Sending a Strong Message? The Refugee’s Reception of Australia’s Immigration Deterrence Policies.

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Submitted in fulfilment of the requirements for the degree of
Doctor of Philosophy

School of Social Sciences and Liberal Studies
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May 2008
These changes send a message to other people considering illegal travel to Australia that we are certainly not a soft touch, and that queue jumpers will be dealt with very harshly indeed. (Gambaro, T 2000, *House Hansard*, p.13996)

Queue jumper? I’ve heard of [it on] TV sometimes, some people riding a bike, they can do the ‘queue jumper’, is it like this? (Afghan refugee interviewed 9 October 2005)
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Declarations

I Roslyn Richardson

Hereby declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person nor material which to a substantial extent has been accepted for the award of any other degree or diploma at Charles Sturt University or any other educational institution, except where due acknowledgment is made in the thesis. Any contribution made to the research by colleagues with whom I have worked at Charles Sturt University or elsewhere during my candidature is fully acknowledged.

I agree that the thesis be accessible for the purpose of study and research in accordance with the normal conditions established by the University Librarian for the care, loan and reproduction of the thesis.*

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Acknowledgements

Of all those who have supported me over the course of my research, the person who deserves the most thanks for his assistance over the last four and a half years is my primary supervisor Dr Len Palmer. Len acted as my trusty sherpa, assisting me to conquer what seemed, at times, to be an Everest of tasks. I thank Len for his patience, tolerance of my stubborn nature and for understanding the complexities that arise when one undertakes a research project that involves trauma survivors. Len never once wavered in his faith in my abilities and even when my own faith had all but evaporated, he was prepared to plod this sometimes rocky path with me. I am grateful to Dr Christine Jennett, my secondary supervisor, for her straightforward advice and thorough editing. Christine continued to help me with my thesis after she had retired from CSU and had taken on other work. I thank her for her dedication and support. I am grateful for the assistance I received from Prof Philip Kitley who read a number of the chapters of my thesis and whose comprehensive editing and practical advice were much appreciated. Thanks are also due to my former supervisor Prof William (Bill) Maley, who, along with Prof Chandran Kukuthas, helped to guide my early attempts at tackling my thesis topic and provided me with many hours of stimulating conversation. In addition, I am grateful for the advice given to me by Prof David Lovell and Dr Sharon Pickering at a particularly pivotal point in the course my research.

Many NGOs, refugee advocates and individuals helped me to conduct my research, some of whom would not wish to be named publicly. However, Margaret Piper deserves acknowledgement for her help and advice over many years and for answering just about every question I ever asked of her. I am also grateful for the assistance, advice and training
I received from STARTTS and the House of Welcome. The many individuals who attended the TPV Support Group in Auburn over the course of several years also provided me with valuable support and friendship – I would literally not have been able to complete my research without them. I am, of course, also grateful to my research participants and their supporters who opened their homes and lives to me and who offered me wonderful hospitality, sugary teas and spicy treats along with their stories. The assistance I received from my interpreters – especially Naseer and Itidal – was also invaluable; I thank them for their friendship and advice on the direction of my study.

A special mention is due to Jerre Weaver of CSU who helped me to tackle various difficulties which arose during my study. I am thankful for the friendships that I formed while I was at CSU and Dr Natasha Wright and Jodie Kleinschafer (one day, Dr Kleinschafer) certainly made sure that I never lost my sense of humour through those long winters in Bathurst. I am grateful to my family for reminding me that there is much more to life than a PhD and for supporting me even though they did not always understand what it was that I was doing. Lastly, I am eternally grateful to my partner Jeffrey Bendeich for his kind and generous nature, for being an exceptional friend and for helping me to navigate some very rough seas during our time together (I thought he would appreciate the sailing reference).
Abstract

This study begins with one phrase – ‘it sends a strong message’. This phrase has been drawn upon by Australian politicians to justify the retention and introduction of various immigration deterrence policies – policies that are designed to deter further spontaneous arrivals/‘illegal immigrants’ from coming to Australia. However, we know very little about how Australian policy information – the ‘strong message’ – is actually received by its target audience: potential spontaneous arrivals. Those who study Australia’s immigration deterrence policies appear to be preoccupied with examining the harm that deterrence mechanisms cause to the refugees who are subjected to them. While my study supports the proposal that these policies do appear to negatively affect those to whom they are applied – typically asylum seekers and refugees – I would argue that this harm provides researchers with an even greater impetus to examine whether such policies do indeed ‘send a strong message’ as politicians claim. This study is the first to examine how refugees interpret the ‘strong message’ that is supposedly sent by Australia’s immigration deterrence policies.

While Australian politicians have argued that their deterrence policies have the power to directly shape the behaviour of potential spontaneous arrivals, those who criticise Australia’s deterrence mechanisms propose that such policies will have little impact on desperate refugees who will stop at nothing to reach safety in a ‘Western’ country. This study challenges both of these perspectives. I argue that both positions assume that refugees are passive agents who have a singular response to deterrence policy information when they receive it. Instead my study demonstrates that refugees constitute ‘active
audiences’; they are not simply governed by their fear/desperation when they interpret deterrence policy information nor do they uncritically absorb and adhere to Australia’s deterrence messages. My study shows that refugees engage in a complex and creative process when they receive deterrence policy messages; they draw on a range of textual and non-textual resources when interpreting this information; and they reject deterrence policy messages for reasons that are unanticipated by those on both sides of the immigration deterrence debate. In short, this study shows that the ‘transmission’ and reception of immigration deterrence messages is not straightforward.

In conducting my research I drew predominately on the perspectives and audience studies that have been undertaken by cultural studies scholars. These scholars argue that researchers should examine the power relations that shape both the production of ‘the message’ and the construction of ‘the audience’ to whom that message is directed. Drawing on these ideas I propose that the refugee’s reception of deterrence information is shaped by such power relations. One of the major contentions of this study is that refugees reject Australia’s immigration deterrence policies, not because they are desperate or because they are opportunistic, but because their knowledge is subjugated to the knowledge of Australian politicians when deterrence policy messages and their audiences are constructed. I contend that refugees reject Australia’s deterrence policy messages because the deterrence message is based on an understanding of ‘the audience’ that does not fit with the refugee’s reality.
1. Introduction: The ‘Strong Message’

The main question that is addressed by this study is: do Australia’s immigration deterrence policies send a strong message to potential spontaneous arrivals? I asked this question because, while successive Australian Ministers and Prime Ministers have supported the view that “we have sent a very strong signal to people smugglers and their customers that they will not succeed” (Ruddock, P 2003a, House Hansard, p.22709), clearly there are quite a number of people who either did not hear the ‘strong message’ sent by Australian policy or did not heed its warnings. The 12,000 or so spontaneous arrivals who have come to Australia by boat since 1992 are perhaps testament to the failure of policies, such as Australia’s mandatory detention regime (created in that year), to be ‘effective’ as deterrents (Crock, Saul & Dastyari 2006, pp.29-31). Conversely, perhaps the significant fall in the numbers of spontaneous arrivals who have come to Australia since the Australian authorities began interdicting smuggling boats in 2001, is testament to the success of Australia’s deterrence message, or is it? Do immigration deterrence policies ‘send a strong message’ as Australian politicians assume?

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1 It was difficult to determine the exact number of spontaneous arrivals that have come to Australia since 1992 based on figures provided by the Department of Immigration and Multicultural Affairs (DIMA), later named Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) and Department of Immigration and Citizenship (DIAC). A DIMA fact sheet from 2001 suggests that from 1992 to 2000, 8,032 spontaneous arrivals came to Australia by air and sea (DIMA 2001a). According to a DIMIA publication, printed in 2005, 4,137 people arrived in Australia spontaneously from 2000 to 2005 by boat (DIMIA 2005, p.29). A DIAC fact sheet updated in April 2007 stated that “there have been less than 250 unauthorised arrivals since January 2002” (DIAC 2007a). This fact sheet also stated that from 1999-2002 12,000 spontaneous arrivals came to Australia; this figure may include both air and boat arrivals. Crock, Saul and Dastyari (2006, pp.29-31) draw on DIMA figures and suggest that from 1990 to 2005 13,503 spontaneous arrivals came to Australia by boat and 12,437 came by air; of those in the latter group, almost all were deported within 72 hours of their arrival. Given that this study is concerned with the refugee’s reception of deterrence policy information, I have focused on those who have arrived ‘unauthorised’ by boat in Australia, the majority of whom have applied for and been granted refugee status (Crock, Saul & Dastyari 2006, p.37)

2 Under the Migration Act 1958 (Cwlth) s.189 all of those who arrive in Australia ‘unauthorised’ may be detained in immigration detention centres.
I sought to answer the questions posed above by emulating the audience studies which were undertaken by early reception studies scholars of the cultural studies tradition. However, as I reveal in Chapter Two, I found that this approach was inadequate and my reception analysis could not fully explain why spontaneous arrivals are not deterred by Australia’s immigration deterrence messages. Instead, I found that it was necessary to consider how the power relations that underpin the construction of ‘the audience’ affect this audience’s reception of ‘the message’. I theorised that one of the major reasons why spontaneous arrivals reject Australia’s immigration deterrence messages is because their knowledge of spontaneous arrival is subordinated to politicians’ knowledge when immigration deterrence policies are constructed. I hypothesised that spontaneous arrivals reject Australia’s immigration deterrence messages because they (spontaneous arrivals) do not play a significant role in either the production of ‘the message’ or the production of ‘the audience’ to whom that message is directed. ‘The message’ therefore, is based on an understanding of ‘the audience’ which does not fit with the spontaneous arrival’s reality and this explains why, as a consequence, Australia’s immigration deterrence policies do not always achieve their objectives. It becomes important then, given this hypothesis, to examine not only the production of ‘the message’ (as occurred in early reception studies) but to also explore the construction of ‘the audience’ in order to understand why Australia’s deterrence message does not always yield the desired ‘behaviour’ from its audience.

In the first half of Chapter Two I discuss in greater detail the drawbacks that were associated with my use of the reception studies approach. Specifically, I recognised that my initial approach was modelled on the studies undertaken by the ‘first generation’ of reception studies scholars (Alasuutari 1999, pp.2-4). When I found that my original method was inadequate, I drew on the work of ‘third generation’ scholars in reformulating
my approach (Alasuutari 1999, pp.6-17). In Chapter Two I also begin to discuss how the ‘spontaneous arrival audience’ is constructed by Australian politicians. In the second half of Chapter Two, I examine and critique my own role in the construction of knowledge about this audience. In this part of the chapter, I reflect on how the research process, my background and the backgrounds of my research respondents have impacted on my construction of knowledge about the audiences that I examine in this thesis. This reflexive approach is taken up by a number of other scholars who have undertaken research on audiences (Ang 1996; Tulloch 2000; Brunsdon 2000; Morley 1992; Radway 1991; Hermes 1995; McKinley 1997; Mankekar 1999; Seiter 1999; Gray 1992) some of whom also introduce their studies by first reflecting on their own constructions of knowledge about ‘the audience’ under study.

