‘Humanitarian borderwork’: Identifying tensions between humanitarianism and securitization for government contracted NGOs working with adult and unaccompanied minor asylum seekers in Australia

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Abstract
This article challenges the common assumption that non-government organizations (NGOs) are ‘natural allies’ to asylum seekers in transforming borders from below by examining theories of humanitarianism within the context of securitization. Our article examines the theoretical and policy implications of the ‘humanitarian borderwork’ of NGOs, defined as practices that contain a security logic that construct, shift and erase internal and external borders. Our case study explores the involvement of government contracted NGOs in the delivery of services to adult and unaccompanied minor asylum seekers on the community detention and release programme in Australia. Documentary analysis of policy and contractual arrangements informing the establishment of community detention and release is supplemented by key informant interviews with government officials and service providers. We analyse the contradictory tensions that

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exist between humanitarian objectives that seek to ‘transform borders from below’ and governmental security imperatives that tend to co-opt agencies and limit their ability to achieve humanitarian aims. Based on the case study presented, we illustrate how the ‘humanitarian borderwork’ of NGOs can shape the translation of government power and contribute to the government agenda of border securitization.

**Keywords**
Asylum seekers, humanitarianism, non-government organizations, refugees, securitization of migration, unaccompanied minors

**Introduction**

Policies and practices predicated upon the securitization of migration are now at the core of refugee and asylum policies in many countries across the globe (Aas and Bosworth, 2013). The securitization of migration relies on perceptions of a crisis at our borders that necessitates the introduction of stringent measures to restrict access to external borders and increase domestic surveillance through enhanced internal border controls (Weber, 2013). In practice, ‘illegalized travellers’ who bypass external border controls, many of whom subsequently apply for asylum, face exclusionary internal borders that render their stay precarious (Gerard, 2014; Vecchio, 2015). A complex mesh of often paradoxical practices of assistance and deterrence have merged to produce an ‘uneasy alliance’ between securitization imperatives and humanitarian care, referred to by Walters (2011: 145) as the ‘humanitarian border’. Additionally, we have witnessed a proliferation of state and non-state actors engaged in ‘borderwork’—defined as practices that construct, shift and erase internal and external borders (Loftus, 2015). The rise of humanitarian players—both state and non-state—situated at the intersection of border control and the criminal justice system remains underexplored (Bosworth et al., 2018). In this article we examine the theoretical and policy implications of the ‘humanitarian borderwork’ of non-government organizations (NGOs) serving adult and unaccompanied minors seeking asylum in Australia. Our research analyses the contradictory tensions between humanitarian objectives that strive to be transformative for asylum seekers and the securitization agenda of government which ultimately seeks to deter asylum seekers from arriving and staying in Australia.

Over the past two decades, the securitization of migration has meant that the role traditionally attributed to policing—that is, to establish and maintain an ordered society—is being undertaken by an increasing number and range of agents. Educational institutions, the medical profession, landlords, employers and NGOs are now entangled in the production and enforcement of legal and ‘symbolic’ borders (Ericson and Haggerty, 1997). In times of heightened globalization and the pursuit by the state of new ways of ensuring control (Weber, 2013), new risk management strategies developed by government are serving to ‘identify, classify and administer problematic sectors of the population’ (Singh, 2005: 154; see also Feeley and Simon, 1994). Agencies that are recruited to actualize government aims and policy become part of the ‘apparatuses of security’ (Fleay and
Hoffman, 2014). The prevailing assumption that the non-state sector is a positive transformative force is ‘founded on a set of assumptions that require critical interrogation’ (Green et al., 2007: 100). This raises new challenges for NGOs in their delivery of services to asylum seekers.

Scholars have begun to theorize about the role of humanitarian discourse, governance and practice in border policing (Aas and Gundhus, 2015; Pallister-Wilkins, 2015). Conventional academic and public policy definitions posit that humanitarianism is about saving lives and alleviating suffering, making it a powerful and subjective concept (Feldman and Ticktin, 2010). As we explore in this article, however, humanitarianism performs a dual and often contradictory role: it is utilized by various agencies to justify the care of ‘at-risk’ populations and it is also increasingly relied upon by state and non-state actors to legitimize border policing (Pallister-Wilkins, 2015).

Internationally, many governments look to Australia’s approach to securitizing migration as an exemplar, making it a key player in the reception and treatment of asylum seekers globally. This article traces the theoretical contours of the ‘humanitarian borderwork’ of NGOs in their delivery of services to asylum seekers in community detention and community release in Australia. The former group are technically ‘detained’ under the Migration Act 1958 (Cth) in non-secure locations that have been designated as places of detention. The latter group have been released from immigration or community detention and require support to live in the community. Our case study focuses in particular, on the arrangements for unaccompanied minors, children who have arrived in Australia without parents or adult guardians. There is a paucity of research on the experiences of this cohort, especially upon arrival. Unaccompanied minors rely on government support after their arrival, services that are primarily delivered by ‘government contracted NGOs’. These are defined as those NGOs who successfully tendered for government contracts as part of a competitive process, to deliver the community detention and release programme, known as the Status Resolution Support Service (SRSS).

