afghan refugees abroad, which constituted the third largest refugee number after Palestinians and Syrians (The Costs of War 2016, Stanzel 2016). Most of the refugees fled to the neighboring Iran and Pakistan, which used to have a proud history of welcoming large numbers of Afghans for many years (UNHCR 2017). Nonetheless, the research has found that vast majority of refugees in Pakistan and Iran are extremely vulnerable as they are exposed to an uncertain political situation, denied their rights and subject to harassment (The Costs of War 2016, Waraich 2016). Further, due to the tensions between two countries the government of Pakistan probably decided to target and punish the most unprotected group of people and included in its plans forcible return of a large number of refugees back to Afghanistan (Waraich 2016). It should be noted that this announcement provoked negative reaction from the Human Rights organizations. Thus, Amnesty International warned that if the refugees had to come back to the place where their life would be endangered, it would constitute gross violation of the principle of non-refoulement (Waraich 2016). However, many people preferred to come back home. For instance, more than 370,000 Afghans returned to their homeland from Pakistan (UNHCR 2017). UNHCR (2017) conducted a research aimed at understanding the underlying reasons, which prompted the returnees to make such a decision. The findings show that the fear of arrest and deportation, severe financial hardship and, in other cases, the improved situation in some areas in Afghanistan, were the major determinants of the return. Needless, to say that Pakistan and Iran are not the only countries, which try to force the Afghan refugees back to their country of origin. Western powers are no better. Thus, Australia introduced its notorious 'stop the boats' policy and re-opened detention centres, the United Stated created various difficulties and accepted just 661 refugees from Afghanistan out of 77,000 people, who were recognized as genuine refugees, in 2013. Germany, in its turn, started to offer up to $ 2,000 for Afghans to return home and promised to cut its foreign aid while UK proved in a court that Afghanistan was a safe country to return to (Stanzel 2016). However, people from Afghanistan will continue to come to the Western countries in the nearest future. As the Australian national security expert Clive Williams pointed out, it was necessary to address the situation in the source and holding countries (Healey 2013). Most of the statistical data omit the ethnicity of the refugees coming to the Western countries,

Australia in particular, from Afghanistan, Iran and Pakistan. Most of them are the Hazaras, one of the largest ethnic minorities in Afghanistan (Hucal 2016). They constitute around 20 percent of the population of the country. Furthermore, there are about 900,000 Hazaras in the neighboring Pakistan and around a million in Iraq. While most of the Afghans are the followers of the Sunni brunch of Islam, Hazaras are the Shia Muslims. Unfortunately, the Hazaras in Afghanistan, which is predominantly Sunni country, have a long history of discrimination, cruel and unfair treatment (Healey 2013, Hucal 2016). In 2004 the Hazaras got equal rights and they were enshrined in the Constitution of Afghanistan, nevertheless, many activists claimed that the government did not do anything to protect these rights and the discrimination against the Hazara people never stopped (Hucal 2016). To make things even worse, the minority had fallen victim to Al-Quaeda and Taliban on many occasions. Many lost their lives; many were forced to flee to the neighbouring Pakistan and Iran. Nonetheless, in Pakistan the minority has been discriminated against since the beginning of the 20th century and although Iran is a country with a majority of Shia Muslims, the Hazaras are mistreated there as well (Healey 2013). Therefore, it is no wonder why most of the ethnic Hazaras are trying or will try to relocate to the West. To conclude, it is important for politicians to analyze the pushing factors in the source countries in order to take more humane approach to migration. Consequently, the most complex situation nowadays is in Syria, which has already been labeled as the 'world's worst case of ongoing mass atrocities, civilian displacement and humanitarian catastrophe' (Adams 2015). Since the outbreak of the civil war in 2011, which later became an international battleground, more than 400,000 people were killed according to the UN data in April 2016 (BBC 2016, CIA 2017). Moreover, there were 6.3 million internally displaced people in Syria and 6.8 million Syrian refugees abroad by the end of 2016 (CIA 2017). Additionally, 13.5 million people urgently required humanitarian assistance as the conditions in the country rapidly deteriorated. According to the preliminary assessments of the World Bank, the damage to the infrastructure, caused by the prolonged conflict, equals to approximately US $ 5.9-7.3 billion (The World Bank 2016). Further, the decline in economy from 2010-2014 was 62%, which was partially caused by international sanctions and low oil prices (CIA 2017). The unemployment level among the labor force nowadays comprises 60%; many families are struggling to make the ends meet (the World Bank 2016). In fact, the conflict with its numerous parties and international actors is far from being over (Laub 2016). Although, some experts assumed that Assad would come out as a winner after the government forces took control of the city of Aleppo at the end of 2016 (Molan 2016). According to Jim Molan, former army officer and the Australian Prime Minister's Special

Envoy for Operation Sovereign Borders, Assad achieved success in the battle of Aleppo due to the well-planned military operation of his allies, namely, Russia, Iran, Hezbollah and others. Furthermore, he pointed out at the lack of commitment of the US allies and Australia, in particular, to share the burden and offer more support to the rebels. Therefore, Molan, concluded, that in the absence of any viable strategy among the US-led coalition members the best solution would be to refuse support to the rebels and not to prolong the conflict by offering the current insignificant assistance and inadequate resourcing (Molan 2016). Interestingly, after the war in Bosnia in the 1990s, the Syrian tragedy revealed once again the inability of the global community to respond to war crimes and mass atrocities, committed by both parties but mostly, by President Bashar al-Assad. However, it is not a failure of the Responsibility to Protect, as R2P per se is just an international norm. It is a complete fiasco of the UN Security Council, which is responsible for the implementation of the concept. It is not for the first time when the Council does not respond in a proper manner to the violence and humanitarian catastrophy due to the political disagreements within its permanent members (Adams 2015). Therefore, there is an urgent need for reform. Nevertheless, as the war in Syria is not over the international community, headed by the UN Security Council still bears the responsibility to find the solution to the crisis and stop the sufferings of Syrian people. This, at the same time, will help to resolve the problem with refugee flows. What was the Australian contribution to the conflict except the military one when it joined its ANZUS ally, the United States, to fight the ISIS on the Syrian territory? According to the Australian Department of Foreign Affairs and Trade, since the conflict broke out in Syria in 2011, Australia sent more than $213 million as a part of its humanitarian aid. At that, $125,7 million went to assist the Syrian refugees abroad and $87.5 million were used to alleviate people's suffering inside the country (DFAT 2016). The money was distributed with the help of various international humanitarian organizations, UN agencies and Australian NGOs present in the region. However, the analysis of the Australia's humanitarian response to the crisis in Syria, conducted by the Australian Strategic Policy Institute revealed considerable flaws in it. Thus, ineffective planning and the uncertainty in terms of futher funding prevented many Australia's partners on the ground from carrying out their mission effectively (Sosnowski 2015). In a similar manner, there was lack of documented evidence on how and why the money was spent. This, in its turn, raised a question about the value of money of Australia's humanitarian aid and caused further reduction in funding. It was projected that in the period of 2016-2017 the Australian international humanitarian aid as a part of its Gross National Income would be the lowest in the history and would make of just 0.22 percent of it

(Sosnowski 2015). Therefore, it is necessary to work out a clear humanitarian strategy for Syria, which will be accountable to the taxpayers and serve as a counter-terrorism measure back at home. Since the researches showed that humanitarian aid could play a significant role in de-radicalizing foreign fighters and reduce the risk of terrorism (Findley & Young 2011). As a further contribution, in September 2015 in response to the Syrian crisis the Australian Government announced the increase in the intake of refugees within the scope of the Humanitarian Programme and promised to resettle 12,000 people, displaced by the conflict in Syria and Iraq, additionally to its present Humanitarian Programme of 13,750 places (Australian Department of Immigration and Border Protection 2016). Interestingly, it was stated that the priority would be given to refugees located in Turkey, Jordan or Lebanon, who, in fact, already reached at least some safety and whose life in not in imminent danger. And yet, one year later, in September 2016, six major humanitarian organizations in Australia, namely Plan International, Amnesty International, Care, Oxfam, Save the Children and World Vision, accused the Australian Government of its completely inappropriate approach to refugees, as 3,500 had been resettled by this time (Doherty 2016). It should be mentioned that no deadline was set for the intake. Apart from this, the Australian Minister for Immigration and Border Protection Peter Dutton stated that all the refugees had to undergo all the necessary checks and it resulted in the protracted procedure. However, he stressed that it was important for the security of the Australians (Doherty 2016). In comparison, Canada accepted 30,000 refugees in that period of time, 11,300 of who came with the private sponsorship programme (Murphy 2016). Conversely, Australia with its humanitarian intake fell behind other developed nations. Importantly, back in September 2015 the then Prime Minister Tony Abbott accentuated that Australia took more refugees per capita than any other country in the world (Hutchens 2015). Was it true and how does Australia perform in comparison with other countries? It is true that Australia has the biggest intake of refugees per capita through the UNHCR programme. Nonetheless, the total number of refugees comprises 19.5 million people and just 1 percent of these people is resettled with the help of UNHCR (Kenny 2015). According to UNHCR statistics, about 42,500 people had to flee their homes on a daily basis; later they became internally displaced people, asylum seekers or refugees (UNHCR 2015). Provided that, the Australian annual intake of 13,750 people and additional 12,000 places for Syrian and Iraqi refugees looks very insignificant. In fact, the Refugee Council of Australia (2016) stated that the country of a 'fair go' failed to do its fair share in response to global refugee crisis as in 2015 just 0.48 percent out of a total number of refugees were resettled in Australia. Taking into account Australia's Gross Domestic Product, its performance in dealing

with refugees was ranked 47th in the world. Furthermore, UNHCR brought to people's attention the very slow level of assessment of refugees in Australia: just 0.1 percent of all refugees received the refugee status in Australia (The Refugee Council of Australia 2016). However, which countries are hosting the rest of refugees? Ironically, most of the refugees and asylum seekers were accepted by the developing and not developed nations. Indeed, almost half of the world refugees are currently residing in just ten countries; at that, this list doesn't include a single industrialized country (Al Jazeera News 2016). In the aftermath of the United Nations General Assembly, which took place on 19 September 2016, and the failure of the world leaders to work out concrete solution to the global refugee crisis, the Amnesty International issued report, called 'Tackling the global refugee crisis: From shrinking to sharing responsibility' (2016) where it condemned the wealthy nations for shifting the burden towards the poorer ones. Nowadays about 12 million refugees out of the total of 21 million are living in 10 developing countries, namely Jordan, Turkey, Pakistan, Lebanon, Iran, Ethiopia, Kenya, Uganda, Democratic Republic of Congo and Chad. It happened just because there are the neighboring countries to the conflict. Most importantly, the GDP of the above-mentioned counties makes up just a tiny share of the global economy, just 2.5 percent. Meanwhile, 'many of the world's wealthiest nations host the fewest and do the least' (Amnesty International 2016). This approach of the richest nations aggravated the situation with the global refugee crises as the hosting nations are unable to provide for the needs of refugees and these vulnerable people, who just escaped the war, conflict and violence, have to live in miserable conditions, suffer from severe financial hardships, malnutrition and face discrimination and neglect. Apart from that, many refugees do not have access to proper medical care and die from treatable diseases. The childen cannot go to school, which later may result in the fact that we will have yet another 'lost generation'. The contrast in sharing the burden is just striking. For instance, the total population of refugees and asylum seekers in Ethiopia is 740,000 in comparison with 58,000 in Australia (Amnesty International 2016). At that, according the World Bank, Ethiopia is one of the poorest countries in the world. This unsustainable approach is driving refugees to undertake dangerous journeys to developed countries, which resort to any possible measure, including various human rights violations just to deter the most vulnerable people. An example of this is Australia. Another Amnesty International report, called 'Australia: Appalling abuse, neglect of refugees on Nauru' (2016) found that 1,200 people kept in the offshore detention centre on Nauru island were systematically subjected to serious abuses, inhumane treatment, life-threatening delays in medical care, attacks from the guards and local residents, horrible living conditions.