Against the background of Chapter Two, which provides the reader with an insight into how I have come to understand, investigate and write about refugee/spontaneous arrival audiences in this thesis, in Chapter Three I elaborate on why a study of the kind that I have undertaken is needed. In Chapter Three, I propose that there is a need to investigate how refugees interact with and interpret Australia’s immigration deterrence policy information when they receive it. It seems to be particularly imperative to undertake such a study given the important place that immigration deterrence policies have come to occupy in Australia’s domestic politics and international relations. In addition, as the current literature which is focused on Australia’s immigration deterrence policies does not really investigate the refugee’s/potential spontaneous arrival’s interaction with policy messages at all, then a study of the kind that I have undertaken addresses a significant gap in the existing literature. As Chapter Three highlights, much rests on the assumption that immigration
deterrence policies ‘send a strong message’, but we have no idea how refugees/potential spontaneous arrivals process such information if and when they receive it.

Another good reason to investigate refugees’ interpretations of Australia’s immigration deterrence messages is because there are a number of international studies which suggest that the refugee’s interaction with Australia’s deterrence policy information is likely to be much more complex than Australian politicians assume. This is significant because the overwhelming majority of those who have come to Australia on smuggling boats in recent years have been granted refugee status (Crock, Saul & Dastyari 2006, p.38)\(^3\). This international literature indicates that refugees vary in their responses to the information that they receive about prospective asylum destination countries. These studies also demonstrate that a refugee’s national background will have a strong influence on what knowledge and assumptions he or she will possess about his/her asylum destination before arriving there. In short, refugees do not constitute a singular or homogenised audience. Given these differences, it is unlikely that all prospective spontaneous arrivals/asylum seekers will react to Australia’s deterrence policy information in the same way – a perspective which is supported by the audience studies which have been undertaken by cultural studies scholars.

Cultural studies scholars have demonstrated, through their audience studies, that the individuals within audiences do not exhibit a universal response to the messages that are broadcast to them. Cultural studies scholars and other audience researchers have also shown that audience members do not passively absorb the ideas that are contained within such messages and instead their behaviour is complex and unpredictable (Morley 1999a; 2000).

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\(^3\) Crock, Saul and Dastyari note that “87% of people who arrived unauthorised by boat between 1999 and 2003 were granted refugee status” (Crock, Saul & Dastyari 2006, p.38).
Ang 1985; Radway 1991; Barker 1997; McAnany & La Pastina 1994). Having drawn upon these insights, I theorised that much like any other audience, refugees will be ‘active’ when they interpret the information that they receive about Australia’s immigration deterrence policies, and their reception of such policy messages will be much less straightforward than Australian politicians assume. Ultimately, my study supports these hypotheses and reveals that Australian politicians on all sides of the deterrence debate have a simplistic understanding of the complex processes that take place when potential spontaneous arrivals/refugees interpret deterrence policy information.

Chapter Four builds on the ideas that are explored in Chapter Three and introduces the reader to one of the approaches – one of the methods – that I employed to understand the ‘strong message’ that is said to be sent by immigration deterrence policies. Taking up the idea that the text⁴ – ‘the strong message’ – is constructed against a backdrop of social power relations, in this chapter I reveal that my methodological approach involves a textual analysis of parliamentary debates. Through this analysis I aimed to investigate how power is invested in the policy – ‘the strong message’s’ – construction. I begin this chapter by recognising that textual analysis has been abandoned by some cultural studies scholars.

⁴ Throughout this thesis I have used the terms ‘text’ and ‘message’. It is important to note that these two terms have different meanings, as O’Sullivan et al. state “the term message tends to be used by those working in the process school of communication… with the simple definition of ‘that which is transmitted’… whereas a text… consists of a network of codes working on a number of levels and is thus capable of producing a variety of meanings according to the socio-cultural experience of the reader” (O’Sullivan et al. 1996, pp.317-318). By using the term ‘text’ therefore, I support the ideas that are associated with the use of this term, i.e. I recognise that texts are polysemic, that is, open to more than one meaning and I understand that “meaning is produced in the interplay between text and reader” (Barker 2003, p.10). I do not support the idea that ‘the message’ is “problem-free” (O’Sullivan et al. 1996 p.317) nor do I believe that meaning can be predetermined or fixed by the ‘sender’. While O’Sullivan et al. (1996) propose that ‘text’ and ‘message’ have different definitions; these terms appear to be used interchangeably by some cultural studies scholars. Morley says for example, “the analysis of the text or message remains a fundamental necessity, for the polysemy of the message is not without its own structure… since a message (or programme) is not simply a window on the world, but a construction” (Morley 1992, p.20). Therefore, following Morley’s (1992) example, I have used the term ‘message’ interchangeably with ‘text’ in this thesis and, like Morley (1992), my use of the term ‘message’ does not support the process school’s understanding of communication.
Despite the criticism which is levelled at textual analysis, I propose that it is important to investigate ‘the message’ and how it is produced because such an understanding is integral to understanding the construction of ‘the audience’ – the text and audience being constructed simultaneously. My textual analysis therefore mirrors the textual analyses that were undertaken by reception studies scholars in the 1970s and 1980s – these scholars proposed that textual analysis can be used by researchers to investigate the production of ‘the message’, the power relations which shape this production and ‘the message’s’ reception.

The textual analysis that is undertaken for this study, however, does not involve searching for an ideologically based meaning within ‘the message’ as occurred in the textual analyses that were undertaken by cultural studies scholars in the 1970s and 1980s. Instead, it is discourse rather than ideology that is important in my analysis. Specifically, through my analysis of the parliamentary discourse on ‘illegal immigration’, I sought to examine the relations of power/knowledge which produce both ‘the audience’ and ‘the message’. Therefore, I still retain an interest in production, the power relations that shape it and the reception of the deterrence message but my analysis is vastly different to the textual analyses that were undertaken by reception studies scholars in the past.

In Chapters Five and Six I apply the method that is described in Chapter Four. Drawing on Foucault’s concepts of archaeology and genealogy and Barker and Galasinski’s (2001) Critical Discourse Analysis (CDA), I undertake an analysis of the discourse which creates both ‘the message’ and ‘the audience’: the parliamentary discussion on ‘illegal immigration’. Specifically, my analysis involves an examination of how the phrase ‘it sends a strong message’ – which justifies the use of deterrence policies – is rendered ‘true’
and intelligible within political debates in the Commonwealth Parliament. To this end, I begin Chapter Five by asking how the phrase ‘it sends a strong message’ exists within the parliamentary discussion on ‘illegal immigration’.

Drawing on Foucault’s archaeology, I propose that ‘it sends a strong message’ as a statement is intertwined with a specific vision of spontaneous arrival which excludes other ways of knowing and understanding the phenomenon of spontaneous arrival and spontaneous arrivals themselves. Throughout my analysis therefore, I investigate not only how the parliamentary discourse produces objects of knowledge – i.e. ‘the audience’ – but also constructs subjects who can speak the truth about this object of knowledge. More specifically, I examine how the politician is positioned as a ‘qualified speaker’ on the refugee/spontaneous arrival subject/audience. Throughout my analysis, drawing on Foucault’s genealogical works, I also take an interest in how this discourse produces deviant and ‘normal’ subjects; I am particularly interested in how the production of a deviant refugee identity – the ‘illegal immigrant’ – becomes caught up with the disciplining of the ‘normal’/Australian subject.

I combine Barker and Galasinski’s (2001) CDA with Foucault’s methods in order to explore the power relations which underpin and are woven into the parliamentary discourse at the level of the words and sentences that politicians utter. Particularly important from a CDA perspective is the repetition of certain words and phrases which are used by the politicians to justify the introduction of deterrence policies. For example, the politicians’ repeated use of war-like terms – ‘border protection’, ‘operations’, ‘target’, ‘national interest’ – gives the introduction of policy a sense of urgency, necessity and also a common sense justification. This war-like discourse lends support and credibility to the politician’s
position as an expert who can cure the spontaneous arrival ‘problem’. In these chapters, I do not merely focus on what government Members of Parliament (MPs) say about ‘the message’ and its audience, but I also demonstrate that the speeches of opposition MPs help to position the politician as an expert on the ‘spontaneous arrival audience’. Chapters Five and Six ultimately demonstrate the continued value of textual analyses which examine the production of ‘the message’ and the power relations that underpin it in order to better understand ‘the message’s’ reception.

In Chapter Seven I describe the approach that I took in analysing the interviews that I completed with refugees who had come to Australia as spontaneous arrivals. In this chapter I propose that refugees’ knowledge constitutes a subjugated knowledge in contrast to the ‘expert’ knowledge of politicians. Therefore, in undertaking my analysis I again draw on Foucault’s theories and methods, and specifically genealogy through which he sought to draw out subjugated knowledges. The aim of this analysis is to compare the refugees’ understandings of spontaneous arrival and themselves with the constructions of spontaneous arrival which are produced in the parliamentary discussions on illegal immigration. My analysis follows Foucault’s practice of presenting the testimony of the ‘deviant’ and the knowledge of the ‘expert’ alongside one another as he does in *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth-Century French Hermaphrodite* (1980b) and *I, Pierre Riviere, having slaughtered my mother, my sister and my brother* (1978). In Chapter Seven I not only outline the methods that I employed to analyse the interviews that I undertook, but I also describe various problems that I encountered in undertaking and analysing these interviews. In this chapter I therefore demonstrate that researching refugee/asylum seeker audiences and representing refugees’ experiences are not unproblematic exercises.
Drawing on the methods outlined in Chapter Seven, in Chapter Eight I present the case study of two Iraqi refugees who were interviewed for this study – Baz and Bob – two friends who came to Australia in the late 1990s as spontaneous arrivals. The main reason that I chose Baz and Bob’s interview as a case study was to demonstrate the complicated and contradictory nature of some refugees’ understandings of Australia’s immigration deterrence policies. For example, Baz and Bob describe their experiences of immigration detention as being both liberating and traumatic; such multifaceted and contradictory understandings challenge the simplistic constructions of refugees and spontaneous arrivals which are produced by politicians on all sides of the deterrence debate. While Baz and Bob’s testimony challenges Australian politicians’ constructions of spontaneous arrival, it also challenges the claims politicians make about the communication of deterrence policy information. Chapter Eight illustrates that while the reception of deterrence information by refugees is complex and not easy to predict, the ‘transmission’ of deterrence information from refugees in Australia to potential spontaneous arrivals is also unpredictable.

In Chapter Eight I discuss the difficulties and perhaps the folly that is associated with any attempt to understand individuals under the rubrics of ‘audience’ and ‘refugee’. Baz and Bob’s testimony illustrates that there is a need to understand how the refugee’s individual complexity, personality and experiences affects his/her interaction with deterrence policy information. It is also important to realise to what extent the individual is chiselled down in order for him/her to fit neatly within the categorisations that Australian politicians use to understand ‘them’: ‘refugee’, ‘illegal immigrant’, ‘deviant’, and ‘victim’. I contend therefore, that in order to understand refugees’ reception of deterrence policy information, politicians and audience researchers alike must recognise the human beings behind such
categorisations (and also the categorisation of ‘audience’) and to recognise that a refugee’s individuality affects her/his reception of deterrence policy messages\(^5\).