This article explores the ‘humanitarian borderwork’ of government contracted NGOs by drawing on documentary analysis of policy and contractual arrangements between the government (represented by the Department of Human Affairs formerly the Department of Border Protection) and the NGOs that administer the SRSS. These documents provide an overview of the expectations on both parties and offer a window through which to evaluate the power being exercised by government contracted NGOs (Garland, 1997). Documentary analysis is supplemented by qualitative research with key informants to further illustrate how tensions between humanitarianism and securitization are negotiated by government contracted NGOs. Empirical data for this article are sourced from a larger empirical study conducted in 2016 and 2017 that interviewed 28 key informants from the NGO, health, legal, education and government sectors. While this larger project did not set out to deliberately target SRSS caseworkers from government contracted NGOs, important critical insights into the operation of the SRSS emerged. In this article we draw on nine key informant interviews with service providers from legal (n = 1), education (n = 3), government contracted NGOs (n = 4) and the Department of Home Affairs (DHA) (n = 1), that spoke to the operation of the SRSS. A limitation of our study is the absence of asylum seeker voices and the perspectives of ‘rank and file’ workers within government contracted NGOs as only one of the four SRSS workers interviewed
was a direct service provider. We have sought to address this gap by including material from interviews with other service providers—teachers and lawyers—who work directly with SRSS caseworkers and adult unaccompanied minor asylum seekers. Our own existing research programmes are informed by decades of practice with asylum seekers, NGOs and legal organizations (Gerard, 2013, 2014, 2017; Weber, 2006, 2013, 2015).

In what follows, we first analyse the theoretical implications of humanitarianism for criminology. Next, we examine the literature on the securitization of migration and, in the absence of specific literature about the ‘humanitarian borderwork’ of NGOs, consider research that has examined the increasing involvement of NGOs in the delivery of services within the criminal justice system (Tomczak and Thompson, 2017). In our case study, relying in the first instance on our documentary analysis and supported by interview material that illustrates key points, we interrogate the role of humanitarianism in the borderwork of government contracted NGOs in their delivery of services to adult and unaccompanied minor asylum seekers in Australia.

Humanitarianism and the securitization of migration

Unlike other disciplines—such as anthropology—historically, criminology has not fixed its critical lens on the work of NGOs in providing humanitarian relief to asylum seekers and refugees. Before surveying this literature, we note the absence of a coherent and consistent definition of ‘humanitarianism’ (Watson, 2011). In academic and public policy domains, definitions of ‘humanitarian’ and ‘humanitarianism’ arguably coalesce around the value of human life and human dignity as the objects of security (Feldman and Ticktin, 2010). The International Committee of the Red Cross proclaims the view that humanitarianism is apolitical and based on concepts of impartiality, independence and neutrality in serving to protect and restore human life and dignity (Pallister-Wilkins, 2017).

One emerging domain of study within the criminology of mobility concerns the operationalization of humanitarianism. In developing the concept of ‘humanitarian government’, Fassin (2011) is critical of assemblages of power that use humanitarian reason and the notion of a higher moral purpose to legitimate certain actions by government and non-government agencies. Walters (2011: 144) uses this concept to characterize the ‘birth of the humanitarian border’, which he argues occurs in specific contexts and sites where irregular migrants are subject to simultaneous processes of care and control, or ‘abjection’ and ‘reception’. Humanitarianism is utilized to both manage disasters and secure mobile populations (Pallister-Wilkins, 2018). We have seen many examples globally of governments operationalizing humanitarian concerns to promote discourses, policies and practices of the securitization of migration (Pallister-Wilkins, 2015). Australia’s policy of turning back boats, for example, is depicted as preventing the loss of lives at sea (Pickering, 2014). The safety of migrants and border policing are presented uncritically as mutually achievable outcomes (Pallister-Wilkins, 2015). For Watson (2011: 5), humanitarianism is a:

structured field in which certain actors hold a privileged position in the enunciation of human insecurity, in which a reified and monolithic form of humanity is declared, and that supports existing international norms pertaining to the provision of security for humans.
Humanitarianism thus supports the status quo and ‘liberal political order’ (Pallister-Wilkins, 2018). Although, humanitarianism can also operate in ways that are both inclusionary and exclusionary (Cuttitta, 2017).

Recent criminological scholarship has sought to evaluate the tensions between humanitarian and securitization discourse, policies and practices and how actors resolve these tensions. In the Global South context, research by Lee (2013: 140) has shown how the formation of alliances between local and international NGOs focused on counter-trafficking constitutes ‘novel assemblages in border policing’. Lee outlines how these alliances can perpetuate stereotypes of women in trafficking discourse and reduce the migration options for women. Hadjimatheou and Lynch’s (2017) research on the perceptions of Safeguarding and Anti-Trafficking (SAT) officers based at a UK airport focused on the tensions between officers’ humanitarian and border control duties. The approach of these officers was to professionalize the humanitarian aspects of the work and to try to separate it from the immigration functions. The political desire to promote a ‘tough law enforcement culture’ within the UK Border Force was seen as complicating the ability of SAT officers to perform their role (Hadjimatheou and Lynch, 2017: 961).

In analysing the EU border control agency Frontex, Aas and Gundhus (2015) highlighted the tensions between, on the one hand, the policies and practices of securitization in border policing within the EU, and, on the other, the perception of the humanitarian ideal that is popularly conceived as a signifier of EU identity. ‘Humanitarian gestures’, defined as providing water to interviewees, and perhaps some chocolate, were perceived by the authorities as enhancing the cooperation of irregular migrants with official procedures. In effect, humanitarianism was found to be operating as essential to securitization. Pallister-Wilkins (2015) argues that the humanitarian mission of Frontex helps to off-set criticism of the agency within European Union institutions and expand its reach as a policing agency.