Unfortunately, just few industrialized countries are willing to demonstrate their leadership qualities, like Germany and Canada have done recently, when it comes to the responsibility-sharing related to accepting refugees (Ostrand 2015, Schmidtke 2015). Furthermore, most of the United Nation humanitarian appeals are underfunded. For instance, the Syria Humanitarian Response Plan was 49 percent funded while Afghanistan Flash appeal received just 44.4 percent of financial coverage in 2016 (Financial Tracking Service 2016). More importantly, one third of the world's total number of refugees find themselves in 'protracted' situation, denoting they have been displaced for a period of five years or longer (Amnesty International 2016). Meanwhile, more than one million of refugees are considered to be vulnerable. This group includes people with serious diseases, women and girls at risk and survivors of torture. What can be done to improve the situation of the refugees worldwide? First of all, the global refugee population comprises just 0,3 percent of the total world population. The upshot of the research, carried out by Amnesty international, suggests that all 193 countries in the world, excluding those where serious human rights violations were registered and which are unsafe due to conflict or violence, should share the burden related to accepting refugees. Unquestionably, such criteria as country's wealth, population and the level of unemployment should apply when defining the capacity of the receiving country. Additionally, the current number of resettlement programmes, which is about 30, should be increased. To conclude, based on the experience of the Syrian crisis, when people were forced to flee the country without any property or documents, the receiving countries should work out the way to provide more legal options for refugees to reach the country of destination or apply for refuge there (Amnesty International 2016). To sum it up, the debate about refugees nowadays is very much politicized. There are numerous examples nowadays how right-wing politicians along with the media create negative public perception of refugees, therefore distracting their nationals from their obligations of global citizens to protect these vulnerable people. Furthermore, oftentimes they try to downplay their involvement in the source countries of refugee flows. For instance, as we demonstrated in this chapter, the US-led coalition had a considerable impact in most of the countries in the Middle East. Indeed, in particular cases, such as the intervention of the United States and its allies to Iraq, their actions were highly controversial and destructing. However, discussing today's refugee crisis in the Middle East the Western media and politicians hardly ever mention their military campaigns there. Additionally, most of politicians pay lip service to finding the solution to the refugee situation. Conversely, many of them just 'building walls' and restrict immigration policies in order to prevent the refugees from seeking a 'safe haven' in their respective

countries. In a similar manner, just few of the politicians and media reminded their citizens about their moral duty to help to those in need. In the meantime, most of the Western countries, including Australia, are signatories of the 1951 Refugee Convention. Moreover, most of them are not committed to resolve the underlying problems, which cause the flows of refugee. In the end, the international community, headed by the United Security Council, once again proved to be totally inefficient in its right to exercise the 'Responsibility to Protect' and alleviate the sufferings of thousands of Syrians. As a part of our research, we analyzed the situation on the ground in several counties in the Middle East, which became top source countries for refugees nowadays and where Australia was or is involved as a part of US mission. During the existence of ANZUS alliance Australia has always been a true ally of the United States, ready to support its military campaigns all over the world, which were lately conducted under the concept of the 'Responsibility to Protect'. Some of these missions, for example the one in Lybia, ended up with another regime change. Nonetheless, this later resulted in power vacuum, instability and the emergence of the Islamic State (BBC 2016). Many people were forced to flee the country to seek safety. The question here is if all these nineteen NATO-members, who were involved in the 2011 Libyan campaign (Agnew 2012), including Australia, are willing to extend the concept of the 'Responsibility to Protect' beyond just intervening in the country with a purpose of regime change in the Middle East to the 'Responsibility to Protect the lives of individuals of this country', in this case, refugees fleeing the aftermath of their military mission?

Chapter IV

Are asylum seekers a real problem in Australia?

The issue of asylum seekers coming by boat in an unauthorized manner to look for protection is extensively covered in Australia. According to some experts, it can be attributed to some specific features of the country's mass media, which 'has been nakedly partisan' in backing the Government's political agenda, namely 'to stop the boats', demonize and criminalize asylum seekers (Chambers 2015). However, if we analyze the statistics, it becomes clear that the issue of asylum seekers is not a real problem, but a highly politicized matter, used by the successive

Australian Governments to meet their short-term objectives. For instance, in the year of 2014-2015 the number of irregular maritime arrivals amounted to just 158 people (Phillips 2015). Futhermore, in comparison with other developed countries the number of the lodged asylum claims in Australia is very low. Indeed, in 2014 there were 9,000 new asylum seekers in the country while the United States of America, Turkey and Italy received 121,200, 87,800 and 63,700 asylum applications respectively (UNHCR 2014). Furthermore, seeking asylum and trying to move from a country where your life is in danger does not constitute a crime. Moreover, penalising people for seeking safe haven in another country is not consistent with the UN Refugee Convention and other international human rights laws. Interestingly, there is a striking contrast between the presentations of different groups of migrants in Australia. Their treatment is also considerably different. While the Government tries to represent asylum seekers as criminals and illegals, the vast majority of them are recognized as 'genuine refugees' (Phillips 2015). For instance, the positive refugee status determination was the case in 88 to 100 percent. Meanwhile, the experts argue that it is more appropriate to define people, who are in Australia without a valid visa, as 'illegals' than those who fled their country in search of safety and protection (Phillips 2015). Interestingly, when media and politicians had been trying to overplay the issue related to asylum seekers with just one boat arrival in 2014, there were more than 62,000 people living illegally in Australia (Phillips 2015, Whyte 2014). According to the Department of Immigration and Border Protection, the visa holders who overstayed their visa and remained in the country unlawfully for a short period of time, could apply for a bridging visa. Those who stayed in Australia illegally for more than 28 days with their immigration status unresolved became unlawful non-citizens (Australian Government n.d.). Importantly, despite the significant figures, the problem of visa overstayers received neither widespread media coverage nor attention of the politicians. Furthermore, it represents an academic lacuna. Therefore, the present research aims at putting emphasis on the extent of the issue pertaining to the visa overstaying in Australia in order to demonstrate that the scale of the problem is much bigger than that of asylum seekers. Nevertheless, it is of no interest to the politicians and mass media. Thus, according to the statistics, provided by the Department of Immigration and Border Protection (2014), around 62,700 people lived illegally in Australia in 2013. In most cases, they became unlawful non-citizens after their visa expired or was cancelled. At that, the number of illegal stayers was growing every year (DIBP 2014). Interestingly, in 2012 there was a sharp increase in the population of unlawful non-citizens by 3,530 people in just one week (McDougal 2012). The statistics demonstrated that the most frequent overstayers were visitors, who accounted for

more than two-thirds of the total number (DIBP 2014). They were followed by students and temporary residents. Importantly, in this case the majority of the 'illegals' were mainly from the countries, which were either Australia's traditional allies or trade partners. Thus, among the top five of the source countries of visa overstayers were People's Republic of China, Malaysia, the United States of America, United Kingdom and India (DIBP 2014). Therefore, the statistics showed that unlike asylum seekers fleeing poor, war-torn countries, the unlawful non-citizens came from industrialized countries or major emerging economies. Furthermore, many Britons indicated 'having too much fun' as the main reason of their overstaying the Australian visa (Clark 2009). In contrast, the asylum seekers who came to Australia by boat, risking their life, faced various human rights violations back at home or in transit country, persecution, the treat of famine and other grave situations. Although a spokesman of the Department of Immigration stated that most of visa overstayers were in Australia illegally just for a short period of time, the statistical data demonstrated the contrary (McDougall 2012, Martin 2015). In 2014 there were 31,550 people, who resided in an unauthorized manner in the country for more than five years. Furthermore, the president of the Migration Institute of Australia highlighted that there were some overstayers who had been living in the country for more than 20 years, became fully assimilated, had full-time employment and were fully-fledged members of the Australian society (Whyte 2014). What were the consequences for the country? It means that the person was enjoying the benefits of the welfare system of the Land Down Under and in most cases avoided paying taxes to the state, thus undermining its prosperity. Furthermore, some of the overstayers indicated that they came to the country on a working holiday visa and wanted to stay there after but either they were not qualified enough or their profession was not on the skills list (Kenny 2016). Thus, the study raises a rhetorical question. Why did the successive Australian Governments discuss so much the 'price' of asylum seekers coming to the country and never even mentioned the issue of visa overstayers? In 2015 for the first time the Immigration Minister Peter Dutton expressed his concerns about the number of illegal non-citizens in the country. Namely, he promised to adopt a tough approach to overstayers and deport all unlawful individuals as soon as they would be identified (Martin 2015). According to the Migration Act 1958 the illegals would be assisted to return to their home countries in case they agree to leave voluntarily or they would be removed from Australia forcefully (DIBP 2014). Interestingly, the president of the Migration Institute of Australia accentuated that it was not an easy task to indentify visa overstayers as many of them were from the US and UK (Whyte 2014). Furthermore, the group would face a ban on re-entrying Australia within three years and they could be detained

before the deportation (Kenny 2016). For instance, in 2016 an Irish man was arrested and detained for 10 days for overstaying his visa (Kenny 2016). When back in 2015 the Australian Immigration Minister promised to adopt a hardline approach to unlawful non-citizens, probably he meant this. Nevertheless, taking into account that there were more visa overstayers living in the Australian society than the asylum seekers who had come to the country in the period from 2000 to 2013, these measures seemed to be quite soft (Martin 2015). In comparison, the people who entered Australia by boat in order to seek refuge there, were held in offshore detention camps for indefinite periods of time, received a lifetime ban on the resettlement in Australia and faced various types of discriminations based just on the mode of their arrival. By analyzing the statistical data, the present research revealed striking differences in the treatment of various groups of migrants. Furthermore, it demonstrated that the issue related to the asylum seekers coming to the shores of Australia was politically constructed as the number of refugees was not significant in comparison with other figures, e.g. the number of visa overstayers.