Having presented my analysis of Baz and Bob’s interview in Chapter Eight, in Chapter Nine, I present my analysis of the remainder of the interviews that I completed with refugees who had come to Australia as spontaneous arrivals. These interviews involved respondents from three nationality groups – Afghans, Iraqis and Iranians – 27 refugees were interviewed in total. Chapter Nine, like Chapter Eight, demonstrates that refugees challenge the constructions of spontaneous arrivals that are articulated in the parliamentary discussion on ‘illegal immigration’. However, while Chapter Eight demonstrates that refugees’ reactions to Australia’s deterrence policies are to a certain extent individual, Chapter Nine shows that similarities exist amongst refugees of the same nationality. Some nationality groups of refugees are clearly at greater disadvantage than others in terms of their capacity to access information about potential asylum destinations. Chapter Nine demonstrates that despite the differences which exist amongst refugees at an individual level, a refugee’s nationality, ethnicity and religious background does appear to have an impact on her/his decisions about seeking asylum and affects her/his capacity to access information about prospective destination countries.

\(^5\)Gubrium and Holstein argue that “the notion of the bounded, unique self, more or less integrated as the center of awareness, emotion, judgement and action, is a very recent version of the subject” (Gubrium & Holstein 2001, p.6). Foucault suggests that ‘the individual’ emerged as an object of knowledge at the end of the 18\(^{\text{th}}\) century and enabled a “a new type of power [to be exercised] over bodies” (Foucault 1991, p.191); as Foucault proposed it was the “individual who has to be trained or corrected, classified, normalized, excluded etc.” (Foucault 1991, p.191). I recognise, therefore, that the ‘individual’ is a concept produced by power/knowledge which also enables relations of power/knowledge. However, while I recognise that ‘individuality’ and ‘individual’ are problematic terms, I use these terms to acknowledge that there are differences between human beings. I am suggesting above that the use of the terms ‘audience’ and ‘refugee’ homogenise those to whom they are applied. Throughout this thesis when I use the terms ‘individual’ and ‘individuality’, to some extent, I draw on commonsense assumptions about individuality to argue against the simplification/homogenisation of those who are known under the categorisations of ‘refugee’, ‘audience’, ‘victim’ etc.
Chapters Eight and Nine demonstrate importantly that some refugees do hear about Australian deterrence policies before they arrive in Australia but their interpretation of such messages does not occur in a vacuum. Instead, refugees interpret Australia’s deterrence messages in line with their pre-existing ideas about Western countries and against the backdrop of violence and persecution that they faced in the home countries. Refugees also draw on various resources when interpreting Australia’s deterrence policy information, some of which are not anticipated by Australian politicians. These chapters show that refugees do not exhibit a universal response to Australia’s deterrence policy messages.

Chapters Eight and Nine ultimately demonstrate that refugees constitute ‘active audiences’; far from receiving a ‘strong message’, refugees unpack and interpret deterrence messages and reinterpret these messages for other potential spontaneous arrivals. Therefore, this study reveals that the deterrence message does not travel in an unbroken line from the Australian Parliament to the refugee’s brain and ‘the audience’ of deterrence messages is clearly much more complex than Australian politicians envisage.

Key terms – immigration deterrence policies

The remainder of this introduction is devoted to defining a number of key terms which are used throughout this thesis. This study is chiefly concerned with what I have termed ‘immigration deterrence policies’, these are policies and legislative measures which are designed and maintained by the Australian Government with the objective of deterring potential spontaneous arrivals from coming to Australia. It is important to note that most of the research that was undertaken for this study occurred during the time that the Howard (Liberal/National coalition) Government was in power. The newly elected Rudd (Labor) Government has pledged to modify and dismantle some of the Howard Government’s immigration deterrence policies. For example, the Minister for Immigration and
Citizenship, Chris Evans, recently announced that the Australian Government will close its detention facilities on Nauru and put an end to Australia’s ‘Pacific Solution’ (Hannon 2008, p.3).

Prime Minister Rudd, however, remains a dedicated supporter of the use of deterrence policies. In the lead up to the November 2007 election, Kevin Rudd pledged to retain Australia’s immigration detention system and the Howard Government’s policy of interdicting smuggling boats. Rudd said that a Labor Government would be committed to “effective laws, effective detention arrangements [and an] effective deterrent posture vis-à-vis vessels approaching Australian waters” (Rudd quoted in Kelly & Shanahan 2007, p.1). Rudd supported the idea that Australia’s detention system and the interdiction policy had a deterrent effect; he said “deterrence is effective through the detention system but also your preparedness to take appropriate action as vessels approach Australian waters on the high seas” (Rudd quoted in Kelly & Shanahan 2007, p.1). Therefore, while a Rudd Labor Government has abandoned some of the Howard Government’s immigration deterrence policies and may modify others, Labor remains committed to the idea that Australia’s immigration policies can send a message that will shape the decisions that potential spontaneous arrivals make.

Although at times in this thesis I undertake a close examination of specific policies that were developed by the Howard Government, some of which have been abolished by Labor, many of the conclusions that I have drawn in relation to the Howard Government’s deterrence policies could be applied to any other deterrence policy that Australia may introduce in the future. For example, it is clear that potential asylum seekers, as audiences of Australia’s deterrence policy information, will continue to be active and creative when
interpreting deterrence messages; these audiences will continue to exhibit diverse and unpredictable responses to such information. Potential spontaneous arrivals will also continue to draw upon multiple resources when they interpret deterrence policy information, rather than just absorbing the deterrence message in isolation from other texts and extra-textual influences. In short, it does not matter what policy information confronts potential spontaneous arrivals in the future, they will be engaged in a complex process when interpreting, understanding and responding to this information. These conclusions would also extend beyond the scope of Australia’s policy initiatives; one could draw the same conclusions in relation to the deterrence policy initiatives of any other country.

Immigration Detention

Arguably the most controversial of all the Australian Government’s policies which are designed to deter spontaneous arrival, Australia’s mandatory detention regime has been the focus of intense criticism and scrutiny (this is discussed in greater detail in Chapter Three). Nineteen ninety-two is generally referred to as the year in which the mandatory detention regime came into existence, although, according to Richardson, preceding the amendments to the Migration Act 1958 in that year “detention provisions...[had] been part and parcel of [Australia’s] migration legislation for over three decades” (Richardson 1993, p.15). The 1992 amendments, however, according to Crock (1993, p.34), did a number of significant things – they defined and declared certain individuals to be ‘designated persons’ and sought the detention of these individuals. The 1992 amendments also “purported to forbid any court from ordering the release of a designated person” (Crock 1993, p.34) but this aspect of the provisions was disallowed by the High Court (see Chu Kheng Lim v Minister for Immigration and Ethnic Affairs (1992) 176 CLR 1). In short, these provisions created a category of persons for whom detention was mandatory and non-reviewable (except by the
judiciary, but then only on grounds that the detention was unlawful). Before 1992 “detention for boat arrivals was discretionary” (Stevens 2002, p.878).

The 1992 amendments did place a cap on the amount of time that an individual could spend in immigration detention (273 days) (Stevens 2002, p.878) but after further amendments to the Migration Act 1958 in 1994, detention would become indeterminate with no upper limits being placed on the length of time that an individual could be detained. Following the amendments in 1994, the mandatory detention policy was extended and applied to all non-citizens in Australia who “an officer knows or reasonably suspects [is]… in the migration zone… and is an unlawful non-citizen” (Migration Act 1958 (Cwlth) s.189) i.e. who does not possess a valid visa. Under s.198 of the Migration Act 1958 an unlawful non-citizen can only be released from detention if s/he is granted a visa or is “removed from Australia” (Migration Act 1958 (Cwlth) s.198). However, it should be noted that from July 2005 the Australian Government sought to remove all children and their families from immigration detention centres and to place them in the Australian community while their asylum cases were processed (Vanstone 2005).

**Detention a deterrent?**

According to the former Minister for Immigration, Amanda Vanstone,

> Australia is not seeking to punish people because they have arrived without authorisation. We do however, place in detention people who arrive unlawfully until their asylum claims are determined and we find out who they are, where they are from, and whether they have criminal records or health concerns. (Vanstone 2004a)
In its official literature, the Howard Government rarely justified its retention of the mandatory detention regime on the basis that the policy served as a deterrent to potential spontaneous arrivals. The Howard Government also denied that immigration detention was used to punish spontaneous arrivals. Instead, according to the former Minister for Immigration and her department, people are kept in immigration detention while their asylum claims are being processed, for the purposes of health and character checks and also to prevent them from absconding into the Australian community (Vanstone 2004b; DIAC 2007b). In the official departmental literature, the expansion of Australia’s detention regime as a result of the ‘Pacific Solution’ was also not justified on the basis of deterrence. According to the Department of Immigration and Citizenship (DIAC): “the purpose behind these changes was to remove the ability for unauthorised arrivals who land on Australian offshore places from being able to access Australia’s comprehensive visa application and review processes” (DIAC 2007b). At times representatives from the department of immigration have strongly denied that deterrence is a basis for the mandatory detention regime, in 2002 for example Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) officials reportedly denied suggestions that one of the chief goals of Australia’s immigration detention centres is to deter asylum seekers from coming to Australia. Instead, they have told the Human Rights and Equal Opportunity Commission inquiry into the detention of children that the primary purpose of detention is to keep asylum seekers readily available so they can be processed as quickly as possible. (Hall 2002)

However, under the Howard Government, Australia’s mandatory detention regime was clearly maintained for reasons of deterrence as exemplified by comments to the media from Prime Minister Howard and his ministers. For example, in the lead up to the 2004 election, Minister Vanstone was adamant that the release of children from detention would send the
‘wrong message’ to potential spontaneous arrivals and would encourage them to come to Australia. She said:

I think that’s a very dangerous message to send to people smugglers [the release of children from immigration detention]. What it says to people smugglers is if you bring children, you’ll be able to be out in the community very quickly and that is a recipe for people smugglers to in fact put more children on these very dangerous boats and try to bring them to Australia. (Vanstone, quoted in Yaxley 2004)\(^6\)

In addition, Prime Minister Howard asserted that Australia’s mandatory detention regime has a deterrent effect. Howard said,

“offshore processing, along with turning the boats back to the north of Australia, mandatory detention and the excision of islands from the migration zone, all of those things taken together stopped the large number of boats coming to this country and effectively provided that protection for our borders.” (Howard, quoted in O’Brien 2005)

As I have already stated, newly elected Prime Minister Kevin Rudd supports his predecessor’s view that Australia’s detention system performs a deterrent function and prevents further spontaneous arrivals from coming to Australia.

**Temporary protection visa (TPV)**

In October 1999, the temporary protection visa (TPV) was created purely for the purpose of deterring potential spontaneous arrivals from selecting Australia as their destination – there was no other basis on which this policy was justified. The visa class was introduced with the specific aim of denying refugees, who have come to Australia as spontaneous arrivals, access to a range of ‘benefits’ (settlement services, permanent residency etc.) that were

\(^6\) In the following year the Howard Government reviewed its stance and sought to remove all children from the immigration detention environment (Vanstone 2005).
previously available to all refugees regardless of how they arrived in Australia. According to DIAC these benefits “had been encouraging the misuse of the protection process by unauthorised arrivals” (DIAC 2007c). In the Howard Government’s opinion, as evidenced in Chapters Five and Six of this thesis, Australia’s ‘generous’ assistance to refugees was prompting asylum seekers to land ‘illegally’ on Australia’s shores, and causing them to give up safety or a refugee place that they might have secured in another country.

Much like the policy of mandatory detention, the temporary protection visa has been intensely scrutinised by academics and human rights organisations. Following the policy’s implementation a number of academic studies were undertaken – most of which examined the impact that the policy has on those who are subjected to it (Barnes 2003; Leach & Mansouri 2004; Mann 2001; Marston 2003; Pickering, Gard & Richardson 2003). Most, if not all of such studies condemned the policy because of the harm that it causes to the refugees who were subjected to it (the findings of these studies are further discussed in Chapter Three).