Aas and Gundhus argue that human rights are not absent in this new operating environment as some would claim. Rather, their research found that border agents perceived human rights as a risk to manage. Aas and Gundhus (2015: 14) characterize this fluid and conflicting policing environment as the ‘humanitarian borderlands’, whereby the language of humanitarianism and human rights are utilized to frame the mission and the dual and frequently contradictory roles of care and control are performed by agents in ‘deeply inhumane conditions’. This construction reinforces the legitimizing effect of humanitarianism for the officers’ and the organization’s mission. The research by Aas and Gundhus focuses on agencies and officers with a policing and security mandate. It is unclear how the borderwork of NGOs, who have historically delivered social services with a humanitarian mandate, would be characterized in the humanitarian borderlands; this theoretical gap is the catalyst for our analysis of the ‘humanitarian borderwork’ of NGOs.

There has been very limited empirical research on the involvement of NGOs in their borderwork with asylum seeking children. From a theoretical perspective, Bhabha (2006) is critical of the treatment of children in human rights doctrine; at the same time as they are singled out within humanitarian systems for special attention, they are assumed to be inferior to adults in their ability to express agency and to have their voices privileged. In human rights rhetoric children ‘are included in the broad scope of protection, but [are] peripheral to the framing conception of agency’ (Bhabha, 2006: 1526). The perceived lack
of agency of children, Bhabha argues, leads to diluted legal rights in relation to family reunion and deportation. However, children’s expression of agency in crossing borders poses a direct challenge to this assumption, particularly where the border has been crossed without state authorization. Illicit border crossing by children heightens their vulnerability, leaving them open to higher levels of surveillance. This places obligations on NGOs to ensure that the interests of children are accurately represented and protected.

The literature on humanitarianism that we have reviewed here suggests that the operationalization of humanitarianism may enable securitization to flourish and hamper NGO efforts to be transformative ‘from below’ to assist asylum seekers in need. Before applying this critique to the borderwork of NGOs we next consider the existing literature on NGOs in the criminal justice system. This literature considers the tensions between support and surveillance in delivering services to (ex-)offenders and offers insights for our analysis of the ‘humanitarian borderwork’ of NGOs.

**NGOs in the criminal justice system**

NGOs are increasingly relied upon to deliver social services within the criminal justice system (Kaufman, 2015). NGOs can encompass a diverse array of voluntary organizations with funding streams from government and other sources (Tomczak, 2017). Behaviour change programmes, community service and post-release services (Maguire, 2012), are just three areas in which NGO involvement in managing and delivering services has grown rapidly. Scholars have applied governmentality theory to account for the (intentional or unintentional) recruitment of agencies including NGOs as deputies for governments when engaging in work that translates power to govern ‘at a distance’ (Garland, 1997). The enlisting of other actors by government conforms to the neoliberal trend of responsibilization, whereby individuals, families, communities and civil society are tasked with providing redress for social problems. Through resistance or the incorporation of government imperatives into their own objectives, agencies recruited to govern ‘at a distance’ influence how power is translated (Garland, 1997: 182).

Within the criminal justice context, NGOs are often presumed by government and non-government stakeholders to be ‘inherently less punitive and more rehabilitative’ than the state (Armstrong, 2002: 346) and more inclusionary or supportive of an (ex-)offender. (For a list of reasons see Tomczak and Thompson, 2017: 3.) Proponents of the positive role of NGOs in the provision of services argue that the work of NGOs offers benefits to the recipients, is economically efficient and builds community. (For a list of reasons, see Maguire, 2012.) New Labour in the UK has claimed that the work of NGOs is innovative, flexible and even ‘transformative’ (Maguire, 2012). However, opponents of greater NGO involvement claim that outsourcing services to NGOs exploits volunteers and provides services ‘on the cheap’, delivered by poorly trained and paid staff. Further, often there are hidden costs that negate any cost saving, especially when an NGO becomes a larger organization, leading to a loss of connection with community (see Maguire, 2012).

In related research, Tomczak (2017) undertook a study of voluntary organizations in England and Wales to analyse how they affect (ex-)offenders. Analysing how these organizations were involved in transforming a voluntary programme into compulsory national practice, Tomczak exposed the ability of voluntary sector organizations to expand carceral
power spatially and temporally. Examples of resistance to the expansion of carceral power cited by Tomczak, came from dissident voluntary organizations not involved in piloting the first incarnation of the programme and not in receipt of funds from the government. Those voluntary organizations delivering the services associated with the pilot were actively involved in enabling and arguing for expansion of the supervision programme that caused penal power to swell. Tomczak’s (2017: 165) analysis revealed how supposedly inclusionary support policies actually intensified intervention and entrenched penal institutions, widening their remit, extending their control and expanding the carceral net. But Tomczak probes whether the work of NGOs must always be about expanding penal power and calls for more empirical research on the necessary conditions for supporting a beneficial contribution by the voluntary sector.

Tomczak and Thompson (2017) developed the notion of ‘inclusionary control’ to theorize penal voluntary organization’s work. Their project involved qualitative research with 11 NGO practitioners in England and Wales, who operated in organizations that delivered services to prisoners, probationers and their families. Crucially, all were primarily funded by charitable trusts and foundations and were not in receipt of competitive contracts, although two delivered services on contract for the government. Tomczak and Thompson (2017: 5) avoid the binary analysis of NGO work by depicting it as capable of being both inclusionary and exclusionary. Although the benefits could be construed as inclusionary and therefore positive, programmes that are voluntary and optional can quickly become a ‘surveillant, exclusionary extension of punishment’ (2017: 16).