Conclusion

The present thesis researched into the Illegal migration to Australia. We argue that this country adopted unsustainable approach to asylum seeking. Thus, the consecutive Australian Governments have been restricting the Immigration policy in relation to boat arrivals for many years, starting with the tenure of John Howard. They attempted at securitizing refugees, especially those from the Middle East, in order to justify their tough measures to deter, which included mandatory detention, interception of asylum seekers at sea and the lifetime ban, prohibiting them from getting any visas to come and resettle in Australia. Nevertheless, the boats still continue to sail in the direction of the country, although many of them are turned back by the military within the framework of Operation Sovereign Borders. Therefore, the present study investigated the situation in the main source countries of refugees and anylized the major push factors. All things considered, we conclude that asylum seekers from the Middle Eastern countries will continue to flee the region due to the ongoing wars, economic and political instability and the emergence of Islamic State. Furthermore, the research revealed 'the blind spot in the rhetoric and politics of the sovereign government that does not see a connection between the refugees from their own country, whose lives are threatened by

Western bombs, and the asylum seekers trying to come to Western states' (Zylinska 2004). Thus, we argue that Australia, which was an active member of the US-led intervention in the Middle East, has ethical and moral responsibility to accept refugees from the countries in the region, irrespective of their mode of arrival.

Literature

ABC 2002, *Tampa retrospective*. Available from: <http://www.abc.net.au/7.30/content/2002/s659178.htm>.

Adams, S 2015, *Failure to protect: Syria and the UN Security Council*, Global Centre for the Responsibility to Protect. Available from: <http://www.globalr2p.org/media/files/syriapaper_final.pdf >.

Agnew, B 2012, 'The 2011 Libya campaign: lessons for Australia', *The Strategist* 17 December. Available from: <https://www.aspistrategist.org.au/the-2011-libya-campaign-lessons-for-australia/>.

Ainley, K 2015, 'The Responsibility to Protect and the International Criminal Court: counteracting the crisis', *International Affairs,* vol. 91, no. 1, pp. 37-54.

Alford, P & Maher, S 2015, 'Stand firm on boats', *The Australian* 18 May. Available from: <http://www.theaustralian.com.au/national-affairs/immigration/stand-firm-on-boats-says-tony-abbott/news-story/c18027673d3d3899f55800fd853e3d1a>.

Al Jazeerah English 2011, *Australia and Malaysia sign 'refugee' deal*. Available from: <http://www.aljazeera.com/news/asia-pacific/2011/07/20117254439553573.html>.

Al Jazeera News 2016, *Ten countries host half of world's refugees: report*. Available from: <http://www.aljazeera.com/news/2016/10/ten-countries-host-world-refugees-report-161004042014076.html>.

Al Jazeera 2017, *Afghan civilian casualties at record high in 2016: UN* (news report), 6 February. Available from: < http://www.aljazeera.com/news/2017/02/afghan-civilian-casualties-2016-170206062807210.html>.

Anderson, S 2016, 'UN refugees summit: what you need to know about Australia's immigration policies', ABC News 19 September. Available from: <http://www.abc.net.au/news/2016-09-19/what-you-need-to-know-about-the-un-refugees-summit/7858492 >.

Amnesty International 2002, *Australia-Pacific: offending human dignity - the 'Pacific Solution'*. Available from: <https://www.amnesty.org/en/documents/asa12/009/2002/en/>.

Amnesty International 2014, Cambodia: new deal with Australia signs away refugee rights. Available from: <https://www.amnesty.org/en/latest/news/2014/09/cambodia-new-deal-australia-signs-away-refugee-rights/>.

Amnesty International 2015, *By Hook or by Crook: Australia's Abuse of Asylum-Seekers at Sea*. Available from: <https://static.amnesty.org.au/wp-content/uploads/2016/02/Amnesty-report-Australia-abuse-of-asylum-seekers-at-sea.pdf>.

Amnesty International 2016, *Australia: Appalling abuse, neglect of refugees on Nauru*. Available from: < https://www.amnesty.org/en/latest/news/2016/08/australia-abuse-neglect-of-refugees-on-nauru/>.

Amnesty International 2016, *Possible Australia-USA deal*. Available from: <https://www.google.it/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=UTF-8#q=amnesty+international+possible+australia%2Fusa+deal>.

Amnesty International 2016, *Tackling the global refugee crisis: From shrinking to sharing responsibility*.Available from: < https://www.amnesty.org/en/documents/pol40/4905/2016/en/>.

Australian Department of Immigration and Border Protection 2016, *Australia's Humanitarian Programme 2016-17: Discussion Paper*. Available from: <https://www.border.gov.au/ReportsandPublications/Documents/discussion-papers/discussion-paper-humanitarian-programme_2016-17.pdf>.

Australian Government n.d., *Border Protection Bill 2001*. Available from: <https://www.legislation.gov.au/Details/C2004B01017>.

Australian Government n.d., *Illegal maritime arrivals*. Available from: <http://www.ima.border.gov.au/en/Applying-for-a-protection-visa/Temporary-Protection-visas>.

Australian Government n.d., *Illegal maritime arrivals: Safe Haven Enterprise Visas.* Available from: <http://www.ima.border.gov.au/en/Applying-for-a-protection-visa/Safe-Haven-Enterprise-visas>.

Australian Government n.d., *Migration Amendment (Excision from Migration Zone) Act 2001*. Available from: <https://www.legislation.gov.au/Details/C2004A00887>.

Australian Government 2012, *Report of the Expert Panel on asylum seekers*. Available from: <http://artsonline.monash.edu.au/thebordercrossingobservatory/files/2015/03/expert_panel_on_asylum_seekers_full_report.pdf >.

Australian Human Rights Commission 2006, *Submission: Migration Amendment (Designated Unauthorized Arrivals) Bill 2006*. Available from: <https://www.humanrights.gov.au/submission-migration-amendment-designated-unauthorised-arrivals-bill-2006-0>.

Australian Human Rights Commission 2009, *Immigration detention and offshore processing on Christmas Island*. Available from: <https://www.humanrights.gov.au/publications/2009-immigration-detention-and-offshore-processing-christmas-island>.

Australian Human Rights Commission 2012, *Expert Panel on Asylum Seekers*. Available from: <https://www.humanrights.gov.au/sites/default/files/content/legal/submissions/2012/20120720_asylum_seekers.pdf >.

Australian Politics 2001, *2001 Federal Election*. Available from: <http://australianpolitics.com/elections/federal-2001>. Australian Prime Ministers 2016, *Kevin Rudd*. Available from: <http://primeministers.moadoph.gov.au/prime-ministers/kevin-rudd >.

Australian Government n.d., *Operation Sovereign Borders*, Department of Immigration and Border Protection. Available from: <http://www.osb.border.gov.au/en/Outside-Australia>.

Australian Government n.d., *Managing immigration risk*, Department of Immigration and Border Protection. Available from: <http://www.border.gov.au/Busi/Educ/managing-immigration-risk>.

Asylum Seeker Resource Centre 2014, *Operation Sovereign Borders*. Available from: <https://www.asrc.org.au/wp-content/uploads/2013/07/Operation-Sovereign-Borders-May-2014.pdf>.

Asylum Seeker Resource Centre 2014, *Asylum seekers and refugees: myths, facts and solutions*. Available from: <https://www.asrc.org.au/wp-content/uploads/2013/07/MythBusterJuly2013FINAL.pdf>.

Barkham, P 2001, 'No Pacific solution in sight', *The Guardian* 18 December. Available from: <https://www.theguardian.com/world/2001/dec/18/worlddispatch.patrickbarkham>.

BBC 2015, *Country profile: Iraq*. Available from: <http://www.bbc.com/news/world-middle-east-14544541>.

BBC 2016, *Country profile: Afghanistan*. Available from: <http://www.bbc.com/news/world-south-asia-12011352>.

BBC 2016, *Libya country profile*. Available from: <http://www.bbc.com/news/world-africa-13754897>.

BBC 2016, *Country profile: Syria*. Available from: <http://www.bbc.com/news/world-middle-east-14703910>.

Belot, H 2016, 'Australia should agitate for a political solution in Syria, says US advisor', *The Canberra Times* 22 February. Available from: <http://www.canberratimes.com.au/act-news/australia-should-agitate-for-a-political-solution-in-syria-says-us-advisor-20160220-gmzeuj.html>.

Bem, K, Field, N, Maclellan, N, Meyer, S, Morris, T 2007, A price too high: the cost of Australia's approach to asylum seekers, *Oxfam Australia*. Available from: <http://resources.oxfam.org.au/filestore/originals/OAus-PriceTooHighAsylumSeekers-0807.pdf>.

Bisley, N 2013, 'An ally for all the years to come': why Australia is not a conflicted US ally', *Australian Journal of International Affairs*, vol. 67, no. 4, pp. 403-418

Borger, J 2016, 'Australian warplanes took part in airstrikes that killed Syrian troops', *The Guardian* 18 September. Available from: <https://www.theguardian.com/world/2016/sep/18/australian-warplanes-us-airstrikes-killed-syrian-troops-isis-russia>.

Border Crossing Observatory 2013, *Australian Border Deaths Database*. Available from: <http://artsonline.monash.edu.au/thebordercrossingobservatory/publications/australian-border-deaths-database/>.

Bourke, L 2015, 'Malcolm Turnbull defeats Tony Abbott in Liberal leadership spill to become prime minister', *The Sydney Morning Herald* 15 September. Available from: <http://www.smh.com.au/federal-politics/political-news/malcolm-turnbull-defeats-tony-abbott-in-liberal-leadership-spill-to-become-prime-minister-20150914-gjmhiu.html>.

Bowen, C 2012, *No advantage onshore for boat arrivals*, Parliament of Australia. Available from: <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22media%2Fpressrel%2F2060961%22>.

Boyle, M J 2013, 'The costs and consequences of drone warfare', *International Affairs*, vol. 89, no. 1, pp. 1-29.

Brendan, T 2016, 'Unbreakable Alliance? ANZUS in the Asian Century', *Asian Politics & Policy* , vol. 8, no. 1, pp. 75-85.

Briskman, L & Poynting, S 2013, 'Before getting practical on asylum policy, let's change our discourse', *The Conversation* 9 August. Available from: <https://theconversation.com/before-getting-practical-on-asylum-policy-lets-change-our-discourse-16615>.

Brown, J 2016, 'Firing line: Australia's path to war', *Quarterly Essay*, vol. 62, no. 1, pp. 16-110.

Butler, J 2016, 'Manus Island detention for asylum seekers rules illegal', *The Huffington Post* 26 April. Available from: <http://www.huffingtonpost.com.au/2016/04/26/manus-island-australia_n_9775564.html>.