The Howard Government amended the TPV policy a number of times. Importantly in 2001 the policy was hardened somewhat, as my colleagues and I noted in our report on the TPV:

Prior to September 2001 refugees on a TPV could apply after 30 months for a Permanent Protection Visa (PPV) if they had a continuing need of protection. After September 2001 some TPV holders who did not lodge an application for a PPV before September 2001 may be barred from ever being granted a PPV and would, if they were found to be still in need of protection, continue onto another TPV. (Pickering, Gard & Richardson 2003, p.1)
Crock notes that the amendments at this time also placed an onus on refugees to demonstrate that “before coming to Australia, they had not spent seven days or more in a country where they could have sought protection as a refugee” (Crock 2006, p.209) – this became known as the ‘seven day rule’. Though the great majority of TPV holders who have applied for further protection have been granted permanent protection visas, as a result of the 2001 amendments, permanent protection was not guaranteed for all TPV holders.

The TPV has become increasingly more complex as it has evolved. A number of visas have now been created which are temporary in nature and are applied to ‘Convention refugees’ – i.e. those found to be refugees according to Article 1 of the 1951 Convention relating to the Status of Refugees and its 1967 protocol. In addition to the TPV, a Temporary Humanitarian Visa (THV) was created with two subclasses – the Secondary Movement Offshore Entry (Temporary) Subclass 447 and the Secondary Movement Relocation (Temporary) Subclass 451 (DIMIA 2004d). TPV and THV holders could apply for a PPV but if they are found to no longer be in need of protection they may then be granted a RPV (Return Pending Visa) – another temporary visa which allows its bearers to stay in Australia for a further 18 months after it is granted. Those who are in breach of the provisions of the seven day rule may be granted a further TPV (DIAC 2007c); however, legislative changes as of August 2004 enable all TPV and THV holders to apply for mainstream visas (DIMIA 2004d)\(^7\).

In the lead-up to the national election in 2007, Labor indicated that it would abolish the TPV if it gained power. In a speech to his Labor Party colleagues, Tony Burke, now a

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\(^7\) I have only discussed some of the amendments to the TPV that have taken place since its inception but I have spoken about the developments which are of most importance to this study.
minister in the Rudd Government, said “if someone is found to have a genuine [refugee] claim, then a Labor Government will give them protection on a permanent basis” (Burke 2007). In May 2008, the Rudd Government did, indeed, abolish the temporary protection visa regime. In a press release the Minister for Immigration and Citizenship, Chris Evans stated,

the Temporary Protection visa was one of the worst aspects of the Howard government’s punitive treatment of refugees, many of whom had suffered enormously before fleeing to Australia… there is clear evidence that the TPV arrangements did nothing to prevent unauthorised boat arrivals and, in fact, arrival numbers increased not long after the regime was introduced (Evans 2008)

The ‘Pacific Solution’

Australia’s ‘Pacific Solution’, also referred to as the ‘Pacific strategy’, was created by the Howard Government as a result of the ‘Tampa’ crisis in 2001. In late August and early September 2001, Australia attracted the attention and condemnation of governments around the world when the Howard Government refused to allow the merchant ship Tampa to disembark the 438 people (most of whom were Middle Eastern and Central Asian asylum seekers) that the ship had rescued in international waters between Indonesia and Australia. The asylum seekers onboard the Tampa had originally set out on a smuggling boat from Indonesia with Australia as their desired destination. Australia was widely criticised for its actions at this time because the Australian Government did not initially render humanitarian assistance to those on board the Tampa. Instead, the Howard Government sought to prevent the Tampa from entering its territorial waters and to that end the Howard Government engaged in an eight day standoff with the Tampa’s captain and Norway (under whose flag the ship sailed) (Marr & Wilkinson 2003). While this standoff continued, those

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8 According to Amnesty International (2002) and Marr & Wilkinson (2003, p.3), there were 438 asylum seekers rescued by the Tampa, various others record the number to be 433 including Bostock (2002, p.279).
on board the Tampa were forced to live in deplorable conditions on the ship’s deck. Australia was also condemned by those who claimed that its actions breeched various international legal instruments (Willheim 2003).

Prime Minister Howard justified Australia’s stance in relation to the Tampa on the basis that Australia’s actions would deter others from seeking to come to Australia on smuggling boats. Howard said:

> What has happened over recent years, and particularly over recent months, is that there is a growing perception that this country is a nation of easy destination whether you are a genuine refugee or not…What we have sought to do in relation to the Tampa and the people on it ... is to try and send a message that that is not necessarily so. (Howard quoted in Cooper 2001)

As the Tampa crisis unfolded Australia embarked on the ‘Pacific Solution’, introducing various legislative measures from September 2001 which were aimed at deterring spontaneous arrival to Australia. As part of the Pacific Solution, the Howard Government introduced legislation which ‘excised’ some of Australia’s territory from its ‘migration zone’; under this legislation asylum seekers who arrived in such territories were denied access to the Australian mainland (Kesby 2007; Kneebone 2006; Marr & Wilkinson 2003). Instead, such asylum seekers were transferred to ‘declared safe countries’ where their asylum claims were processed. These ‘declared safe countries’ included Nauru and Papua New Guinea (Kneebone 2006; Kesby 2007; Marr & Wilkinson 2003). According to DIAC’s fact sheet on the excision provisions, these measures were introduced “to reduce incentives for people to make hazardous voyages to Australian territories… [and] are an important step towards deterring the activities of people smugglers” (DIAC 2007d).
The Australian Government also initiated Operation Relex as the Tampa crisis developed in September 2001. An Australian Defence Force operation, later replaced by Operation Relex II, Operation Relex backed the efforts of civilian authorities to “detect, intercept and deter vessels transporting unauthorised arrivals from entering Australia through the North-West maritime approaches” (Department of Defence n.d). At the time of its inception, according to Marr and Wilkinson, “three warships, ten patrol boats, a supply ship, one transport vessel, Seahawk helicopters and P-3C surveillance aircraft were ready to blockade the Indian Ocean” (Marr & Wilkinson 2003, p.129). In 2006 the operation was downsized although it still includes units from all arms of the ADF (Australian Defence Force) (Department of Defence n.d; Hyland 2007).

According to Amnesty International, the Navy and customs vessels involved in Operation Relex have used various methods to turn smuggling boats back to Indonesia (from where most smuggling boats destined for Australia originate), including the use of machine gun and cannon warning shots (Amnesty International 2002). Smuggling boats have also been towed back to Indonesian waters, sometimes after being hastily repaired by Australian Navy personnel (Taylor 2006, p.294; Marr & Wilkinson 2003 p.147). Those aboard boats which were unseaworthy and could not be turned around were typically taken to Australia’s offshore processing centres on Nauru or Manus Island. The interdiction policy has been criticised by human rights organisations, including Amnesty International (2002) and Human Rights Watch (2002). Human Rights Watch (2002) alleges that Australian Navy personnel have mistreated asylum seekers in their custody and have also turned unseaworthy smuggling boats back to Indonesia (Human Rights Watch 2002, pp.41-46). Amnesty International (2002) drew attention to the fact that in 2001, during one operation, two women from a smuggling vessel being intercepted by the Australian Navy drowned. In
addition, journalists have sought to expose the dwindling morale amongst the navy personnel who are involved in *Operation Relex* and who view the operation as “morally wrong” (Hyland 2007).

**Other deterrence measures**

Other than those deterrence policies and measures that have already been discussed, the Howard Government introduced a number of amendments to the *Migration Act 1958* and other changes in an effort to deter spontaneous arrival; some of these are referred to in Chapters Five and Six of this thesis. At the time of writing the Rudd Government has only begun to outline its approach to the deterrence of spontaneous arrival. While the Rudd Government has sought to dismantle the Pacific Solution and has abolished the TPV, it has not yet introduced any new legislation to parliament which is designed to prevent spontaneous arrival.

**Refugee**

In this thesis I use a number of terms that require further explanation, these include the terms ‘refugee’, ‘asylum seeker’ and ‘spontaneous arrival’. The term ‘refugee’ has acquired a very ‘muddy’ meaning; it is liberally applied, especially in the media, to describe people in a number of different situations and even those who would not ordinarily be thought of as refugees. For example, those who lost their homes in the wake of Hurricane Katrina in the US in 2005 were referred to, much to their displeasure, by some media organisations as ‘refugees’. The *1951 Convention Relating to the Status of Refugees* defines a refugee as someone who has a
well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [sic] nationality and is unable or, owing to such fear, is unwilling to avail himself [sic] of the protection of that country… (UNHCR 1996, p.16)

Though widely recognised, this definition is criticised for who it excludes and how it is applied. The Convention definition, for example, does not seek the protection of those who are fleeing from ‘generalised violence’, including wars where individuals are not being persecuted for one of the five ‘convention reasons’ outlined above (i.e. race, religion etc.)\(^9\).

There is also no objective way to interpret this definition and its application varies across the states that are signatories to the Convention (such as Australia) which have refugee status determination systems. When the term ‘refugee’ is used in this thesis, I am referring specifically to Convention refugees, that is, people who would fit within the definition outlined in Article 1 of the Refugees Convention. All of the respondents who were interviewed for this study were found to be Convention refugees by either UNHCR or Australian authorities.

Asylum seeker

As Pickering says, “the terms ‘refugee’ and ‘asylum seeker’ are often used interchangeably when in fact they refer to people in different circumstances” (Pickering & O’Kane 2002, p.7). Put simply by UNHCR

\(^9\) The definition of a refugee offered in the Organisation of African Unity’s *Convention Governing the Specific Aspects of Refugee Problems in Africa* is much broader than the 1951 Convention definition and does apply to people who are fleeing from generalized violence; it defines a refugee as “every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his [sic] country of origin or nationality, is compelled to leave his [sic] place of habitual residence in order to seek refuge in another place outside his [sic] country of origin or nationality” (cited in Odhiambo Abuya 2007, p.65).
An asylum seeker is a person who has left their country of origin, has applied for recognition as a refugee in another country, and is awaiting a decision on their application (UNHCR n.d).

When I have used the term ‘asylum seeker’ in this thesis, the term refers to those people who are making a claim for refugee status. However, I sometimes also use the term ‘potential asylum seekers’ to refer to those who are fleeing from persecution, who are located inside or outside of their home countries, and who intend to/or will make an asylum claim. My study focuses on this group of people and specifically those asylum seekers who come to Australia as spontaneous arrivals. Therefore my study is not concerned with spontaneous arrivals in general; not all spontaneous arrivals make an asylum claim.

Spontaneous arrival v ‘unauthorised arrival’ / illegal immigrant

There is some contention over whether the term ‘illegal’ accurately describes those who come to Australia ‘unauthorised/unlawfully’ given that many of those who have arrived in Australia ‘unauthorised’ in recent years have applied for asylum. As Maley argues

When the Menzies Government acceded in 1954 to the 1951 Convention Relating to the Status of Refugees, it relinquished as a sovereign act any absolute control over who could enter the country and under what circumstances. As a result, it is not a criminal offence to enter Australia without a visa. (Maley 2003, p.189)

A similar argument is put forward by the Edmund Rice Centre which argues that “people who arrive on our shores without prior authorisation from Australia, with no documents, or false documents are not illegal. They are asylum seekers – a legal status under International Law” (Edmund Rice Centre 2001). The former Minister for Immigration, Amanda Vanstone, preferred to use the term ‘unauthorised arrivals’ to describe those who have come to Australia without the required visas. While Vanstone suggested that
spontaneous arrival was an ‘unlawful’ act, she stated that it did not constitute a criminal
offence (Vanstone 2004b); her predecessor Phillip Ruddock however, saw the act of
spontaneous arrival as ‘illegal’ and referred to those who commit it as ‘illegal entrants’
(Ruddock 2003a, p.38).