Analysing the influence of funding arrangements, Tomczak and Thompson found that funding did not determine more inclusionary or exclusionary outcomes. In line with Kaufman’s (2015) previous study, Tomczak and Thompson found no difference between those in receipt of charitable funds or government contracts. As they point out, their sample did not include those in receipt of competitive funding from government. In Tomczak and Thompson’s study, one participant directly addressed the need to be wary of mission capture. A strategy for resisting was constant reflection on the organization’s principles and goals. Those organizations that received competitive grant funding from governments had to be particularly mindful of having their organizational goals distorted under pressures from government.

The border policing context poses new challenges for NGOs. Bosworth (2017: 11) acknowledges the longstanding role of NGOs in prisons, but argues that their purpose has altered within the context of immigration detention. Rather than seeking to reinte-grate or transform, these organizations aim to prepare and support those leaving detention. It is not clear in Bosworth’s research on immigration detention whether these humanitarian agencies are contracted or not, but we are alerted to the different role NGOs play in border control. Attuned to the operation of the ‘shadow carceral state’ and of penal power beyond the familiar pathways of the criminal justice system (Beckett and Murukawa, 2012), we now turn to an evaluation of the role of NGOs in constructing, shifting and erasing internal borders in Australia.

In the case study that follows we explore the ‘humanitarian borderwork’ of government contracted NGOs. Our discussion includes both adults and children but we focus separately on unaccompanied minors who experience particularly intensive surveillance as part of their care arrangements. Existing research has detailed how, historically, the care and protection
of young people by government and NGOs charged with their care has been problematic, with little demarcation between young people requiring care and those characterized as offenders (Gerard et al., 2018). We examine how the government contracted NGOs who provide services to unaccompanied minors negotiate the tensions between humanitarianism and government imperatives towards the securitization of migration.

**Translating government policy: Community detention, community release and policing asylum seekers**

This case study centres upon the ‘humanitarian borderwork’ of government contracted NGOs who administer a community detention and community release programme in Australia, known as the Status Resolution Support Service (SRSS). Whereas the management of immigration detention centres is essentially the monopoly of multinational corporations that narrowly focus on security operations, such as Serco Australia Pty Ltd, community detention and community release has been contracted to a variety of non-state actors including NGOs. NGOs delivering these services in Australia have all gone through a competitive tender process, setting it apart from previous studies (Tomczak and Thompson, 2017). Many of the government contracted NGOs that have successfully secured contracts to operate the SRSS have historically delivered social and welfare services within the community. Government contracted NGOs Life Without Barriers and the Australian Red Cross, for example, have earned over $130 million and $200 million, respectively, in government sourced income for the period 2014 to 2018 for providing these services (AusTender, 2017; LwB, 2017).² The SRSS provides an opportunity to evaluate the security logic within the ‘humanitarian borderwork’ of NGOs.

**Surveillance and support: Policing asylum seekers in community detention and release**

The SRSS was introduced in 2014 and as the name suggests, the programme combines support for asylum seekers within a system geared towards the resolution of immigration status. According to our interview respondents, around 28,000 people are currently in the programme. As previously noted, the SRSS covers asylum seekers in community detention and community release. Community detention was first introduced in 2005, under amendments to the Migration Act 1958 (Cth). The Minister for Immigration, Citizenship and Multicultural Affairs (formerly the Minister for Immigration and Border Protection) has the authority to move people into the community even though they are legally in immigration detention. This is accomplished by the legal framework governing irregular migration in Australia whereby detention is mandatory for all non-citizens without visas. Community detention was rapidly expanded in 2010 to enable children and vulnerable groups to be moved out of detention centres. In 2017, a total of 553 former detainees were living in the community including 116 male children and 87 female children (DIBP, 2017). It is not known how many of these children are unaccompanied minors. People who are subsequently released from community detention may enter community release where they are no longer detained at law and are able to access certain support services.
The aims of the SRSS programme are to provide ‘support and assistance’ to asylum seekers who have yet to resolve their immigration status, and those who have resolved their status and are transitioning to living in the community (DIBP, 2016). SRSS service providers deliver three forms of assistance: case coordination; accommodation services; and financial assistance. There are a number of ‘bands’ or organizational tiers through which SRSS services are targeted. Unaccompanied minors receive the bulk of services in Band 1 (immigration detention) and Band 2 (community detention). Band 3 pertains to families and adults in community detention. Bands 4–6 involve those people not in community detention. Band 4 refers to those leaving detention having been granted a bridging or substantive visa. The final two bands cover ‘lawful non-citizens living in the Australian community’ (Band 5) and lawful asylum seekers living in the Australian community (Band 6) (DIBP, 2017: 9). The SRSS programme is said to provide services that are in line with, and not above, community standards. In fact, asylum seekers supported on this programme are allowed only 89% of the usual social security payment, a distinction that is widely seen as enhancing the deterrence elements of the government’s border securitization policies.