Buzan, B, Wæver, O, & De Wilde, J 1998, *Security: a new framework for analysis*. Lynne Rienner Publishers.

Cater, N 2016, 'Swamped by outdated multicultural model', *The Australian* 20 September. Available from: < http://www.theaustralian.com.au/opinion/columnists/nick-cater/swamped-by-outdated-multicultural-model/news-story/a7fa239ec9ad80820666956e951dff41>.

Central Intelligence Agency 2017, *The World Factbook: Syria*. Available from: <https://www.cia.gov/library/publications/the-world-factbook/geos/sy.html >.

Chilcot, J 2016, *'Sir John Chilcot: Iraq military action was not a last resort'* (video file), The Guardian 6 July. Available from: <https://www.theguardian.com/uk-news/video/2016/jul/06/sir-john-chilcot-report-iraq-military-action-last-resort-video>.

CIA 2016, *The World Factbook: Papua New Guinea*. Available from: <https://www.cia.gov/library/publications/the-world-factbook/geos/pp.html>.

Chambers, P 2015, 'The embrace of border security: maritime jurisdiction, national sovereignty, and the geopolitics of Operation Sovereign Borders', *Geopolitics*, vol. 20, no. 2, pp. 404-437. Available from: <Routledge>

Christopher Evans 2008, *Refugee policy under the Rudd Government – the fist year*, Refugee

Council of Australia. Available from: <https://www.refugeecouncil.org.au/r/spch/081117-AGM-CEvans.pdf>.

Clark, T 2009, 'UK gap year tourists overstaying their Australian visas 'because they are having too much fun', *Daily Mail Online* 21 October. Available from: <http://www.dailymail.co.uk/travel/article-1221929/UK-gap-year-tourists-overstaying-Australian-visa-theyre-having-fun.html>.

Coorey, P 2006, 'PM dumps new asylum law', *The Sydney Morning Herald* 14 August. Available from: <http://www.smh.com.au/news/national/pm-dumps-new-asylum-law/2006/08/14/1155407710164.html>.

Coorey, P 2010, 'Labor to process asylum seekers on East Timor', *The Sydney Morning Herald* 7 July. Available from: <http://www.smh.com.au/national/labors-indian-ocean-solution-20100706-zz3x.html>.

Cooper, H 2015, 'Australian intervention in Syria could have potentially serious consequences, experts warn', *ABC News 24* 26 August. Available from: <http://www.abc.net.au/7.30/content/2015/s4300774.htm>.

Corcoran, M 2014, 'ADF's service newspapers reveal border protection 'operational matters', *ABC News* 4 August. Available from: <http://www.abc.net.au/news/2014-03-26/operation-sovereign-borders/5330392?pfmredir=sm>.

Corcoran, M 2014, 'Australia in Iraq: A brief history of Australia's involvement from1991-2014', *ABC News* 15 September. Available from: <http://www.abc.net.au/news/2014-09-15/mark-corcoran27s-iraq-backgrounder/5743020>.

Cowie, T 2013, 'Coalition launches Operation Sovereign Borders', *SBS News* 18 September. Available from: <http://www.sbs.com.au/news/article/2013/09/18/coalition-launches-operation-sovereign-borders>.

Cox, E 2010, 'Dialogue and Decentralisation in Australian Asylum Anthologies', *Life Writing*, vol. 7, no. 3, pp. 285-302. Available from: <www.tandfonline.com>.

Cox, L 2015, 'Tony Abbott: Australians 'sick of being lectured' by United Nations, after report finds anti-torture breach', *The Sydney Morning Herald* 9 March. Available from: <http://www.smh.com.au/federal-politics/political-news/tony-abbott-australians-sick-of-being-lectured-to-by-united-nations-after-report-finds-antitorture-breach-20150309-13z3j0.html>.

Craig, G 2014, 'Kevin's predicaments: power and celebrity across the political and media fields', *The International Journal of Press/Politics*, vol. 19, no. 1, pp. 24-41. Available from: <SAGE>.

Crock, M 2004, 'Part II – Movement and stasis: Re-reading refugee and migration laws: Immigration mindsets – how our thinking has shaped migration law in Australia', *International Journal of Law and Psychiatry*, vol. 27, no. 6, pp. 571-585. Available from: <www.sciencedirect.com>.

Crock, M & Bones, K 2015, 'Australian exceptionalism: temporary protecton and the rights of refugees', *Melbourne Journal of International Law*, vol. 16, pp. 1-28. Available from: <http://law.unimelb.edu.au/__data/assets/pdf_file/0009/1687788/Crock-and-Bones.pdf>.

Crowe, D & Callick, R 2013, 'Kevin Rudd unveils 'hard-line; PNG solution for asylum-seekers', *The Australian* 19 July. Available from: <http://www.theaustralian.com.au/national-affairs/immigration/kevin-rudd-to-unveil manus-island-expansion-plan-in-bid-to-stop-boats/news story/c8abc607070875a4788c16ed246c153d>.

Dastyari, A, Davies, S, Gerard, A, Jakubowicz, A, Murphy, K & Schultz, J 2013, 'No more asylum in Australia for those arriving by boat: Rudd', *The Conversation* 19 July. Available from: <https://theconversation.com/no-more-asylum-in-australia-for-those-arriving-by-boat-rudd-16238>.

Dastyari, A 2007, 'Swapping refugees: the implications of the 'Atlantic Solution', *The UTS Law Review*, Vol. 9, No. 1. Available from: <http://www.austlii.edu.au/au/journals/UTSLawRw/2007/7.pdf >.

Davidson, H & Doherty, B 2015, 'Orange lifeboats used to return asylum seekers to be replaced by 'fishing boats', *The Guardian* 5 March. Available from: <https://www.theguardian.com/australia-news/2015/mar/05/orange-lifeboats-used-to-return-asylum-seekers-to-be-replaced-by-fishing-boats >.

Davies, S & Orchard, P 2015, 'Halting migrant boats: Lessons from Australia', *CNN* 24 April. Available from: <http://edition.cnn.com/2015/04/24/opinions/europe-australia-migrant-policy/>.

Deen, T 2007, 'U.S.-Aussie refugee swap comes under fire', *Asian Tribune*, vol. 12, no. 1756. Available from: <http://www.asiantribune.com/node/5426>.

Department of Defence Ministers 2015, *Kevin Andrews statements: Statement on Iraq, Syria, Afghanistan and Operations in the Middle East*. Available from: < https://www.minister.defence.gov.au/2015/09/16/minister-for-defence-statement-on-iraq-syria-afghanistan-and-operations-in-the-middle-east>.

Department of Immigration and Border Protection n.d., *Operation Sovereign Borders*. Available from: < http://www.osb.border.gov.au/>.

Department of Immigration and Border Protection 2014, *Australia's migration trends, 2012-13*. Available from: <https://www.border.gov.au/LegacyPagesandAboutUs/Documents/statistics/migration-trends-2012-13.pdf>.

Department of Immigration and Border Protection 2016, *Australia's Humanitarian Programme 2016-2017: Dicussion Paper*. Available from: <https://www.border.gov.au/ReportsandPublications/Documents/discussion-papers/discussion-paper-humanitarian-programme_2016-17.pdf>.

Dickson, A 2015, 'Distancing Asylum Seekers from the State: Australia's evolving political geography of immigration and border control', *Australian Geographer*, vol. 46, no. 4, pp. 437-454.

Available from: <tandfonline.com>.

Dingle, S 2014, 'UN human rights chief criticizes Australia's asylum seeker policy, Scott Morrison rejects allegations', *ABC News* 9 September. Available from: <http://www.abc.net.au/news/2014-09-08/australia-rejects-un-boss's-asylum-seeker-criticisms/5728918 >.

Doherty, B 2014, 'Senate gives Scott Morrison unchecked control over asylum seekers' lives', *The Guardian* 4 December. Available from: <https://www.theguardian.com/australia-news/2014/dec/05/senate-gives-scott-morrison-unchecked-control-over-asylum-seekers-lives>.

Doherty, B & Farrell, P 2015, 'Abbott defends $55m resettlement deal after Cambodia says no to more refugees', *The Guardian* 31 August. Available from: <https://www.theguardian.com/australia-news/2015/aug/31/abbott-defends-55m-resettlement-deal-after-cambodia-says-no-to-more-refugees>.

Doherty, B 2016, 'Immigration detention doctors challenge Border Force Act's secrecy clause in court', *The Guardian* 26 July. Available from: <https://www.theguardian.com/australia-news/2016/jul/27/immigration-detention-doctors-challenge-border-force-acts-secrecy-clause-in-court>.

Doherty, B 2016, 'Australia criticized over 'hollow' promise to resettle 12,000 Syrian and Iraqi refugees, *The Guardian* 8 September. Available from: < https://www.theguardian.com/australia-news/2016/sep/08/australia-criticised-over-hollow-promise-to-resettle-12000-syrian-and-iraqi-refugees>.

Dominguez, G 2014, 'Al: Australia-Cambodia refugee deal 'in violation of international law', *Deutsche Welle* 26 September. Available from: <http://www.dw.com/en/ai-australia-cambodia-refugee-deal-in-violation-of-international-law/a-17958007>.

The Economist by J.C. 2011, 'Timor-Leste and the 'processing centre': all process, no solution', *The Economist* 30 March. Available from: <http://www.economist.com/blogs/banyan/2011/03/timor-leste_and_processing_centre>.

Ensor, J 2016, 'US air strike in Syria kills nearly 60 civilians 'mistaken for Isil fighters', *The Telegraph* 19 July. Available from: <http://www.telegraph.co.uk/news/2016/07/19/us-air-strike-in-syria-kills-up-to-85-civilians-mistaken-for-isi/>.

Essential Report 2016, *Ban on Muslim Immigration*. Available from: <http://www.essentialvision.com.au/category/essentialreport/page/4>.

Essential Report 2016, *Refugee Intake Poll*. Available from: <http://www.essentialvision.com.au/category/essentialreport/page/3>.

Every, D & Augoustinos, M 2007, 'Constructions of racism in the Australian parliamentary debates on asylum seekers', *Discourse & Society*, vol. 18, no. 4, pp. 411-436. Available from: <www.sagepublications.com>.

Farrell, P 2014, 'Refugees who came to Australia by boat have family reunion hopes dashed', *The Guardian* 8 January. Available from: <https://www.theguardian.com/world/2014/jan/08/refugees-family-reunion-hopes-dashed>.

Farrell, T 2014, 'Are the US-led air strikes in Syria legal – and what does it mean if they are not?', *The Telegraph* 23 September. Available from: <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/11116792/Are-the-US-led-air-strikes-in-Syria-legal-and-what-does-it-mean-if-they-are-not.html>.

Financial Tracking Service 2016, *Appeals and response plans 2016*. Available from: <https://fts.unocha.org/appeals/overview/2016 >.