As my analysis in Chapters Five and Six highlights, when the terms ‘illegal immigrant’,
‘unauthorised arrival’ and ‘unlawful arrival’ are applied to individuals, they affect how
these individuals are understood. When spontaneous arrivals are referred to as
‘unauthorised arrivals’, ‘illegal immigrants’ or ‘irregular migrants’, they are understood in
opposition to a legitimate other: authorised arrivals, legal or regular migrants. These terms
also imply that such individuals are deliberate lawbreakers. Davetak asserts that “‘illegals’
is a term that catalyses fear of asylum seekers as deviant aliens disrupting Australia’s rule-
governed society. It plays upon fears by designating them as inherently ‘outlaws’,
potentially and actually dangerous” (Devetak 2004, pp.105-106). However, Refugees who
come to Australia as ‘unauthorised arrivals’ see themselves, their need for protection and
their ‘unauthorised’ journeys to Australia as legitimate. To use the term ‘illegal immigrant’
then ‘naturalises’ a particular understanding of a group of people who, in fact, offer
alternative understandings of themselves and their reasons for their ‘unauthorised’
journeys. In this thesis I prefer to use the term ‘spontaneous arrivals’ to refer to those who
arrive in Australia without the documentation required by the Australian Government; other
authors also use this term to describe those who are usually referred to as ‘illegal
immigrants’ (Feller 2006; Betts & Duriex 2007; Legomsky 2003). This term does not, at
present, carry the same negative connotations which are associated with the other terms
mentioned above.
2. Understanding Refugee Audiences.

2.1 Introduction

In this chapter I introduce the reader to my study by discussing two major turning points which occurred during my research that have affected how I understand and write about refugees as audiences of the Australian Government’s immigration deterrence policies. The first of these turning points occurred after the ‘failure’ – or rather what I initially perceived to be the failure – of a focus group exercise undertaken for this study. The second turning point occurred as a result of my emotional engagement with my research participants. In the first part of this chapter I discuss my ‘failed’ focus group exercise. In fact, far from being a failure, this focus group exercise yielded some important insights which caused me to revise my approach in examining ‘the audience’. I came to realise that my initial approach closely resembled what Alasuutari (1999) has labelled the ‘first generation of reception studies’ although I also drew heavily on Liebes and Katz’s study on *Dallas* as I discuss later in this chapter. The focus groups exercise led me to question the ‘first generation’ scholars’ preoccupation with examining the production of ‘the message’ while neglecting to investigate the production of ‘the audience’. The ‘failure’ of my focus groups therefore led me to follow the lead of ‘third generation’ scholars such as Tulloch (1999) who demonstrates that the production of ‘the message’ is indivisibly linked to the construction of ‘the audience’ (I further discuss my use of Tulloch’s studies in Chapter Four).

Reception studies scholars propose that people with similar backgrounds – i.e. people of the same culture, ethnicity or gender – will be ‘positioned’ to interpret a given message in
People with similar backgrounds are therefore thought to reject messages for similar reasons\(^\text{10}\). As Ang notes, according to the reception studies perspective, audiences “decode or interpret media texts in ways that are related to their social and cultural circumstances” (Ang 1995, p.214). However, this perspective cannot wholly explain the common rejection of Australia’s immigration deterrence messages by people from very different cultural, ethnic and religious backgrounds as occurs in my study. A different approach is needed in order to understand this type of reaction from the audience, one which challenges the concept of ‘the audience’ itself. While all three generations of reception studies scholars propose that reception is shaped by ‘the audience’ member’s background, it is the third generation that understands and takes an interest in ‘the audience’ as a discursive construct (Alasuutari 1999, p.6). I draw on ‘third generation’ studies to understand how the construction of ‘the audience’ shapes the reception of the immigration deterrence message.

My study is based on the premise that ‘the audience’ is not an objective concept; rather it is an entity which is produced as the result of power relations where certain understandings of ‘the audience’ are privileged over others. I propose that the refugee audience’s rejection of Australia’s immigration deterrence messages is underpinned by the audience’s inability to ‘know’ itself. That is, I propose that the knowledge possessed by refugees who have arrived spontaneously in Australia is subordinated to the politician’s knowledge when it comes to the construction of ‘the truth’ about spontaneous arrival and the creation of policies to counter it. In short, I argue that the deterrence message is rejected by would-be asylum seekers because it is based on the politician’s understanding of spontaneous arrival and not the refugee’s reality.

\(^{10}\)Morley’s (1999a) *Nationwide* study is based on these ideas; I discuss this study in greater detail below.
While in this study, I criticise the politician’s construction of the ‘spontaneous arrival audience’, in the second part of this chapter I am chiefly concerned with critiquing my own construction of knowledge about this audience. Specifically, in the second section of the chapter I reflect on how the research process affected the research respondents and me, and by extension how I have come to understand and talk about refugees in this thesis. In this section I discuss the second major turning point of my research or rather, in this part of the chapter I discuss the numerous insights that I gained as a result of my emotional engagement with my research respondents. Rather than viewing my emotional reactions to the research process as a negative impact on the research, I propose that my emotional engagement with my respondents allowed me to recognise the individuals behind the categorisations of both ‘refugee’ and ‘audience’.

This emotional engagement also led me to question the construction of the ‘spontaneous arrival audience’ by politicians on both sides of the deterrence debate, rather than simply reserving my criticism for the Howard Government as many refugee studies which examine Australia’s immigration deterrence policies appear to do. My respondents’ emotional engagement with the research process also forced me to examine issues that I had not considered to be within the scope of this research project – specifically trauma – but which I came to realise were inherently important to the respondents’ interpretations of immigration deterrence messages. In sum, the second half of this chapter further challenges the idea that the ‘spontaneous arrival audience’ is an objective entity and instead

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11 A number of scholars criticise the Howard Government (see Chapter Three) and some studies are also critical of the Labor Governments which preceded it, but few, if any, scholars criticise the politicians who challenged the immigration deterrence policies which were used by Howard. My study examines how those politicians who criticised Howard played a role in supporting the policies that they condemned (see Chapter Six).
I acknowledge the many ways in which ‘the truth’ about ‘the audience’ is constructed through the process of knowing ‘them’.

2.2 Focus groups with refugees who came to Australia as spontaneous arrivals

I originally sought to undertake six focus groups with refugees who had come to Australia as spontaneous arrivals. In conducting the focus group exercise I had at least two main objectives. First, I sought to investigate what the refugee audience would do with/understand of the materials – posters and pamphlets – which were created as part of the Howard Government’s Overseas Information Campaign. I recognised that while various politicians argue that their immigration deterrence policies will ‘send a strong message’ (as Chapters Five and Six highlight); the Overseas Information Campaign is the only means through which the Howard Government sought to directly inform potential spontaneous arrivals about Australia’s immigration deterrence policies while they (potential spontaneous arrivals) were still in their home regions and in countries they transited en route to Australia. The Howard Government did not otherwise explain how the ‘strong message’ of immigration deterrence policies was delivered to its target.

The great majority of the materials produced by the Howard Government for the Overseas Information Campaign are included in Appendix Two. These materials were received by me as a result of two Freedom of Information requests to the Department of Immigration and Multicultural Affairs (DIMA) and DIMIA, in 2001 and 2004 respectively, through which I requested access to all of the materials (in English, Farsi, Dari and Arabic) that were created as part of the Overseas Information Campaign. I am aware of the existence of at least one poster that I did not receive from DIMA/DIMIA which is of a similar nature to the one that is included in the appendix – this is held by the Australian National Library. I have also not
included one of the booklets from the *Overseas Information Campaign* that I received from DIMA in the appendix. However, the collection in Appendix Two is basically representative of the extent of the campaign itself, though according to DIMIA the materials from the *Overseas Information Campaign* are also available in other languages (DIMIA 2004, pers. comm., 1 May).

It is important that the reader realise that although this campaign exists, Howard Government MPs also assumed that their legislative changes would themselves send messages to potential spontaneous arrivals. Indeed, some Howard Government MPs claimed that people smugglers monitor the Australian parliament and pass on information about Australia’s policies to potential spontaneous arrivals (Scullion, N 2002, *Senate Hansard*, p.2037; Ruddock, P 2002b, *House Hansard*, p.4017). The *Overseas Information Campaign* materials also do not feature many of the specific messages that Howard Government politicians claimed their legislative changes would send. For example, Hardgrave, an MP in the Howard Government, said of the Migration Legislation Bill (No.2) 2000:

> But one of the things that will come out of these measures is a very simple message to the countries of origin of those who seek to go around the well-established system for refugees that is administered by the United Nations. The message is clear: you can’t expect to stay in Australia for years and years and then get your day in court or to come here without a set of papers in your hand. (Hardgrave, G 2001, *House Hansard*, p.23924)

Lloyd, also an MP in the Howard Government, said of the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002:
The government believes that the proposed additional excision sends a very strong message to the people smugglers that they cannot arrive in Australia through the Torres Strait islands… (Lloyd, J 2002, *House Hansard*, p.4037)

The ‘messages’ described by Hardgrave (2001) and Lloyd (2002) above are not part of the *Overseas Information Campaign* and neither politician explains how potential spontaneous arrivals or people smugglers will become aware of such policy changes.

There is no publicly available information which explains how refugees – who have represented a significant proportion of the number of spontaneous arrivals who have come to Australia in recent years (DIMIA 2003c; Crock, Saul & Dastyari 2006, pp.37-38) – interact with the materials created for the *Overseas Information Campaign*. The Howard Government and the Department of Immigration under the Howard administration asserted that as part of the *Overseas Information Campaign* “videos, radio news clips, posters and special information kits” (DIMIA 2004, pers. comm., 1 May) were sent overseas for the purpose deterring spontaneous arrival to Australia. However, we do not know how these materials were actually ‘read’ by their audiences if they were indeed ‘received’ by potential spontaneous arrivals at all. My inquiries to DIMA and DIMIA over the course of a number of years did not reap any information concerning exactly what research (if any) was done to suggest that these materials would be ‘effective’ when read by potential spontaneous arrivals.