In official documents there is an emphasis on ‘needs-based support’ in some aspects of the programme but little on the surveillance role SRSS service providers are required to undertake. The Code of Behaviour forms a large component of the migration policing role being tasked to SRSS service providers and constitutes a key plank of the ‘humanitarian borderwork’ of government contracted NGOs. The code was introduced in 2014 and applies to all those seeking a bridging visa to live in the community while refugee status determination is being undertaken. Failure to abide by and sign the code results in serious consequences for asylum seekers including a reduction in payments or a return to closed immigration detention. At present, only those 18 and older have to sign the code. Signing the code is taken as evidence that asylum seekers agree to behave ‘according to values that are important to the Australian community’ (DIBP, 2017). The actual Code of Behaviour is about half a page and consists of six bullet points setting out the expectations of behaviour. These include: complying with Australian laws and cooperating with lawful instructions; not sexually assaulting anyone; not committing violence or other criminal behaviour; not harassing anyone or participating in ‘anti-social or disruptive’ activities; complying with any health undertaking; and cooperating with reasonable requests from the department. The tone of the code is paternalistic and presumes asylum seekers are potentially a risky and dangerous population. The ‘anti-social’ or ‘disruptive’ activities prohibited are said to be given their ordinary meaning, but whether this prohibition might extend to lawful protest is uncertain.

Government contracted NGOs have sweeping powers to police compliance with the Code of Behaviour under their case management brief. During the transitional period after the introduction of the code they were required to supervise the signing of the code by their asylum seeker clients. That function has now reverted to DHA case managers as bridging visas come up for renewal, but SRSS caseworkers are still expected to explain and police the code. A recently released SRSS contract between the DHA and the Australian-based international NGO Australian Red Cross illustrates the magnitude of the powers granted to government contracted NGOs:
The SRSS Provider must ensure the Department is aware of any changes to the SRSS Recipient’s circumstances that may affect their ongoing eligibility for the SRSS Programme, including informing the Department of any breaches of the SRSS Recipient’s Visa, the Code of Behaviour or Residence Determination conditions, and reporting any doubts or concerns about the SRSS Recipient’s identity.

(SRSS Service Provider Contract, 2014)

This knowledge sharing is an important feature of migration policing (Weber, 2013). It demonstrates the significant role played by government contracted NGOs in keeping asylum seekers under surveillance and reporting incursions to authorities that may result in a return to detention. Even ‘doubts’ and ‘concerns’ have to be reported, which reflects a low threshold. The obligation to report breaches of the code undermines any independent advice or advocacy role of the government contracted NGOs. NGOs are co-opted to translate the Australian government’s securitization of migration agenda, bringing securitization priorities into daily interactions between asylum seekers and the SRSS as a service provider.

The extent of mission capture is apparent in this extract from one of our government contracted NGO respondents who discussed adherence to policing the Code of Behaviour:

So the department is really quite clear in relation to incident reporting. There’s a whole range of incident codes, which the organization knows very, very well. All our caseworkers understand what constitutes an incident, the timeframes for reporting it. We have a 24-hour incident reporting hotline, we have an after-hours service as part of our induction training. I suppose the team really understands risk and the risk framework, and also the compliance framework which we work in as well, contractually, so it is really to the fore.

(Group interview, SRSS Managers)

The quote demonstrates how heavily focused the DHA is on the minutiae of the Code of Behaviour and their wider risk management system, inducing a heavy enforcement workload for government contracted NGOs. In Tomczak and Thompson’s (2017) study, constant reflection on an agency’s mission was viewed as a crucial practice for guarding against mission capture. In the quote above, the government contracted NGO respondent, a senior SRSS manager within the organization, accepts their surveillance role, not reflecting on any conflict between this and their wider remit as a humanitarian organization, thus expanding the role of humanitarian actors in policing at-risk populations and enabling the exercise of enhanced exclusionary powers.

The ‘humanitarian borderwork’ of government contracted NGOs includes managing the consequences of an incident report for SRSS beneficiaries. In responding to an incident report, the DHA may require the SRSS service provider to meet with and counsel the asylum seeker. Accounting for the conduct of those in community release is a primary role of caseworkers and one that can give rise to tensions between the contractual obligations of the SRSS programme and the professional norms of contracted workers which have been shaped by a history of service provision within a humanitarian ethos. Our interviews with senior management revealed these tensions, however, our research
included only one interview with a frontline SRSS caseworker so we remain unsure about how staff handle these tensions in their day-to-day work. From the management perspective however, the contractual obligations were the priority:

I think out of professional recognition of the case team, I think there is some tension, because if we look at the position from where I sit, there are many things we have to do, and one of them, unapologetically, is to deliver on a contract. Now, the contract is quite compliance driven, and our case teams want to do more than that level of simple compliance, and so there is some tension, and I think that is to the credit of the caseworkers that say we want to do this, we see this issue.

(Group interview, SRSS Managers)

This extract demonstrates management’s commitment to the contract ‘unapologetically’, while at the same time supporting those committed caseworkers who ‘want to do more’. The dual imperatives of care and control implicit in humanitarianism are a source of tension for frontline staff.

The respondent quoted above did identify a gap in their service delivery as regards ‘meaningful outcomes’ for asylum seekers and expressed a willingness to supplement the government’s narrow focus on compliance to enact a broader conception of their ‘humanitarian borderwork’:

Where we’ve tried to move, is we’ve tried to move our organization whilst running the contract from a position that is wholly and squarely measuring simply the department’s contractual KPIs [Key Performance Indicators], to one in which we try and embed qualitative client outcomes into the work we do … We want to measure more meaningful outcomes for our clients. We’re trying to make that shift.