Findley, M & Young, J.K. 2011, *A sector-by-sector analysis of aid's impact on transnational terrorism,* AidData. Available from: <http://aiddata.org/sites/default/files/sector-by-sector-analysis-aid-impact-on-transnational-terrorism.pdf >.

Fitzpatrick, M 2013, 'Five reason military intervention in Syria is wrong', *ABC News* 28 August. Available from: <http://www.abc.net.au/news/2013-08-28/fitzpatrick-syria/4918406>.

Flitton, D 2012, 'Gillard signs Manus Island agreement', *The Sydney Morning Herald* 9 September. Available from: <http://www.smh.com.au/federal-politics/political-news/gillard-signs-manus-island-agreement-20120908-25kyt.html>.

Gelber, K, McDonald, M 2006, 'Ethics and exclusion: representations of sovereignty in Australia's approach to asylum-seekers', *Review of International Studies*, vol. 326 pp. 269-289. Available from: <www.cambridge.org/core>.

Gleeson, K 2014, *Australia's 'war on Terror' Discourse*, Routledge. Ghezelbash, D 2015, 'Asylum seekers in the United States and Australia' in *Exploring the boundaries of refugee law: current protection challenges,* eds JP Gauci, M Giuffre & E Tsourdi, Koninklijke Brill NV Leiden, the Netherlands, pp. 90-118.

Glover, RW 2011, 'The theorist and the practitioner: linking the securitization of migration to activist counter-narratives', *Geopolitics, History and International Relations*, vol. 3, no. 1, pp. 77-102. Available from: <Addleton Academic Publishers>.

Gnehm, E.W 2001, 'ANZUS: the alliance through American eyes', *Australian Journal of International Affairs,* vol. 55, no. 2, pp. 161-165.

Gordon, M 2011, 'The boat that changed it all', *The Sydney Morning Herald* 20 August. Available from: <http://www.smh.com.au/national/the-boat-that-changed-it-all-20110819-1j2o2.html>.

Graham-Harrison, E & Ackerman, S 2016, 'US airstrikes allegedly kill at least 73 civilians in northern Syria', *The Guardian* 20 July. Available from: <https://www.theguardian.com/world/2016/jul/20/us-airstrike-allegedly-kills-56-civilians-in-northern-syria>.

Graham-Harrison, E 2016, 'Coalition airstrikes in Syria have killed 300 civilians, says Amnesty', *The Guardian* 26 October. Available from: <https://www.theguardian.com/world/2016/oct/26/syria-coalition-airstrikes-civilian-death-toll-amnesty-international>.

Creek, TG 2014, 'Starving for freedom: an exploration of Australian government policies, human rights obligations and righting the wrong for those seeking asylum', *The International Journal of Human Rights,* vol. 18, no. 4-5, pp. 479-507. Available from: <tandfonline.com>.

Greenhalgh, EM, Watt, SE & Schutte, NS, 'Mechanisms of moral disengagement in the endorsement of asylum seeker policies in Australia', Ethics & Behavior, vol. 25, no. 6, pp. 482-499. Available from: <tandfonline.com>.

Grewcock, M 2013, 'Australia's ongoing border wars', *Race & Class*, vol. 54, no. 3, pp. 10-32. Available from: <SAGE>.

Grewcock, M 2014, 'Australian border policing: regional 'solutions' and neocolonialism', *Race & Class*, vol. 55, No. 3, pp. 71-78. Available from: <SAGE>.

Griffiths, E 2014, 'Free immigration advice service for asylum seekers dumped by Federal Government', *The Guardian* 31 March. Available from: <http://www.abc.net.au/news/2014-03-31/government-dumps-free-immigration-advice-service-for-asylum-seek/5355570>.

Grubel, J 2011, 'Australia's Howard a surprise 9-11 witness', *Reuters* 4 September. Available from: <http://www.reuters.com/article/us-sept11-howard-idUSTRE78406N20110905>.

Hafeez-Baig, MJ 2016, 'Putting the 'protection' in 'Temporary Protection Visa', *Bond Law Review*, vol. 28, no. 2, pp. 115-147. Available from: <http://epublications.bond.edu.au/cgi/viewcontent.cgi?article=1483&context=blr>.

Hall, B 2013, 'Overwhelming majority of boat arrivals deemed to be refugees', *The Sydney Morning Herald* 20 May. Available from: < http://www.smh.com.au/federal-politics/political-news/overwhelming-majority-of-boat-arrivals-deemed-to-be-refugees-20130519-2juty.html>.

Hall, B & Swan, J 2013, 'UNHCR 'troubled' by PNG solution', *The Age* 26 July. Available from: <http://www.theage.com.au/federal-politics/political-news/unhcr-troubled-by-png-solution-20130726-2qo8c.html>.

Hanson-Young, S 2014, 'Abbott's dirty deal with Cambodia will condemn refugee to destitution', *The Guardian* 23 November. Available from: <https://www.theguardian.com/commentisfree/2014/nov/24/abbotts-dirty-deal-with-cambodia-will-condemn-refugees-to-destitution>.

Harrison, D & Coorey, P 2012, 'Labor caucus accepts move to excise mainland from migration zone', *The Sydney Morning Herald* 30 October. Available from: <http://www.smh.com.au/federal-politics/political-news/labor-caucus-accepts-move-to-excise-mainland-from-migration-zone-20121029-28ggu.html>.

Hayward-Jones, J 2015, 'Australia-Papua New Guinea relations: maintaining the friendship', *The Interpreter* 1 December, The Lowy Institute. Available from: <https://www.lowyinstitute.org/the-interpreter/australia-papua-new-guinea-relations-maintaining-friendship>.

Hayward-Jones, J 2013, 'Peter O'Neill's refugee gamble', *Commentary*, Lowy Institute. Available from: <https://www.lowyinstitute.org/publications/peter-o%E2%80%99neill%E2%80%99s-refugee-gamble>.

Healey, J 2013, 'Asylum Seekers and Immigration Detention', *Issues in Society*, vol. 353.

Heng, Y.K. & McDonagh, K. 2011, 'After the 'war on terror': Regulatory states, risk bureaucracies and the risk-based governance of terror', *International Relations,* vol. 25, no. 3, pp. 313-329.

Hubbard, B 2014, 'The franchising of al Qaeda', *The New York Times* 25 January. Available from <https://www.nytimes.com/2014/01/26/sunday-review/the-franchising-of-al-qaeda.html?_r=0>.

Hucal, S 2016, 'Afghanistan: Who are the Hazaras?', *Al Jazeera* 27 June. Available from: <http://www.aljazeera.com/indepth/features/2016/06/afghanistan-hazaras-160623093601127.html>.

Human Rights and Equal Opportunity Commission 2004, *A last resort? National Inquiry into Children in Immigration Detention.* Available from: <https://www.humanrights.gov.au/sites/default/files/document/publication/alr_complete.pdf>.

Human Rights Watch 2002, 'By invitation only: Australian Asylum policy' report. Available from: <https://www.hrw.org/reports/2002/australia/>.

Human Rights Watch 2011, '*Australia, Malaysia: refugee swap fails protection standards'.* Available from: <https://www.hrw.org/news/2011/07/26/australia-malaysia-refugee-swap-fails-protection-standards>.

Hurst, D 2013, 'Senate votes to block temporary protection visas', *The Guardian* 2 December. Available from: <https://www.theguardian.com/world/2013/dec/03/senate-votes-to-block-temporary-protection-visas>.

Hurst, D 2014, 'Australia's involvement in Iraq: your questions answered', *The Guardian* 15 September. Available from: <https://www.theguardian.com/world/2014/sep/15/australias-involvement-in-iraq-your-questions-answered>.

Hutchens, G 2015, 'Fact and fiction with Prime Minister Tony Abbott's refugee intake numbers', *The Sydney Morning Herald* 7 September. Available from: <http://www.smh.com.au/federal-politics/political-opinion/fact-and-fiction-with-prime-minister-tony-abbotts-refugee-intake-numbers-20150906-gjgc7q.html>.

Hutchinson, T & Martin, F 2004, 'Australia's human rights obligations relating to the mental health of children in detention', *International Journal of Law and Psychiatry*, no. 27, pp. 529-547. Available from: <www.sciencedirect.com>.

Iggulden, T 2012, *Lateline: 'Government excise mainland Australia from migration zone'* (television broadcast) 30 October 2012, ABC. Available from: <http://www.abc.net.au/lateline/content/2012/s3622183.htm>.

Innis, M 2015, 'Malcolm Turnbull defeats Tony Abbott to become prime minister of Australia', *The New York Times* 14 September. Available from: <https://www.nytimes.com/2015/09/15/world/asia/tony-abbott-liberal-party-australia.html?_r=0>.

International Coalition for the Responsibility to Protect n.d., *An introduction to the Responsibility to Protect*. Available from: <http://www.responsibilitytoprotect.org/index.php/about-rtop>.

International Committee of the Red Cross 2016, *Displaced people and refugees in Iraq*. Available from: <https://www.icrc.org/en/where-we-work/middle-east/iraq/displaced-people-and-refugees-in-iraq >.

International Rescue Committee 2017, *Iraq*. Available from: <https://www.rescue.org/country/iraq#what-caused-the-current-crisis-in-iraq>.

IOM 2016, *About IOM*. Available from: <http://www.iom.int/about-iom>.

IOM 2016, *IOM becomes a related organization to the UN*. Available from: <http://www.iom.int/news/iom-becomes-related-organization-un>.

Isaacs, D 2016, 'Are healthcare professionals working in Australia's immigration detention centres condoning torture?', *Journal of Medical Ethics*, vol. 42, no. 7, pp. 413-415. Available from: <http://www.julianburnside.com.au/whatsinside/uploads/2016/07/BMJ-Condoning-Torture.pdf>.

Jabour, B 2013, 'Did John Howard's Pacific Solution stop the boats, as Tony Abbott asserts?', *The Guardian* 19 July. Available from: <https://www.theguardian.com/world/2013/jul/19/did-howard-solution-stop-boats>.

Johnston, 2009, 'Australian asylum policies: have they violated the right to health of asylum seekers?', *Australian and New Zealand Journal of Public Health*, vol. 33, no. 1, pp. 40-46. Available from: < https://www.ncbi.nlm.nih.gov/pubmed/19236357>.

Jupp, J 1995, 'From 'White Australia' to 'Part of Asia': recent shifts in Australian Immigration policy towards the region', *The International Migration Review*, vol. 29, no. 1. Available from: <JSTOR>.

Kaldor Centre 2015, *Immigration Detention: Factsheet*. Available from: <http://www.kaldorcentre.unsw.edu.au/publication/immigration-detention>.

Karlsen, E 2015, *Whistle-blowing under the Border Force Act: three months on*, Parliament of Australia. Available from: <http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2015/October/Border_Force_Act>.

Keane, B 2012, 'The 'excision' that isn't, and why it's good policy', *Crikey* 1 November. Available from: <https://www.crikey.com.au/2012/11/01/keane-the-excision-that-isnt-and-why-its-good-policy/>.