My inquires to DIMA and DIMIA also reaped very little information about how the materials created for the *Overseas Information Campaign* would be delivered to their target audience. The majority of those who have come to Australia in recent years as spontaneous have originated from Afghanistan and Iraq, therefore, some questioned the Howard
Government’s capacity to deliver Australia’s deterrence message to potential spontaneous arrivals who come from these countries. Cooney, a Labor Party senator, said for example, “I am not sure how the message is going to get back to Afghanistan and Iraq about what happens here. I do not think their press or their television or their media generally are noted for their freedom.” (Cooney, B 2001, Senate Hansard, p.27708). In responding to a letter that I sent to the former Minister for Immigration, Amanda Vanstone, a DIMIA official stated that Vanstone’s predecessor,

Mr Ruddock discussed the use and distribution of these information materials [from the *Overseas Information Campaign*] with foreign governments [during a number of overseas trips]. In his briefings he notified local media outlets of their content and availability. (DIMIA 2004, pers comm., 1 May)

While none of the respondents of this study had seen the posters etc. from the *Overseas Information Campaign* before they arrived in Australia, this does not mean that other potential spontaneous arrivals have not seen such materials or media reports about them. However, I did not seek to discover whether the materials from the *Overseas Information Campaign* had reached their target – this appeared to be too difficult to determine. Instead, in the absence of any research on the potential asylum seeker’s reception of these materials, I sought to ascertain how the *Overseas Information Campaign* would be interpreted by those who were once in its target audience. I therefore presented the materials from the *Overseas Information Campaign* to refugees who had come to Australia as spontaneous arrivals.

The second reason that the focus groups were undertaken, in addition to individual interviews with refugees, was because a number of audience studies have demonstrated that
audience members do not view or interpret messages in isolation; they ‘read’ messages in
groups and are said to be part of ‘interpretative communities’. As Liebes and Katz’s (1990)
cross cultural study examining the audiences of Dallas demonstrates, group interaction can
affect how a message is viewed and interpreted by individual audience members. Liebes
and Katz’s respondents for example, debated the ‘true’ meaning of the storylines and the
characters’ motivations in Dallas and the individual respondents’ opinions were negotiated
with and sometimes modified by the group (Liebes and Katz 1990, pp.84-85).

However, even when an individual views a message/program/‘text’ without others being
present, s/he is influenced in her/his interpretation by the social and cultural context in
which s/he is situated. Viewing can never be a truly isolated experience – our
interpretations are the product of our cultural backgrounds and the socio-historical setting
in which we exist and from which we can never be truly detached. As Ang says, the notion
of interpretive communities refers to “groups of people who make common interpretations
of a text… such communities or subcultures do not have to be physically united in one
location; they can be geographically dispersed, and can consist of many different kinds of
concluded similarly that meaning-making does not occur purely on an individual level but
in “a forum that goes on within communities from which meaning is forged and
legitimated” (Liebes and Katz 1990, p.82). The meanings generated within small groups
therefore extend beyond such groups; common interpretations are drawn by people in
common social situations (Radway 1991, p.8; Morley 1999a, p.129)\textsuperscript{12}.

\textsuperscript{12} Morley also sees individual choice as rooted in “particular social and cultural contexts” (Morley 1999b,
p.17); he says that “viewing has to be seen less and less as isolated and individual and more social, even a
collective activity” (Morley 1999b, p.8).
My focus group exercise then, was aimed at investigating not only how ‘the group’ context affects the individual and the meanings s/he draws from the text, but I also sought to examine the role that culture plays in interpretation given that the various nationality groups in the Liebes and Katz’s (1990) study arrived at very different understandings of *Dallas* – understandings which had a basis in the respondents’ ethnic and cultural backgrounds. I therefore hoped to draw comparisons between the focus groups that I would undertake with three different nationality groups – Afghans, Iraqis and Iranians – in order to better understand the role played by culture and other aspects of the respondents’ backgrounds in their interpretations of Australia’s deterrence policy information.¹³

As I was particularly influenced by Liebes and Katz’s (1990) series of focus groups on *Dallas*, I expected that the respondents in my study would potentially debate each other over the ‘true’ meaning of the materials presented to them from the *Overseas Information Campaign* just as Liebes and Katz’s (1990) respondents had debated the true meanings of aspects of *Dallas*. I envisaged that there might be arguments between the respondents in my study as there were in Liebes and Katz’s (1990) study, and that the focus groups could potentially become the site of an intense discussion. However, the first focus group which I undertook was limited in the respect that I did not interview refugees in a “truly” ‘natural’ viewing environment. I did not, for example, talk to the respondents whilst they were en route to Australia or at the point that they were deciding to leave their home countries and regions in order to migrate elsewhere.

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¹³ In undertaking the focus groups for this study, I was mindful of the ‘ethnographic turn’ which occurred in cultural studies research whereafter scholars recognised the value of interviewing and observing audiences in the context of their ‘natural’ viewing environment. Morley (1999b) said for example, that his *Family Television: Cultural Power and Domestic Leisure* study arose as the result of concerns that he had about his prior study on the *Nationwide* (Morley 1999a) television program where interviews were undertaken outside of the “‘natural’ domestic viewing context” – i.e. outside of the respondents’ homes (Morley 1999b, p.40). It is questionable, however, whether researchers can ever truly observe ‘natural’ audience behaviour given that the presence of the researcher affects such behaviour. Seiter says, for example, that she “consider[s] the impact of the researcher’s presence to be a continuing and strongly influential factor in shaping the interaction [between the researcher and respondents] and limiting what is said” in ethnographic audience research studies like hers (Seiter 1999, p.30). While the focus groups undertaken for my study, were conducted in the homes of the respondents and the respondents themselves were either good friends (in the case of one group) or a family (in the case of the other group), this study was limited in the respect that I did not interview refugees in a ‘truly’ ‘natural’ viewing environment. I did not speak to the respondents in an environment where they might ‘naturally’ encounter deterrence information. I did not, for example, talk to the respondents whilst they were en route to Australia or at the point that they were deciding to leave their home countries and regions in order to migrate elsewhere.
undertook with a family of Iraqi women lasted for approximately ten minutes; I then decided to interview the women as a group using the questionnaire that I had drafted for the individual interviews that I hoped to undertake. This focus group was so unsuccessful from my perspective at the time, that I was reluctant to undertake a second one. The respondents also seemed mildly displeased during this focus group, perhaps as a result of the fact that I was asking them to read posters and pamphlets instead of listening to their refugee ‘stories’ including understanding their plight as TPV holders.

The second focus group, which involved three Afghan, Hazara men, was undertaken after I had interviewed these men as a group using the questions that I had drafted for the individual interviews\textsuperscript{14}. This group was more relaxed and the men did not seem as indignant at my line of questioning as the women had been, however, this focus group also only lasted for a short period of time – perhaps also around ten minutes\textsuperscript{15}. The Afghan men, like the Iraqi women, failed to really engage with the materials from the Overseas Information Campaign – posters, post cards and information sheets – and failed to really discuss them. Instead, the men were perplexed by and became almost apologetic about the fact that they had not previously seen the materials that I was presenting to them – after all, as I had told the men, these materials had existed since before they came to Australia and therefore they should perhaps have seen them, as the Australian Government was suggesting\textsuperscript{16}.

\textsuperscript{14} After I completed the group interview, I conducted the focus group using the questions from the focus group questionnaire.
\textsuperscript{15} In contrast, the group interview that I conducted with these men lasted for about 40 minutes.
\textsuperscript{16} Former Minister for Immigration Philip Ruddock stated that the materials from the Overseas Information Campaign were “distributed in a number of countries as well as Australia” (Ruddock 2001c).
The focus groups that I undertook failed to live up to my expectations that the respondents would dissect the text – or in this case the various texts – presented to them, in the same way and to the degree that Liebes and Katz’s (1990) respondents had dissected *Dallas*. As Hall says in introducing Morley’s *Family Television: Cultural Power and Domestic Leisure* (1999b) “viewing is almost always accompanied by argument, comment, debate and discussion” (Hall 1999, p.9). I assumed, given the lengthy and detailed discussions that had occurred during the focus groups that were conducted by other audience researchers (Morley 1999a; Liebes & Katz 1990), that my respondents would do more in interacting with the texts that they encountered during their focus groups.

It was because of my belief that these focus groups had failed and also because I found it difficult to recruit the number of research respondents that I had originally sought to interview, that I decided not to conduct any more focus groups. In retrospect, however, I now see the respondents’ lack of interaction with the *Overseas Information Campaign* materials as valuable; the insights gleaned from these focus groups are important. My focus groups are perhaps reminiscent of Morley’s (1999a) *Nationwide* study where some of his respondents did not engage with the *Nationwide* program at all. Morley observed: “The black students make hardly any connection with the discourse of *Nationwide*. The concerns of *Nationwide* are not the concerns of their world.” (Morley 1999a, p.257). In particular, Morley’s suggestion that the black students in his study “fail, or refuse, to engage with the discourse of the programme enough to deconstruct or re-define it” (Morley 1992, p.114) could be used to describe the reactions of the respondents in my study.

While Liebes and Katz’s (1990) respondents made judgements about such things as what the characters’ actions in *Dallas* meant, the respondents in my study did not debate the
meanings of the materials that were presented to them at all. In fact, I would argue that the respondents in my study understood these meanings in line with what was intended by the Howard Government when it constructed the Overseas Information Campaign. Notably, both groups appeared to ‘comprehend\(^{17}\)’ the information materials – they could read what the documents said in their ‘native’\(^{18}\) languages. Both groups also seemed to understand the Howard Government’s purpose in producing the materials in line with the government’s own suggestions about its purpose: the respondents seemingly agreed that “the Overseas Information Campaign aims to stop illegal air and boat arrivals to Australia” (DIMIA 2003b). The respondents’ lack of engagement with the materials from the Overseas Information Campaign therefore was not the result of a translation problem (from English to Arabic / Dari/ Farsi).

As Hall stated in his essay *Encoding/Decoding* (which provided the genesis for the reception studies approach) “it is possible for a viewer to perfectly understand both the literal and connotative inflection given by a discourse but to decode the message in a globally contrary way” thereby producing what Hall referred to as an ‘oppositional reading’ (Hall 2001, p.175). However, I would not propose that the respondents in my study were

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\(^{17}\) I recognise that it is difficult to determine that ‘comprehension’ has occurred in an objective sense. Given that various meanings may be drawn from a given text then it would be problematic to suggest that there is a ‘correct’ meaning for the viewer/reader/audience to comprehend. However, Hall makes a distinction between ‘literal misunderstandings’ and the viewer’s rejection of the preferred reading of a text: “no doubt misunderstandings of a literal kind do exist. The viewer does not know the terms employed, cannot follow the logic of argument or exposition, is unfamiliar with the language, finds the concepts alien or difficult or is foxed by the expository narrative. But more often broadcasters are concerned that the audience has failed to take the meaning as they – the broadcasters – intended. What they really mean to say is that viewers are not operating within the ‘dominant’ or ‘preferred’ code” (Hall 2001, p.173). Hall (2001) thereby draws a distinction between the type of misunderstanding which could occur as the result of a mistranslation, from the viewer’s rejection of the sender’s ‘preferred meaning’. The Iraqi women who participated in my focus groups translated the Overseas Information Campaign materials that were written in Arabic into English for me. The women told me what the documents said and this matched the English equivalent from which I was reading; this, like the Arabic version, was created by DIMIA/DIMA.

\(^{18}\) Of course Hazaraggi is the native language of many of the Afghans who were interviewed for this study, all of whom were from the Hazara ethnic group, they were however, presented with documents written in Dari (the main language of Afghanistan) and Farsi (the main language of Iran which very similar to Dari). The men were able to read the Farsi and Dari documents.
engaged in producing such a simple oppositional reading. My respondents’ lack of engagement with the materials from the *Overseas Information Campaign* could not be explained by the fact that they understood or interpreted the texts’ meaning in a way which was fundamentally at odds with the producers’ understanding of this meaning – they did not\(^\text{19}\). Instead, perhaps, my respondents produced an oppositional reading akin to that produced by Morley’s respondents (1999a). Morley’s respondents did not so much reject the meanings that were embedded in the *Nationwide* program; they failed to engage with the program at all. Morley observed that “their response in the first instance is ‘a critique of silence’ rather than an oppositional reading… some of them at times come close to accepting the programme’s own definitions” (Morley 1992, p.114).