(Group interview, SRSS Managers)

The government contracted NGO is seeking to internally manage the contradictory mandates in the SRSS. The optional nature of ‘meaningful outcomes’ is an outcome of the structural arrangements governing community release. Humanitarian responsibilities, are conditioned by the contractual obligations of the government contracted NGO to the department with securitization the clear priority. The contradictions between humanitarian goals and securitization make it difficult for these organizations to work towards their humanitarian ethos when they must simultaneously focus on delivering the government’s securitization agenda. The contractual arrangements are such that management feel compromised in negotiating their ability to provide options for asylum seekers that make a lasting and positive contribution to their well-being. In this way, the ‘humanitarian borderwork’ of government contracted NGOs who have become part of the state apparatus, is better understood as translating the securitization agenda of government (Garland, 1997).

Our interview with a frontline SRSS caseworker added nuance to how securitization is translated at a local level, reinforcing the notion that translation is not always smooth or automatic (Garland, 1997: 182). A former SRSS caseworker we interviewed explained that most of her work with Rohingya clients involved negotiating access to health and
education services, encouraging them to learn English and trying to help them survive on a miniscule budget. She reported a lot of goodwill from private landlords and others who were waiting for overdue rent payments. She had not experienced particular tensions with the enforcement role because all of her clients had complied with their conditions. However, she reported making regular reports of their financial status to immigration authorities which she understood to be for the DHA’s ‘data work’. She found her clients often assumed she had knowledge of their immigration status and made efforts to distance herself from those questions, seeking to separate the humanitarian and immigration functions of her role. This corresponds with the research by Aas and Gundhus (2015) around border agents seeking to differentiate the two arms of their humanitarian and immigration work.

Some of the other service providers interviewed in this research project perceived the ‘humanitarian borderwork’ of government contracted NGOs to be co-opted and exclusionary. Some respondents felt that asylum seekers participating in the programme were unaware of how entangled their SRSS service providers were within government networks of surveillance and securitization, despite what our SRSS caseworker revealed about separating their functions. A legal representative who had dealt with many clients supported by the SRSS system was quick to emphasize the co-option of government contracted NGOs and the impact on asylum seekers:

They’re being paid by the Department of Immigration, they’re contracted by the Department of Immigration and they’re required to report to the Department of Immigration—and clients don’t necessarily understand that. And they’re extremely vulnerable clients—really, really vulnerable. And what they do need is an independent caseworker that actually acts in the client’s best interest. But, I don’t necessarily think that’s what their current caseworkers do.

(Legal Respondent)

In the view of this respondent, the ‘humanitarian borderwork’ of government contracted NGOs is not independent nor executed in the ‘best interest’ of their clients. Instead, asylum seekers are receiving a service from an NGO that is compromised by the nature of their relationship with the government and the securitization strategy of diluting access to legal, economic and social protections.

**Unaccompanied minors and the ‘humanitarian borderwork’ of government contracted NGOs**

Unaccompanied minors are readily recognizable as among the most vulnerable asylum seeking groups (Barrie and Mendes, 2011) and represent a specific and unique cohort within the SRSS caseload. Our research raises particular concerns about whether securitization may be overshadowing the provision of care for asylum seeking children who are likely to have experienced trauma before and during the journey to seek refugee protection, and are particularly dependent on state support. This is all the more pressing since numbers of unaccompanied minors seeking asylum in countries of the Global North are thought to be on the rise (Jorge and Amaia, 2014). An unaccompanied minor
is defined by the United Nations High Commissioner for Refugees (UNHCR, 1997) as someone who is under the age of 18 and who is ‘separated from both parents and is not being cared for by an adult who by law or custom has responsibility to do so’. The United Nations Convention on the Rights of the Child requires that the best interests of children should always be the paramount consideration across any area of social policy. This adds an extra layer of complexity to analysis of the role of NGOs providing services to this vulnerable group.

Unaccompanied minors in SRSS Band 1 are held in ‘Alternative Places of Detention’ and may only leave their assigned accommodation with an escort. These children have most of their day-to-day care needs provided by the Detention Service Provider, creating a continuity with the detention system in which they would otherwise be held. Children in Band 2 have some freedom of movement, although they are required to return to their designated accommodation every day (DIBP, 2016). As revealed in our research, both groups of unaccompanied minors are managed by a system that is constructed in terms of securitization of migration imperatives of deterrence and containment. DHA case managers who make assessments about levels of care and control, and decide on the allocation of resources and consequences for breaches of conditions are not social workers, but are specialist immigration officers working within the compliance branch of the organization.

One factor that has always differentiated unaccompanied minors from other children in mainstream care is that the Minister for Immigration, Citizenship and Multicultural Affairs is their designated legal guardian. This alone indicates the prioritization of border policing over child protection in dealings with these children. Now incorporated into the SRSS system, unaccompanied minors receive the highest level of support in the community of any asylum seeker group, but are also subject to the highest level of surveillance. They are assigned to supervised group accommodation (DIBP, 2014) and provided with a dedicated caseworker, who acts as a liaison with essential services such as schools. However, as discussed above, their caseworkers are also required to report to immigration authorities if their charges fail to attend school (other than through sickness), are subjected to any disciplinary procedures at school or leave their assigned accommodation. During 2013–2014, an unspecified number of unaccompanied minors were placed in community detention in Australia under the supervision of NGOs such as Australian Red Cross and Life without Barriers (DIBP, 2017). Some, if not all, of these organizations are experienced in the provision of care to diverse groups. This case study provides important insights as to the embedding of a security logic within the ‘humanitarian borderwork’ of government contracted NGOs providing care and protection to unaccompanied minors in community detention and community release.