Kenny, C 2016, 'Illegal Irish workers in Australia face a perilous existence', *The Irish Times* 29 August. Available from: <http://www.dailymail.co.uk/travel/article-1221929/UK-gap-year-tourists-overstaying-Australian-visa-theyre-having-fun.html>.

Kenny, MA 2015, 'FactCheck: Does Australia take more refugees per capita through the UNHCR than any other country?', *The Conversation* 8 September. Available from: <https://theconversation.com/factcheck-does-australia-take-more-refugees-per-capita-through-the-unhcr-than-any-other-country-47151>.

Kenny, MA & Procter, N 2016, 'Hope, certainty and trust: issues abound in US refugee resettlement deal', *The Conversation* 1 December. Available from: <https://theconversation.com/hope-certainty-and-trust-issues-abound-in-us-refugee-resettlement-deal-69625>.

Kenny, MA 2016, 'Australia to take Central American refugees as Malcolm Turnbull pledges to do more at Obama summit', *The Canberra Times* 21 September. Available from: <canberratimes.com.au>.

Kevin, T 2012, *Reluctant rescuers*, Canberra.

Kevin, T 2013, 'Stop the deaths: rescuing asylum seekers is an integrity issue', *The Conversation* 26 March. Available from: <https://theconversation.com/stop-the-deaths-rescuing-asylum-seekers-is-an-integrity-issue-13071>.

Kingsley, P 2015, 'Arab spring prompts biggest migrant wave since second world war', *The Guardian* 3 January. Available from: <https://www.theguardian.com/world/commentisfree/2015/jan/03/arab-spring-migrant-wave-instability-war>.

Kingsley, P & Safi, M 2016, 'Should the EU adopt Australia's 'stop the boats' policy?', *The Guardian* 18 March. Available from: <https://www.theguardian.com/news/2016/mar/18/should-eu-adopt-australia-stop-the-boats-policy-guardian-briefing>.

Khan, I 2015, 'The Iraq war: The root of Europe's refugee crisis', *Al Jazeera English* 9 September. Available from: < http://www.aljazeera.com/blogs/middleeast/2015/09/iraq-war-root-europe-refugee-crisis-150908151855527.html >.

Kristof, N 2016, 'Anne Frank today is a Syrian girl', *The Age* 25 August. Available from: <http://www.theage.com.au/comment/anne-frank-today-is-a-syrian-girl-20160825-gr0qzq.html>.

Kuhn, R 2009, 'Xenophobic racism and class during the Howard years', *Marxist Interventions*, no.1, pp. 53-82. Available from: <ProQuest>.

Landrigan, M 2010, 'Religion, Politics and Asylum Seekers', *Alternative Law Journal*, vol. 35, no. 4, pp. 213-216. Available from: <http://www.austlii.edu.au/au/journals/AltLawJl/2010/>.

Laub, Z 2016, *Who's who in Syria's Civil War*, Council on Foreign Relations. Available from: <http://www.cfr.org/syria/s-syrias-civil-war/p3860

Laughland, O 2014, 'Legal aid denied to asylum seekers who arrive through unauthorized channels', *The Guardian* 31 March. Available from: <https://www.theguardian.com/world/2014/mar/31/legal-aid-denied-asylum-seekers-arrive-boat>.

Laughland, O 2013, 'Operation Sovereign Borders begins on Wednesday', *The Guardian* 16 September. Available from: <https://www.theguardian.com/world/2013/sep/16/operation-sovereign-borders-begins-wednesday>.7>.

Leach, M 2013, 'Back to the future on temporary protection visas', *The Conversation* 26 August. Available from: <https://theconversation.com/back-to-the-future-on-temporary-protection-visas-17316>.

Letts, D 2014, 'Operation Sovereign Borders: Legality on the run?', *The Canberra Times* 22 May. Available from: <http://www.canberratimes.com.au/comment/operation-sovereign-borders-legality-on-the-run-20140522-zrky6.html >.

Lewis, R 2016, 'PNG court rules detention of asylum seekers on Manus Island is illegal', *The Australian* 26 April. Available from: <http://www.theaustralian.com.au/national-affairs/png-court-rules-detention-of-asylum-seekers-on-manus-island-is-illegal/news-story/2241b33cc1de8c05f8d92d92d5eea151>.

Long, K 2016, *Trump promises to deport 2 or 3 million people*, Human Rights Watch. Available from: <https://www.hrw.org/news/2016/11/14/trump-promises-deport-2-or-3-million-people>.

Mackander, M 2015, 'Timeline: Christmas Island Detention Centre unrest', *ABC News* 12 November. Available from: <http://www.abc.net.au/news/2015-11-09/timeline-incidents-of-protesting,-rioting-on-christmas-island/6923318>.

Maley, P 2013, 'Kevin Rudd rebuffed as Nauru denies permanent residency for refugees', *The Australian* 6 August. Available from: <http://www.theaustralian.com.au/national-affairs/immigration/kevin-rudd-rebuffed-as-nauru-denies-permanent-residency-for-refugees/news-story/2360fe77e13640a3bab1982e32a66d02>.

Malikyar, H 2015, *'Afghanistan: The other refugee crisis'*, Al Jazeera English 16 September. Available from: < http://www.aljazeera.com/indepth/opinion/2015/09/afghanistan-refugee-crisis-150915073827019.html>.

Manne, R 2015, 'Broken faith in politics', *The Monthly* May. Available from: <https://www.themonthly.com.au/issue/2015/may/1430402400/robert-manne/broken-faith-politics>.

Mardini, R 2014, 'U.S. intervention in Iraq will only worsen the situation', *The New York Times* 7

August. Available from: <http://www.nytimes.com/roomfordebate/2014/08/07/a-return-to-the-fight-in-iraq/us-intervention-will-only-worsen-the-situation>.

Mares, P 2002, *'Borderline: Australia's treatment of refugees and asylum seekers in the wake of Tampa'*, University of New South Wales Press.

Martin, S 2015, 'Peter Dutton resolute on long-term illegals', *The Australian* 29 January. Available from: <http://www.theaustralian.com.au/national-affairs/immigration/peter-dutton-resolute-on-longterm-illegals/news-story/9dc5115686c7fe2a9f26943e420f5d7e>.

Martin, G 2015, 'Stop the boats! Moral panic in Australia over asylum seekers', *Journal of Media & Cultural Studies*, vol. 29, no. 3, pp. 304-322. Available from: <tandfonline.com>.

Massola, J 2016, 'Refugee ban: Kevin Rudd in blistering attack on Malcolm Turnbull over asylum seeker laws', *The Sydney Morning Herald* 2 November. Available from: <http://www.smh.com.au/federal-politics/political-news/refugee-ban-kevin-rudd-in-blistering-attack-on-malcolm-turnbull-over-asylum-seeker-laws-20161101-gsfb4l.html>.

McAdam, J 2013, 'TPVs: innefective, wasteful, cruel', *The Sydney Morning Herald* 5 December. Available from: <http://www.smh.com.au/comment/tpvs-ineffective-wasteful-cruel-20131204-2yqxs.html>.

McAdam, J 2014, 'One step forward, many steps back for refugees', *ABC News* 3 December. Available from: <http://www.abc.net.au/news/2014-12-03/mcadam-one-step-forward-many-steps-back-for-refugees/5936960>.

McAllister, I, Clark, J, *Australian election study trends in Australian political opinion: results from the Australian election study, 1987-2007*, Canberra.

McCarthy, J 2015, 'Responsibility to protect? Debating Australia's involvement in Syria', *ABC News* 26 November. Available from: <http://www.abc.net.au/news/2015-11-26/mccarthy--should-australia-put-boots-on-the-ground-in-syria/6974906>.

McDonald, M 2011, 'Deliberation and Resecuritization: Australia, asylum-seekers and the normative limits of the Copenhagen School', *Australian Journal of Political Science*, vol. 46, no. 2, pp. 281-295. Available from: <tandfonline.com>.

McDougal, B 2012, 'Seventy new visa overstays a week', *The Daily Telegraph* 29 July. Available from: <http://www.dailytelegraph.com.au/wear-out-welcome/news-story/28f116400e946d0ff1a6d2f22c5a2f06>.

McKay, F 2013, 'A return to the 'Pacific Solution', *Forced Migration Review*, no. 44, p.24. Available from: < http://www.fmreview.org/detention/mckay.html>.

McKeith, S 2016, Asylum Seekers to be banned from Australia 'for life', *The Huffington Post* 30 October. Available from: <http://www.huffingtonpost.com.au/2016/10/29/asylum-seekers-to-be-banned-from-australia-for-life-report/>.

McMahon, B 2007, 'Australia and US swap refugees', *The Guardian* 19 April. Available from: < https://www.theguardian.com/world/2007/apr/19/australia.usa>.

McMaster, D 2001, *Asylum Seekers – Australia's response to refugees*, Melbourne University Press.

Mence, V, Gangell, S & Tebb, R 2015, *A History of the Department of Immigration – Managing Migration to Australia*, Commonwealth of Australia. Available from: <https://www.border.gov.au/CorporateInformation/Documents/immigration-history.pdf>.

Meyn, C 2015, 'No plans for more refugees from Nauru', *The Cambodia Daily* 29 August 2015. Available from: <https://www.cambodiadaily.com/news/no-plans-for-more-refugees-from-nauru-2-92886/>.

Miller, C 2015, 'Public support for ANZUS: Evidence of a generational shift?', *Australian Journal of Political Science*, vol. 50, no. 3, pp. 442-461, DOI: 0.1080/10361146.2015.1052370

Millet, M 2002, 'Worst I've seen, says UN asylum inspector', *The Sydney Morning Herald* 6 June. Available from: <http://www.smh.com.au/articles/2002/06/05/1022982721514.html>.

Mückler, H, Weichart, G & Edelmayer, F, *Australien. 18. Bis 21. Jahrhundert. Geschichte und gesellschaft*, Wien 2013.

Murphy, J 2016, 'The unique programme that brings refugees to Canada', *BBC News* 20 September. Available from: < http://www.bbc.com/news/world-us-canada-37389657>.

Murphy, K 2013, 'Traumatising and inhumane: why TPVs have to go', *The Conversation* 27 November. Available from: <https://theconversation.com/traumatising-and-inhumane-why-tpvs-have-to-go-20724>.

Molan, J 2016, 'Aleppo: Time for the West to acknowledge Assad has won', *The Interpreter* 21 December, The Lowy Institute. Available from: <https://www.lowyinstitute.org/the-interpreter/aleppo-time-west-acknowledge-assad-has-won>.

Momartin, S, Steel, Z, Coello, M, Aroche, J, Silove, DM, & Brooks, R 2006, 'A comparison of the mental health of refugees with temporary versus permanent protection visas', *Medical Journal of Australia*, vol. 185, no. 7, p. 357. Available from: <https://www.mja.com.au/journal/2006/185/7/comparison-mental-health-refugees-temporary-versus-permanent-protection-visas>.