Morley (1999a) believed that his respondents’ cultural backgrounds played a role in their rejection of *Nationwide*. Morley said of the black students in his study for example, “these students were almost exclusively drawn from a black (predominantly West Indian) inner-city, working-class community – and their readings of the programme material directly reflect the disjunction between the cultural codes of that community and the cultural codes of *Nationwide*” (Morley 1992, p.114)\(^\text{20}\). From my perspective and especially because I undertook only two focus groups, it is difficult to point to culture as the basis for the

\(^{19}\) As I have already suggested the respondents did not really debate the meaning of the *Overseas Information Campaign* materials at all nor did they rework the meanings of the texts that they viewed. As Hall says, “the viewer who listens to a debate on the need to limit wages but ‘reads’ every mention of the ‘national interest’ as ‘class interest’ is working within an oppositional framework” (Hall 2001, p.175). Clearly my respondents objected to various aspects of the *Overseas Information Campaign* materials but they did not produce a reading which changed the ‘meaning’ of these texts from that which was intended by the producers (the Australian Government).

\(^{20}\) This is an oversimplified summary of Morley’s position, in fact he found that no single social variable in an individual’s background dominates others when s/he interprets texts – the black students did not simply engage with *Nationwide* in a particular way because they were black (Morley 1999a p.265). In noting the students’ similarities, beyond their ethnicity – i.e. their common background as working class and being from the inner city – Morley (1999a) still suggests that culture positioned the students to reject the *Nationwide* discourse but he considers ‘culture’ in a more holistic way, rather than just referring to race.
refugee respondents’ lack of engagement with the information materials that were presented to them.

While Morley proposed that different groups “share a cultural orientation towards decoding messages in particular ways” (Morley 1999a, p.129), I feel that such a perspective fails to completely explain the reasons behind my respondents’ rejection of Australia’s immigration deterrence information. This is because the rejection of the deterrence message in my study crossed national, ethnic, education and gender lines: the family of women was comprised of individuals who were Iraqi, mostly tertiary educated and who came from an urban area in Iraq. The three men were Afghan Hazaras who were mostly from rural Afghanistan and who had primary school or no formal education. Though there were similarities amongst my respondents as a result of commonalities in their backgrounds (as Chapters Eight and Nine will demonstrate); it was not the case in my study that the respondents’ common cultural/social/national backgrounds ‘positioned’ them to interpret ‘the strong message’ in a particular way – i.e. to reject the message. It seemed instead that the ‘message’ was rejected because it was based on an understanding of ‘the audience’ which was fundamentally at odds with the audience members’ understandings of themselves.

I suggest, that instead of my respondents rejecting the deterrence message because of commonalities in their backgrounds, refugees from various religious, ethnic, cultural and national backgrounds commonly reject deterrence messages (as occurred in my study) because they are commonly positioned as inadequate knowers of themselves when it comes to policy construction. The individual refugee’s/spontaneous arrival’s rejection of deterrence information is attributable to the fact that the deterrence message is constructed
against a backdrop of power relations which render refugees’/spontaneous arrivals’ knowledge of themselves as less legitimate and less ‘true’ than the politician’s vision of ‘the audience’.

It is the politician’s knowledge, rather than the refugee’s/spontaneous arrival’s knowledge of self which provides a basis for the ‘strong message’ of Australia’s immigration deterrence policies. As this study shows, background factors such as religion, nationality and ethnicity still have an impact on the decisions and interpretations that refugees/spontaneous arrivals make. However, such background factors alone cannot wholly explain why refugees/spontaneous arrivals do not behave in the way that policy makers might wish – background factors alone cannot fully explain why potential spontaneous arrivals are not deterred by deterrence messages.

Both of the focus groups of refugees rejected the suggestion that the materials from the Overseas Information Campaign would or could shape the choices of others like them – others who may become spontaneous arrivals and asylum seekers. Also, both groups ‘rejected’ ‘the message’ because it did not fit with their understanding of their journey to Australia. Specifically, the poster from the Overseas Information Campaign kit commands: “Stop. Do NOT travel to Australia without a visa or proper travel documents!” The poster also states: “If you choose to enter Australia illegally, without a visa… you will NOT be welcome, you WILL be caught, you WILL be kept in detention centres, thousands of kilometres from Sydney, you could LOSE all your money and be sent back” (capitalisation in original text) (DIMA 2001b). The legitimacy of spontaneous arrival is thus called into question by both what is written on the Overseas Information Campaign materials and by the fact that they have been published at all – given that they exist to
prevent spontaneous arrival. Faced with such materials, the Iraqi women said that they had no choice but to flee Iraq in the manner in which they did and that they were not required to have a visa in order to seek asylum in Australia. As the Afghan men examined the materials from the Overseas Information Campaign, they affirmed what they have already said in their group interview – that their ‘unauthorised’ journey to Australia was legitimate and necessary in order to save their lives.

These focus groups both ended with the respondents almost refusing further critique. It was as if the respondents had decided that ‘the message’ simply did not fit with their understandings of their life circumstances and they therefore would not offer any further comment – there was almost nothing else to say. It was as if, like Morley suggested of his own respondents, that the respondents in my study had embarked on a “critique of silence” (Morley 1999b, p.258). Other than refusing to undertake further critique on the basis that ‘the message’ did not fit with their reality, the other reason that I felt that the respondents shut down the focus groups related to their lack of engagement with the focus groups as an exercise. I had the sense, especially from the women, that they felt that this was not an appropriate way to engage in conversation about the deeply personal and traumatic experience of being a refugee.

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21 Or at least this was the sense that I got when I undertook the focus groups although the transcripts (which are reproduced in full in Appendix 3) do not reflect the emotion of the focus group conversations, especially the indignation of the women.

22 Scott is critical of scholars who examine the experiences of those within marginalized groups without interrogating “questions about the constructed nature of experience, about how subjects are constructed as different in the first place” (Scott 1991, p.777). Scott proposes that such scholars naturalise or reinforce categories of difference when they present, for example, ‘the experience of the homosexual’ and do not “attend to the historical processes that, through discourse, positions subjects [in this case homosexuals] and produce their experiences” (Scott 1991, p.779). Though I use the term ‘experience’ in this thesis, I do not seek to present ‘the experience of the refugee’ as if all those who are known/categorised as refugees have a singular experience. Instead, I interrogate the use of the term ‘refugee’ as a category of difference, investigate the power/knowledge which produces this ‘term’ and shapes understandings of the refugee subject. I also critique my presentation of refugee knowledges and I discuss the constructed nature of the ‘experiences’ that I represent. Therefore, while I at times draw on commonsense understandings when I use the term

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Reading the materials from the *Overseas Information Campaign* was a very emotionally engaging experience for the research participants which brought up issues relating to their mistreatment by the Australian Government (which some respondents felt was ongoing) and the trauma surrounding their flight from Iraq or Afghanistan. Against this backdrop, the focus groups almost felt like a game with materials to ‘play with’, when, perhaps from the respondents’ perspective, I should have been engaged in the more serious business of listening to what they had to say about their lives as refugees. Indeed, in order to understand the respondents’ interpretations of Australia’s immigration deterrence messages, it was necessary for me to examine the emotion which characterised their engagement with such texts and by extension to engage with this emotion myself.

My ‘failed’ focus groups, therefore, led me to my central hypothesis – that refugees reject deterrence policy messages because they are commonly positioned as inadequate knowers of spontaneous arrival; they do not reject deterrence messages purely because of factors in their backgrounds. The focus group exercise and my emotional engagement with my respondents also led me to recognise the individual nature of refugees’ interpretations of deterrence policies; this was because my emotional engagement with my respondents forced me to see their individuality and to view how they defied the categorisations that politicians and researchers use to ‘know’ them. Engaging with my research respondents on an personal level – laughing with them, empathising with them, being traumatised by their traumatic stories, and even getting angry with them – caused me to realise how much of the

\[23\] I recognise that while my respondents exhibited similar responses to deterrence messages because of similarities in their backgrounds, even those who had very similar backgrounds did not have identical responses to deterrence information. The respondents’ interpretations were, therefore, to some extent, individual.
richness of human experience is omitted through reducing such human beings to the categorisations of either ‘audience’ or ‘refugee’.

Turton calls for the recognition that refugees and their experiences are individual, rather than singular as the use of the categorisation of ‘refugee’ implies; he says “there is no such thing as ‘the refugee experience’… and there is therefore no such thing as ‘the refugee voice’: there are only the experiences and voices of refugees” (Turton 2003, p.6). Similarly, Hartley says of the television audience “the ‘I’ that watches TV always both exceeds and falls short of what ‘audiences’ are routinely supposed to be like” (Hartley 1999, p.492). Therefore, the individual falls short of and exceeds the categorisations of both ‘refugee’ and ‘audience’ – this is made abundantly clear if we compare the images of the ‘illegal immigrant’ or refugee ‘victim’ which are conjured up in parliamentary discussions (see Chapters Five and Six), with the refugee’s narrative on herself/himself (see Chapters Eight and Nine).

The individual’s inherent complexity is certainly not left behind when s/he interprets immigration deterrence texts, yet in attempting to know ‘the audience’, the message’s producers (politicians) hone down this complexity in order to fit the individual into such a categorisation and make ‘them’ knowable. This reduction of the individual through the process of knowing ‘the audience’, prompted Hartley (1987) to suggest that ‘the audience’ does not exist at all, rather it is just ‘imagined’ for the convenience, or in the interests of those who seek to know individuals by such a categorisation – i.e. for the convenience of researchers, mass media producers and regulators. Drawing on Hartley’s proposal I argue that the ‘potential spontaneous arrival’ audience does not exist outside of discourse. As Chapters Five and Six demonstrate, the construction of this audience by Howard
Government politicians tended to reinforce their position as experts on the phenomenon of spontaneous arrival who knew how to cure the spontaneous arrival ‘problem’.

Indeed, I would further suggest that the notion that there is a spontaneous arrival audience is untenable as it would seem to assume that individuals from multiple national, ethnic and religious backgrounds, who are located in various regions across the world, are likely to react in the same way to Australia’s policy messages. As Chapters Five and Six demonstrate, politicians assume only that the deterrence policy message will ‘work’, they do not consider the diversity of refugee audiences nor how such diversity might contribute to refugees’ diverse reactions to ‘the strong message’. Instead, as this study shows, refugees, their decisions and interpretations of deterrence policy information, are individual (though such decisions and interpretations are still influenced by socio-cultural factors). My engagement with my respondents demonstrated to me that refugees defy the limits which are placed on their individuality when they are understood as ‘refugees’ or ‘audience’.

Hartley (1987) not only suggests that political and media institutions construct ‘the audience’, he also proposes that audience researchers create ‘the audience’ through their studies. ‘The audience’, for Hartley is not an entity with “intrinsic (observable) qualities” (Hartley 1987, p.127). Ang similarly disputes “the misleading assumption that ‘audience’ is a self-contained object of study ready-made for specialist empirical and theoretical analysis” (Ang 1996, p.8). ‘The audience’ is not something which can be objectively known by the researcher, rather it is constructed through the process of knowledge creation. Such knowledge creation is underpinned by power relations where the researcher’s ‘knowledge’ of ‘the audience’ is privileged over the audience member’s understanding of
Audiences are ‘known’ from the researcher’s perspective, are investigated in line with the researcher’s interests, and are produced according to the methods the researcher employs to know ‘them’. As Hartley suggests, when different methodologies are applied to understand the same population, these “produce ‘different’ audiences” (Hartley 1999, p.490).