The legal, social and economic position of unaccompanied minors is tenuous, and the threat of re-detention is ever-present. Our research revealed that the vulnerability of unaccompanied minors was met with a dubious commitment to providing basic resources to support their well-being and integration into schools and the community. For example, government contracted NGOs administering the SRSS programme were perceived by education service providers as being unable to provide sufficient resources to support children’s involvement in school activities. While we were told by the DHA informant in charge of the SRSS system that the Department will actually provide funds for ‘meaningful engagement activities’ for children in Band 2, such as gym membership, or to be part
of a soccer team (DHA Respondent One), teachers interviewed in our study told a different story that revealed the relative impotence of government contracted NGOs in securing essential resources for young people. They spoke of financial hardship, including strict limitations on how allocations approved by SRSS case managers within the DHA could be spent. The SRSS caseworker respondent we interviewed spoke of their frustration with the approach of Department employees and their strained relationship with SRSS caseworkers: ‘[w]e never actually got one certain person that was going to stand up for our clients … it was like they were going the merry-go-round kind of thing but never giving us a proper answer’ (SRSS caseworker). For this respondent, DHA staff were perceived as conservative and indecisive or prone to delaying decision making. While it was her motivation to stand up for her clients, this was a characteristic not shared by DHA staff. High staff turnover meant it was difficult to obtain decisions from DHA staff and when supportive contacts within DHA moved on, SRSS staff had to begin again the process of building effective working relationships. As a result, as several education sector respondents noted, basic provisions such as sporting equipment and uniforms were often paid for by the school. The management of at-risk populations by government contracted NGOs did not extend to actively supporting activities that would enhance their participation in education and related capacity-building pursuits.

The care and control arrangements for unaccompanied minors are overseen by live-in case workers employed by NGOs contracted to deliver SRSS services, who provide 24-hour supervision. SRSS Managers claimed that these staff were generally the most experienced and well qualified among their employees, and described their service as providing ‘full custodian care’ (Group Interview, SRSS Managers). However, a legal representative interviewed in our study remarked that the quality of caseworkers from this same organization was ‘hit and miss’, and lamented that someone ‘with absolutely no training at all’ could be delegated powers of guardianship over these vulnerable young people (Legal Respondent). SRSS caseworkers often visit schools to assist with the enrolment of unaccompanied asylum seeking children, so teachers interviewed in our research were also able to provide some independent observations about the ‘humanitarian borderwork’ of government contracted NGOs. One school principal noted that the new contracts involving a range of different providers had resulted in changes of residence and other upheavals for students, and a noticeable reduction in levels of care (Education Respondent 5). She felt that the caseworker role had shifted in recent times from one in which caseworkers ‘operated independently’ towards a ‘compulsion to have to report issues to the Department of Immigration and Border Protection about young people they were working with’ (Education Respondent 5). In the view of this respondent, the increased focus on complying with contractual obligations had been at the expense of independent advocacy and support to unaccompanied minors. ‘Humanitarian borderwork’ by government contracted NGOs was perceived as prioritizing securitization practices through the sharing of knowledge with the Department, a policing role that could have significant consequences for the young person and result in their return to detention.

The NGOs that provide caseworker support for unaccompanied minors in community detention and community release work within DHA’s restrictive risk management model, which they recognize as giving them ‘little room to move’ (Group interview,
SRSS Managers). Nevertheless, some individual workers sought to resist the security logic. One school principal recounted how an SRSS caseworker had tried to avoid reporting a behavioural issue involving an asylum seeking student, knowing the adverse consequences this would bring. When DHA found out about the failure to report due to enquiries made by the Department of Education in her state, the principal was pressured to identify which NGO had been involved, which she refused to do (Education Respondent 2). The SRSS caseworker that we interviewed had not been tested in this way as no compliance issues had arisen with her clients. Although possibly an isolated incident, this example reveals how NGOs risk facing disciplinary action and loss of contracts for breaches of contractual requirements. The consequences for employees of resisting co-option by prioritizing the interests of the child over the governments are substantial and often entangle other service providers in the process.

The arrangements discussed so far for the care and control of unaccompanied minors reflect a distinct role for the ‘humanitarian borderwork’ of NGOs in translating government power and enhancing border securitization. Their work as allies of unaccompanied minors is challenged and at times superseded by their commitment to their contractual and funding obligations that emphasize deterrence and containment. Additional examples provided by education respondents involved even more extreme forms of securitization. Most commonly reported was the ‘disappearance’ of students. Unaccompanied children were said to be easier to remove than whole families and therefore particularly vulnerable to sudden and unannounced enforcement action by the DHA (Education Respondent 2). These disappearances were said to create a ‘ripple effect’ of fear among other asylum seeking students. In other circumstances, teachers reported that children had been escorted to school by armed guards. This was described as ‘very challenging and distressing to the school community’ (Education Respondent 7). One particularly active school principal managed to negotiate the return to school of several students who had been re-detained. However, they subsequently arrived at school escorted by five armed guards, prompting her to complain to the detention centre manager (Education Respondent 2).