Moran, A 2005, *Australia: nation, belonging, and globalization*. Routledge, New York.

National Archives of Australia n.d., *Australia's Prime Ministers: John Howard*. Available from: <http://primeministers.naa.gov.au/primeministers/howard/>.

Nay, O 2013, 'Fragile and failed states: Critical perspectives on conceptual hybrids', *International Political Science Review*, vol. 34, no.3, pp. 326-341.

Ostrand, N 2015, 'The Syrian refugee crisis: A comparison of responses by Germany, Sweden, the United Kingdom, and the United States', *Journal on Migration and Human Security*, vol.3, no.3, pp. 255-279. Available from: <jmhs.cmsny.org/index.php/jmhs/article/download/51/42>.

Packham, B 2012, 'Labor to act quickly to reopen Nauru, PNG asylum-seeker processing centres', *The Australian* 13 August. Available from: <http://www.theaustralian.com.au/national-affairs/immigration/labor-caucus-backs-expert-panel-on-asylum-policy/news-story/d8f8bfeff005d97b77de9c883b11cbf5>.

Packham, B & Shanahan, D 2013, 'Kevin Rudd quits as leader as Tony Abbott storms to victory', *The Australian* 9 September. Available from: <http://www.theaustralian.com.au/national-affairs/election-2013/tony-abbott-set-for-crushing-election-victory-with-exit-poll-predicting-a-landslide/news-story/05f0b4487d56c535acfadd7fa06eb9ce>.

Park, M 2012, 'Which countries take in most refugees? Not the West', *CNN* 5 July. Available from: <http://edition.cnn.com/2012/07/05/world/asia/refugees-asylum-statistics/>.

Parliament of Australia 2004, *Temporary Protection Visas*. Available from: <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22library%2Fprspub%2FB7GC6%22>.

Parliament of Australia 2006, *Migration Amendment Bill 2006*. Available from: <http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/bd/bd0506/06bd138>.

Parliament of Australia 2015, *Boat arrivals and boat 'turnbacks' in Australia since 1976: a quick guide to the statistics*. Available from: <http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1516/Quick_Guides/BoatTurnbacks>.

Parliament of Australia 2015, *Taking the responsibility: conditions and circumstances at Australia's regional processing centre in Nauru*. Available from: <http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Regional_processing_Nauru/Regional_processing_Nauru/Final_Report>.

Parliament of Australia 2016, *Australia's offshore processing of asylum seekers in Nauru and PNG: A Quick Guide to statistics and resources*. Available from: <http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1516/Quick_Guides/Offshore>.

Pederson, A, Watt, S & Hansen, S 2006, 'The role of false beliefs in the community's and the federal government's attitudes towards Australian asylum seekers', *Australian Journal of Social Sciences*, vol. 41, no, 1, pp. 105-123. Available from: <JSTOR>.

Pert, A 2015, 'Are air strikes against IS in Syria lawful?', *ABC News* 24 August. Available from: <http://www.abc.net.au/news/2015-08-24/pert-are-air-strikes-against-is-in-syria-lawful/6720658>.

Phillips, J, Spinks, H 2011, *Boat arrivals in Australia since 1976*, Parliament of Australia. Available from: <http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2011-2012/BoatArrivals#_Toc285178605>.

Phillips, J 2012, *The 'Pacific Solution' revisited: a statistical guide to the asylum seeker caseloads on Nauru and Manus Island*, Parliament of Australia. Available from: <http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/PacificSolution>.

Phillips, J & Spinks, H 2013, *Immigration detention*, Parliament of Australia. Available from: <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22library%2Fprspub%2F1311498%22>.

Phippen, JW 2016, 'Australia's Controversial Migration Policy', *The Atlantic* 29 April. Available from: <https://www.theatlantic.com/international/archive/2016/04/australia-immigration/480189/>.

Phillips, M 2013, 'Defining 'success' in the asylum seeker debate', *The Conversation* 23 July. Available from: <https://theconversation.com/defining-success-in-the-asylum-seeker-debate-16296>.

Phillips, M 2013, 'Tough guys: Operation Sovereign Borders vs the PNG Solution', *The Conversation* 27 July. Available from: <https://theconversation.com/tough-guys-operation-sovereign-borders-vs-the-png-solution-16443>.

Phillips, J 2014, *Boat arrivals in Australia: a quick guide to the statistics*, Parliament of Australia. Available from: <http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1314/QG/BoatArrivals>.

Phillips, J 2014, *A comparison of Coalition and Labor government asylum policies in Australia since 2001*, Parliament of Australia. Available from: <http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1314/AsylumPolicies>.

Phillips, J 2015, *Boat arrivals and boat 'turnbacks' in Australia since 1976: a quick guide to statistics,* Parliament of Australia. Available from: <http://apo.org.au/files/Resource/parliamentarylibrary_boatarrivalsandboatturnbacksinaustraliasince1976_sep_2015.pdf>.

Phillips, J 2015, *Asylum seekers and refugees: what are the facts?,* Parliament of Australia. Available from: <http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1415/AsylumFacts#_Toc413067440>.

Pickering, H 2014, 'A theoretical case against Australian ISIS Intervention', *The Diplomat* 1 October. Available from: <http://thediplomat.com/2014/10/a-theoretical-case-against-australia-intervention-against-isis/>.

PM Transcripts 2000, *Opening of the Coastwatch National Surveillance Centre*. Available from: <http://pmtranscripts.pmc.gov.au/release/transcript-11717>.

Purkiss, J & Serle, J 2017, 'Obama's covert drone war numbers: ten times more strikes than Bush', *The Bureau of Investigative Journalism* 17 January. Available from: <https://www.thebureauinvestigates.com/2017/01/17/obamas-covert-drone-war-numbers-ten-times-strikes-bush/>.

Radio New Zealand 2013, *New Nauru President prioritises stable government*. Available from: <http://www.radionz.co.nz/international/pacific-news/212840/new-nauru-president-prioritises-stable-government>.

Refugee Council of Australia 2014, *Use of Temporary Humanitarian Concern visas as an alternative to Temporary Protection visas*. Available from: <https://www.refugeecouncil.org.au/r/pb/THC_140206.pdf>.

Refugee Council of Australia 2016, *Operation Sovereign Borders and offshore processing statistics*. Available from: <http://www.refugeecouncil.org.au/getfacts/statistics/aust/asylum-stats/operation-sovereign-borders-offshore-detention-statistics/>.

Refugee Council of Australia 2016, *Timeline*. Available from: <http://www.refugeecouncil.org.au/getfacts/timeline/>.

Ritchie, J 2013, 'Colonialism, sovereignty and aid: what refugees mean for PNG', *The Conversation* 24 July. Available from: <https://theconversation.com/colonialism-sovereignty-and-aid-what-refugees-mean-for-png-16318>.

Roberts, G 2014, 'Australian border protection vessels 'breached Indonesian territorial sovereignty', Scott Morrison', *ABC News* 4 February. Available from: <http://www.abc.net.au/news/2014-01-17/australia-breached-indonesian-territorial-sovereignty-morrison/5204746>.

Rourke, A 2013, 'Julia Gillard ousted as Australia prime minister', *The Guardian* 26 June. A

Rourke, A 2013, 'The man to promised to 'stop the boats', sails to victory', *The Guardian* 7 September. Available from: <https://www.theguardian.com/world/2013/sep/07/australia-election-tony-abbott-liberal-victory>.
vailable from: <https://

Rourke, A 2013, 'Tony Abbott, the man who promised to 'stop the boats', sails to victory, The Guardian 7 September. Available from: <https://www.theguardian.com/world/2013/sep/07/australia-election-tony-abbott-liberal-victory>.
www.theguardian.com/world/2013/jun/26/julia-gillard-australia-prime-minister-kevin-rudd >.

Rothwell, D 2014, 'The legal case for Iraq intervention', *ABC News* 28 August. Available from:

<http://www.abc.net.au/news/2014-08-28/rothwell-the-legal-case-for-iraq-intervention/5702584>.

Ruddock, P 2002, 'The immigration policies of the Commonwealth Government', *National Observer - Australia and World Affairs*, no. 40, p. 11. Available from: U.S. History in Context <galegroup.com/apps/doc/A93136014/UHIC?u=43wien&xid=7918e43d>.

Rudd 2006, 'Faith in Politics', *The Monthly*. Available from: <https://www.themonthly.com.au/monthly-essays-kevin-rudd-faith-politics--300>.

Rudd, K 2013, 'Kevin Rudd's statement on sending all boat asylum seekers to PNG – full text', T*he Guardian* 19 July. Available from: <https://www.theguardian.com/world/2013/jul/19/kevin-rudd-statement-asylum-seekers>.

Rudd, K 2013, *Transcript of Joint Press Conference with President of Nauru, Minister for Immigration – Brisbane*, PM Transcripts. Available from: <http://pmtranscripts.pmc.gov.au/release/transcript-22782>.

Sackur, S 2015, *BBC World News's HARDtalk (TV programme) with Julia Gillard* 18 June 2015. Available from: <https://www.theguardian.com/world/video/2015/jun/18/julia-gillard-immigration-policy-video>.

Saikal, A 2016, 'A zone of conflicts within conflicts', *The Sydney Morning Herald*, 9 September. Available from: <http://www.smh.com.au/comment/a-zone-of-conflicts-within-conflicts-20160909-grchim.html>.

Save the Children 2016, *Media Release*. Available from: <https://www.savethechildren.org.au/about-us/media-and-publications/media-releases/media-release-archive/years/2016/new-report-reveals-the-$9.6-billion,-human-and-strategic-costs-of-australias-refugee-and-asylum-seeker-policies-save-the-children-and-unicef-australia>.

Schaefer, MS, Scheffran, J, Penniket, L 2016, 'Securitization of media reporting on climate change? A cross-national analysis in nine countries', *Security Dialogue*, vol. 47, no. 1, pp. 76-96. Available from: <SAGE>.

Schloenhardt, A 2001, 'Trafficking in migrants: Illegal migration and organized crime in Australia and the Asia Pacific region', *International Journal of the Sociology of Law*, No. 29, pp. 331-378. Available from: <www.ideallibrary.com>.

Schmidtke, O 2015, 'Why Germany is taking in so many refugees – the benefits and risks', *CBC News* 14 September. Available from: < http://www.cbc.ca/news/world/why-germany-is-taking-in-so-many-refugees-the-benefits-and-risks-1.3226962>.

Scott 2015, 'Australia switches leaders again as Turnbull ousts Abbott', Bloomberg 14 September. Available from: <https://www.bloomberg.com/news/articles/2015-09-14/turnbull-defeats-abbott-to-become-new-australian-prime-minister>.

Shanahan, R 2014, 'Australia in Iraq: the ultimate pragmatist intervention', *ABC News* 15

September. Available from: <http://www.abc.net.au/news/2014-09-15/shanahan-australia-in-iraq-the-ultimate-pragmatist-intervention/5744090>.

Silove, D, Steel, Z, Richard, FM 2001, 'Detention of asylum seekers: assault on health, human rights, and social development', *The Lancet*, vol. 357, no. 9266, pp. 1496-7. Available from: <ProQuest>.

Simms, M, Warhurst, J 2000, *Howard's Agenda: The 1998 Australian Election*, University of Queensland Press.

Snow, D & Wroe, D 2016, 'Chilcot Inquiry: Former prime minister John Howard defends 2003 Iraq decision', *The Sydney Morning Herald* 7 July. Available from: <http://www.smh.com.au/federal-politics/political-news/chilcot-inquiry-former-prime-minister-john-howard-defends-2003-iraq-decision-20160707-gq0oph.html >.

Song, J 2016, 'What do we know about the Central American refugee deal between the US and Australia?', *Lowy Institute*. Available from: <https://www.lowyinstitute.org/publications/what-do-we-know-about-central-american-refugee-deal-between-us-and-australia>.

Sosnowski, M 2015, 'Australia's humanitarian response to the Syrian crisis', *The Strategist* 26 May, Australian Strategic Policy Institute. Available from: <https://www.aspistrategist.org.au/australias-humanitarian-response-to-the-syrian-crisis/>.

Spinks, H 2011, *Australia-Malaysia asylum seeker transfer agreement*, Parliament of Australia. Available from: <http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2011/July/Australia-Malaysia_asylum_seeker_transfer_agreement>.

Squires, N 2007, 'US and Australia to swap asylum seekers', *The Telegraph* 18 April. Available from: <http://www.telegraph.co.uk/news/worldnews/1549000/US-and-Australia-to-swap-asylum-seekers.html>.

Stanzel, A 2016, *'Eternally displaced: Afghanistan's refugee crisis and what it means for Europe'*, The European Council on Foreign Relations. Available from: <http://www.ecfr.eu/publications/summary/eternally_displaced_afghanistans_refugee_crisis_and_what_it_means_for_europ>.

Stephen, S 2005, *Refugees and the rich-world fortress*, Resistance Books.

Stevens, C.A. 2002, 'Asylum Seeking in Australia', *The International Migration Review*, vol. 36, no. 3, pp. 864-893. Available from: <http://www.jstor.org/stable/4149566>.

Storr, C 2013, 'Nauruan democracy works in a Nauruan way', *The Interpreter*, Lowy Institute June 13. Available from: <https://www.lowyinstitute.org/the-interpreter/nauruan-democracy-works-nauruan-way>.

Stott-Despoja, N & Bartlett, A 2001, 'ANZUS? ANZ who?', *Australian Journal of International Affairs*, vol. 55, no. 2, pp. 287-300. Available from: <DOI 10.1080/10357710120066966>.

Taylor, S 2007, 'Australia's Pacific Solution Mark II: The Lessons to be Learned', *UTS Law Review (Offshore Processing of Asylum Seekers The Search for Legitimate Parameters)*, pp. 106-124. Available from: <http://www.austlii.edu.au/au/journals/UTSLawRw/2007/8.pdf>.

Taylor, S 2011, 'Asylum seeker processing in East Timor: a solution for whom?', *Inside Story* 9 March. Available from: <http://insidestory.org.au/asylum-seeker-processing-in-east-timor-a-solution-for-whom>.

Taylor, S 2012, 'Wicked problems and good intentions' *Inside Story* 20 August. Available from: <http://insidestory.org.au/wicked-problems-and-good-intentions/>.

The Age 2016, 'Turnball is right to resist the US call for extra help against IS', *The Age* 15 January. Available from: <http://www.theage.com.au/comment/ct-editorial/turnbull-is-right-to-resist-the-us-call-for-extra-help-againstis-20160114-gm5ivm.html>.

The Asia Foundation 2016, *Afghanistan Survey*. Available from: < http://asiafoundation.org/where-we-work/afghanistan/survey/>.

The Costs of War 2016, *Afghan Refugees*, Brown University's Watson Institute for International and Public Affairs. Available from: <http://watson.brown.edu/costsofwar/costs/human/refugees/afghan>.

The Department of Foreign Affairs and Trade 2016, *Humanitarian response to the Syria crisis*. Available from: <http://dfat.gov.au/about-us/publications/Pages/fact-sheet-humanitarian-response-to-the-syria-crisis.aspx>.

The Hon Stephen Smith MP 2008, *Re-engagement with the United Nations on torture*, Australian Minister of Foreign Affairs. Available from: <http://foreignminister.gov.au/releases/2008/fa-s080517.html>.

The Refugee Council of Australia 2016, *UNHCR Global Trends 2015 – How Australia compares with the world*. Available from: <http://www.refugeecouncil.org.au/getfacts/statistics/unchr2015/>.

The World Bank 2016, *Syria Overview*. Available from: <http://www.worldbank.org/en/country/syria/overview >.

Thompson, J 2011, 'Australia, Malaysia sign refugee deal, *ABC News* 25 July. Available from: <http://www.abc.net.au/news/2011-07-25/malaysia-signs-refugee-deal/2809512>.

Topsfiled, J 2007, 'Pacific Solution to be abolished', *The Age* 1 December. Available from: <http://www.theage.com.au/news/national/pacific-solution-to-be-abolished/2007/12/01/1196394637575.html >.

UNHCR 1997, *UNHCR Note on the Principle of Non-Refoulement*. Available from: <http://www.refworld.org/docid/438c6d972.html>.

UNHCR 2002, *Statistical Yearbook 2002*: *trends in displacement, protection and solution*. Available from: <http://www.unhcr.org/41206f7c0.html>.

UNHCR 2012, *UNHCR releases report critical of Nauru processing centre.* Available from: <http://www.unhcr.org/news/latest/2012/12/50cb0f759/unhcr-releases-report-critical-nauru-processing-centre.html>.

UNHCR 2013, *UNHCR finds significant legal and operational inadequacies at Manus Island.* Available from: <http://unhcr.org.au/wp-content/uploads/2015/05/unhcr-finds-significant-legal-and-operational-inadequacies-at-manus-island.pdf>.

UNHCR 2014, *Asylum level and trends in industrialized countries*. Available from: <http://www.unhcr.org/statistics/unhcrstats/551128679/asylum-levels-trends-industrialized-countries-2014.html>.

UNHCR 2015, *UNHCR warns of dangerous new era in worldwide displacement as report shows almost 60 million people forced to flee their homes.* Available from: <http://www.unhcr.org/55813f0e6.html>.

UNHCR 2016, *The 1951 Refugee Convention*. Available from: <http://www.unhcr.org/1951-refugee-convention.html>.

UNHCR 2017, *Tough choices for Afghan refugees returning home after years in exile*. Available from: <http://www.unhcr.org/news/briefing/2017/2/589453557/tough-choices-afghan-refugees-returning-home-years-exile.html?query=Afghanistan>.

United Nations 2016, *Addressing Large Movements of Refugees and Migrants*. Available from: <http://refugeesmigrants.un.org/summit>.

UN Refugee Summit: Australia to maintain annual intake, 2016 (video file). Available from: <https://www.youtube.com/watch?v=yH5oKjkdYCg>.

Van Berlo, P 2015, 'Australia's Operation Sovereign Borders: discourse, power, and policy from crimmigration perspective', *Refugee Survey Quarterly*, vol. 34, no. 4, pp. 75-104. Available from: <Oxfordjournals.org>.

Van Evera, S 2006, 'Assessing US strategy in the war on terror', *The ANNALS of the American Academy of Political and Social Science*, vol. 607, no. 1, pp. 10-26.

Waraich, O 2016, *Pakistan: Afghan refugees still languish in limbo*, Amnesty International. Available from: <https://www.amnesty.org/en/latest/news/2016/08/afghan-refugees-lives-in-limbo/>.

Webb, D 2013, 'Outsourcing our dirty work: the truth about Nauru', *ABC News* 12 June. Available from: < http://www.abc.net.au/news/2013-06-11/webb-nauru/4746092>.

Whiteman, H 2010, 'Hanson says 'pathetic' Australian PM to blame for boat deaths', *CNN* 16 December. Available from: <http://edition.cnn.com/2010/WORLD/asiapcf/12/16/australia.asylum.seekers/>.

Whyte, S 2014, 'Human rights anger as Abbott government issues TPVs in new guise', *The Sydney Morning Herald* 8 February. Available from: <http://www.smh.com.au/federal-politics/political-news/human-rights-anger-as-abbott-government-issues-tpvs-in-new-guise-20140207-327hv.html>.

Whyte, S 2014, 'Migration laws pass the Senate after gaining support of crossbenchers', *The Sydney Morning Herald* 5 December. Available from: <http://www.smh.com.au/federal-politics/political-news/migration-laws-pass-the-senate-after-gaining-support-of-crossbenchers-20141204-120jtu.html>.

Whyte, S 2014, 'Scott Morrison reintroduces temporary visas for asylum seekers', *The Sydney Morning Herald* 7 February. Available from: <http://www.smh.com.au/federal-politics/political-news/scott-morrison-reintroduces-temporary-visas-for-asylum-seekers-20140207-326v3.html>.

Whyte, S 2014, 'More than 62,000 people living illegally in Australia', *The Sydney Morning Herald* 26 December. Available from: <http://www.smh.com.au/federal-politics/political-news/more-than-62000-people-living-illegally-in-australia-20141226-12dxod.html>.

Widmaier, W.W. & Glanville, L. 2015, 'The benefits of norm ambiguity: constructing the responsibility to protect across Rwanda, Iraq and Libya', *Contemporary Politics*, vol. 21, no. 4, pp. 367-383. Available from: http://dx.doi.org/10.1080/13569775.2015.1014178

World Bank 2016, *Afghanistan Overview*. Available from: <http://www.worldbank.org/en/country/afghanistan/overview>.

World Bank 2016, *Iraq Overview*. Available from: <http://www.worldbank.org/en/country/iraq/overview>.

Wood, T & McAdam, J 2012, '*Australian Asylum Policy all at sea: an analysis of plaintiff M70/2011 v Minister for Immigration and Citizenship and the Australia-Malaysia arrangement*', International &Comparative Law Quarterly, vol. 61, no. 1, pp. 274-300. Available from: < https://www.cambridge.org>.

Wroe, D 2015, 'West should learn from Iraq and Lybia, says Russian envoy Vladimir Morozov', *The Age* 23 November. Available from: <www.theage.com.au>.

Zylinska, J 2004, 'The universal acts: Judith Butler and the biopolitics of immigration', *Cultural Studies*, vol. 18, no. 4, pp. 523-537. Available from: <www.tandf.co.uk>.