The examples presented here point to structural problems with the support arrangements made for unaccompanied minors seeking asylum in Australia, and the struggles that many NGO workers experience trying to find their own balance between humanitarian goals and security mandates. While not a comprehensive analysis of the functioning of the SRSS system for unaccompanied minors, our research demonstrates concerning conflicts between care, protection and securitization in the ‘humanitarian borderwork’ of NGOs entrusted with the protection of vulnerable children.

Importantly, Bhabha’s (2006) critique of the lack of attention to the agency of children in human rights doctrine is relevant to this case study. Unaccompanied minors receive special attention within the SRSS but their agency is unsupported by the government contracted NGOs who administer their care. The education respondents interviewed in this study did support the agency of children by advocating for their inclusion in the school community and even resisting their deportation. However, the contractual obligations of government contracted NGOs provide little space for even well-intentioned caseworkers to advocate in the best interests of these children.

Our analysis has shown that the systems in place to support unaccompanied asylum seeking children are heavily weighted towards securitization and enforcement. The
Humanitarian borderwork undertaken by these government contracted NGOs is centred upon meeting policing outcomes: reporting breaches; managing government indecision; managing breaches; and promoting compliance. The contractual nature of the humanitarian assistance translates to very little in the way of support to unaccompanied minors in their schooling and associated activities. More work is needed to understand the outcomes this produces for young people in the system, and this work should be informed by the existing knowledge about the effects of out-of-home care on young people in contact with the criminal justice system. The approach taken by the school principal (Education Respondent 2) whose campaigning for young asylum seekers has featured in this discussion, illustrates how the interests and agency of children can be protected by advocacy that is truly independent of enforcement systems. As she explains:

After a meeting with officials from Immigration in the city I secured a right for the boys to mount their own case because arguing from the Convention on the Rights of the Child, that they had a voice, they were capable of arguing.

(Education Respondent 2)

This approach supports the agency and human dignity of young asylum seekers; unfortunately, those in our study felt that such an approach is currently unattainable within the structural constraints faced by the government contracted NGOs who serve young asylum seekers in Australia.

Conclusion

Our intention in this article has been to evaluate the tensions within the ‘humanitarian borderwork’ of government contracted NGOs administering the community detention and release of asylum seekers in Australia. Our analysis of SRSS policies establishes unequivocally how contracts with humanitarian agencies have been set up to translate the government power to exclude. Our research leads us to offer several theoretical insights about the tensions between humanitarian and security objectives that shape the transformative capacity of NGOs in their work with adult and unaccompanied minors. First, transformative capacity is fatally weakened when non-government organizations privilege government narratives. While resistance to security mandates may exist among some staff who may choose to prioritize more inclusionary practice for asylum seekers, institutional leadership may nevertheless focus on securing a place in the government’s migration policing network. Second, contractual and funding arrangements will order priorities within NGOs, consciously and unconsciously. Where NGOs rely heavily on governments as a funding source, questions need to be asked about their capacity to function as an ally to asylum seekers as the commitment to the donor is likely to dominate. Third, NGOs are prone to mission capture where they operate without a thorough contextual understanding of the structural causes of irregular migration.

More research is needed to identify how these tensions are managed in a range of provider organizations in three main sites. First, our analysis has demonstrated how this research needs to focus seperately on practices at a caseworker and management level
given the propensity for these to be distinct. Second, the perspectives of independent service providers who interact with SRSS recipients and service providers provide valuable insights into the implications of the ‘humanitarian borderwork’ of government contracted NGOs. Future research ought to capture these inter-agency relationships. Finally, analysis of the situation of children who experience the greatest level of intervention under the guise of care, needs to occur separately but alongside, the experience of adults. Moreover, comparisons need to be made to children in out-of-home care within the general Australian population.

Government contracted NGOs in performing their ‘humanitarian borderwork’ are largely co-opted by government security agendas that emphasize exclusionary practices. In effect, the ‘humanitarian border’ stretches right into the community upon release from immigration detention. While individual workers may struggle on a day-to-day basis to shift the imbalance away from securitization and towards the humanitarian norms of their profession, the contractual obligations the NGOs have to government clearly dominate decision making and agency priorities. Community detention is undeniably a better outcome for asylum seekers than closed detention, and in that sense may constitute inclusionary practice. However, the prioritization of security concerns by government contracted NGOs diminishes their impact as ‘allies’ of asylum seekers. On a structural level, government contracted NGOs have become intrinsic to the migration policing network of the state. At the same time, this need not always be the case. NGOs need to develop a considered response to irregular migration that recognizes human agency and restores humanity to asylum seekers. Further, to be transformative, accountability should mean more than adherence to contractual obligations with donor governments; it ought to extend to accountability to the asylum seekers NGOs serve.

This article has illustrated the disciplining strategy of government securitization and the way in which the ‘humanitarian borderwork’ of NGOs participate in a border security assemblage when they operate the community detention and community release programme in Australia. Our research has shown how penal power is extended to community detention and community release and how humanitarianism is intrinsic to this extension. Further empirical research is required to understand the way these tensions impact asylum seekers and individual employees of humanitarian organizations. In the meantime, it is evident that NGOs need to be able to maintain a genuine and unencumbered commitment to humanitarianism that prioritizes, and advocates for, the needs of adult and unaccompanied minor asylum seekers.

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Notes
1. This was part of a larger project that undertook qualitative research with non-government organizations and legal, health and education stakeholders that provide services to adult and unaccompanied minor asylum seekers.
2. Australian Red Cross lost their contract to deliver the SRSS in 2018.

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