Researchers also simplify the individuals who become known as ‘the audience’, much like the message’s producers themselves do. Morley’s (1999a) Nationwide study provides one example where audience members defied the researcher’s own essentialist notions of what constitutes ‘the audience’ and what governs the audience member’s interpretations. While Morley (1999a) believed that the individual audience member’s background – and particularly their socio-economic position, but also race and gender – might affect their interpretations of the Nationwide program, he ultimately found that no one variable in an individual’s background, including class position, governed her/his interpretations. Morley had originally proposed that “members of different groups and classes, sharing different ‘culture codes’ will interpret a given message… in a way ‘systematically related’ to their socio-economic position” (Morley 1999a, p.129); he concluded however, that: “social position in no way directly correlates with decodings” (Morley 1999a, p.260). It seems imperative then, given these insights and also the fact that my study critiques the construction of knowledge about ‘the spontaneous arrival audience’ by others (specifically politicians), that I should reflect on how I have constructed knowledge about this audience myself.

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24 Morley argues that ‘race’ has “replaced ‘class’, to become the new master category of analysis [within audience research] and individual audience members’ decodings of media material are ‘explained’ by reference to membership of racial or ethnic categories” (Morley 2006, p.108).
2.3 Constructing the spontaneous arrival audience

Cultural studies scholars, especially those whose work has informed my study, take a reflexive approach to their research where they reflect on the construction of knowledge in their studies (Ang 1996; Tulloch 2000; Brunsdon 2000; Morley 1992; Radway 1991; Hermes 1995; McKinley 1997; Mankekar 1999; Seiter 1999; Gray 1992). A reflexive approach acknowledges the researcher’s footprint on their research, and recognises that the researcher’s background affects “all phases of the research process from initial selection of topic to final reporting of results” (Aull Davies 1999, p.4). In taking up reflexivity, scholars dismiss notions that are traditionally valued by positivist research paradigms such as ‘objectivity’ and researcher ‘neutrality’; they recognise instead that research is a product of the socio-historical context in which it is produced and in which the researcher is ‘positioned’. As Ang suggests, the researcher “is no longer the neutral observer, but is someone whose job it is to produce historically and culturally specific knowledges that are the result of equally specific discursive encounters between researcher and informants” (Ang 1996, p.46).

The researcher’s account then, does not offer a transparent view of reality, rather ‘reality’ is always constructed from the researcher’s perspective. As Radway says of her analysis of the interviews that she conducted with romance novel readers: “even what I took to be simple descriptions of my interviewees’ self-understandings were mediated if not produced by my own conceptual constructs and way of seeing the world” (Radway 1991, p.5). Audience researchers within the cultural studies tradition also recognise, like Hartley above, that the ‘audience’ is not an objective thing, rather it is “produced by a particular

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25 As Elliot says: “there is now an awareness that the process of research itself does not simply produce descriptions of reality but should also be understood in some senses to construct reality (Elliot 2005, p.154).
analytical gaze” (Alasuutari 1999, p.6). Therefore Ang, amongst other cultural studies scholars, advocates that researchers should reflect on how they construct ‘the audience’ as an object of knowledge in their studies; she says “in empirical audience research, especially, it is important to reflect upon the politics of the knowledge produced” (Ang 1996, p.45). Therefore, through reflexivity, cultural studies scholars seek to address the power inequalities that are involved in their research. Specifically, reflexivity is used by researchers as a means of acknowledging and disclosing how ‘the audience’ becomes ‘known’ through the privileging of the researcher’s ‘expert’ account.

There have also been proposals within refugee studies for researchers to reflect on their role in the construction of knowledge, especially in regards to the construction of knowledge about the refugee subject. Some researchers therefore do adopt a reflexive approach. Kramer for example, acknowledges the ‘baggage’ – of the interviewees but particularly that of the researchers – which coloured the results of his studies on refugees and mental health issues. Hardy et al also recognise the need to critique their own role in constructing the refugee subject and do not merely criticise the constructions produced by other groups; they examine “how the ‘refugee’ as a research subject is produced through a complex process of social construction involving ourselves [the researchers], the various groups within the refugee determination system, and the wider research community” (Hardy et al 2001, p.532).

Other scholars are critical of studies on refugees which do not adopt reflexive approaches and acknowledge how the background of the researcher affects the knowledge which is produced through the research. Rajaram (2002), for example, is particularly critical of researchers who fail to acknowledge how refugees are understood within Western ways of
knowing; he suggests that refugees have become an ‘other’ of Western researchers. In addition, Kumsa laments that refugee studies “do not question ‘the refugee’ as a category” (Kumsa 2006, p.233) and do not question the privileging of the researcher’s voice over the voices of refugees. Kumsa states that “literature is replete with experts studying refugees, thus creating mutually exclusive categories of experts and refugees” (Kumsa 2006, p.233). This mirrors concerns within cultural studies about the construction of ‘the audience’ as “an exotic other” (Ang 1996, p.45) through the privileging of the researcher’s knowledge of ‘the audience’ as an ‘object’.

At once categorised as ‘refugees’ and as ‘the audience’, the respondents in my study are therefore potentially caught up in a double-bind of otherness as I attempt to understand ‘them’ according to these categorisations. However, one of my major contentions in this thesis is that there is a need for researchers to acknowledge the complex human beings behind the categorisations of ‘refugee’ and ‘audience’ which objectify them. Without such an acknowledgement our understanding of refugees’ reception of deterrence policy messages remains superficial. This is because refugees/potential asylum seekers/spontaneous arrivals do not act according to ‘our’ desired way of knowing ‘them’.

Reflexivity, while it typically involves the researcher acknowledging the power inequalities which are involved in the research process, does not really solve these power inequalities if for no other reason than because a reflexive account is still told from the researcher’s perspective. In this reflexive account the voice of the white academic ‘expert’ – myself – still prevails as I seek to understand the experiences of my research participants.

Reflexivity is therefore criticised for further turning the focus of research away from the research subjects and their concerns and redirecting this focus onto the researcher and
her/his interests (Elliot 2005, p.155). As Hale suggests “among the serious problems with such self-reflexivity… is that the white, Western researcher once again puts herself at the centre; the Third World narrator is marginalised” (Hale 1991, p.131). While reflexivity cannot remedy the power inequalities which are an inherent part of the research process, reflexive accounts do serve to highlight such problems to the reader. One of the values of reflexivity is that, unlike positivist research paradigms, reflexive accounts are based on the recognition that research cannot produce ‘the truth’ – this is an acknowledgement which is partly born out of the recognition that certain groups have been traditionally locked out of truth making. As feminist researchers and researchers from other traditionally marginalised groups have argued, the truths produced by empirical studies do not always represent their truths, their realities or their knowledge, especially when these studies are conducted and written by white male researchers (Ladson-Billings 2003, pp.398-432).

The value of reflexivity for Hertz, in addition, does not just lie with offering the reader an understanding of how knowledge is constructed by the researcher; it also gives “insights into the workings of the social world and insight on how that knowledge came into existence” (Hertz 1997, p.viii). It is hoped then, that my reflections will not only allow the reader to view how my background and my interaction with the research respondents impacted on the construction of knowledge in this thesis, but to also gain an insight into a socio-historical moment where knowledge about the spontaneous arrival/refugee subject is currently valued and contested.

2.4 Emotional research

How can anyone who has spent so many hours with the university’s student counsellor, trying to recover from the experience of interviewing traumatised (and in one case at least) seemingly psychotic refugees, ever
hope to produce an objective or detached research account?! (from my research notes, 2005)

Emotion, and especially the kind that arises during interviews with trauma survivors not only shatters once and for all the fallacy of objectivity, I would suggest that it fundamentally affects how the researcher understands the research participants and topic of research in general. As Carter and Delamont (1996) write of the impact of emotional research on the male contributors to their book “fieldwork and other qualitative data collection methods change the investigator. He is ‘never the same again’… observing and hearing about pain, terror, despair and anger leaves its marks on the researcher” (Carter and Delamont 1996, p.x). Emotion was once considered something to be avoided by researchers, it was thought to be a contaminant of good, ‘scientific’ research but as researchers have moved to post-positivist research methods, emotion is now recognised as an inevitable and valuable part of the research process (Jaggar 1992, p.145; Alvesson & Skoldberg 2000, p.217; Behar 1996, p.12; Lee-Treweek & Linkogle 2000, pp.14-16; Ellis & Bochner 2000).

Jaggar argues that emotion is an inescapable force which shapes the individual’s interaction with the world; she contends that especially because emotions underpin the researcher’s personal values and the values of her/his society, they cannot be cast off during the research process: “these [social] values are implicit in the identification of the problems considered worthy of testing, and in the solutions to the problems considered worthy of acceptance” (Jaggar 1992, p.156). Alvesson and Skoldberg (2000) also argue, like Jaggar (1992), that emotion has a social dimension which shapes which topics are researched and how; they also suggest that the desire to suppress emotion in research may be a result of social power relations or, as they say, “dominance conditions” (Alvesson & Skoldberg 2000, p.217).
Indeed, feminist researchers link the attempted suppression of the emotional dimension of research with patriarchal values. More specifically, emotion is said to be devalued as an element in the research process because of its construction as a female characteristic; emotion is contrasted with ‘reason’ for example which is linked to masculinity (Oakley 1981; Jaggar 1992).

Rather than sidelining emotion, feminist researchers have found it to be a particularly valuable part of their research; Stanko, for example describes her emotional response to her research as a “resource” (Stanko 1997, p.83). Jaggar, amongst other feminist researchers, suggests that “emotion may be helpful and even necessary rather than inimical to the construction of knowledge” (Jaggar 1992, p.146). There is also a certain ethical dimension involved when a researcher engages with her/his research respondents on an emotional level, rather than seeking to be ‘detached’ and ‘objective’. For Oakley, emotional engagement moves the research process beyond exploitative practices which treat respondents as ‘objects’, take ‘data’ from them and offer them nothing in return (Oakley 1981, p.48).

I was unable to view my research respondents as simply objects of knowledge. The emotional reactions that I had when I undertook my research, specifically the empathy that I felt for my respondents, challenged the divisions of ‘self’ and ‘other’, ‘researcher’ and ‘researched’, ‘expert’ and ‘object’ which are associated with traditional approaches to interviewing (Oakley 1981). The fact that I did not engage with my research respondents

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26 As Jaggar says “Not only has reason been contrasted with emotion, but it has also been associated with the mental, the cultural, the universal, the public, and the male, whereas emotion has been associated with the irrational, the physical, the natural, the particular, the private, and, of course, the female” (Jaggar 1992, p.145). From this perspective, those things valued by positivist research paradigms are therefore linked with masculinity.
purely as a ‘detached researcher’ – I shared meals with them, I played and talked with their children and discussed issues with the respondents beyond the research topic – allowed me to observe the many similarities between ‘us’. This meant that I subsequently found it difficult to refer to ‘them’ as if ‘they’ were fundamentally different and separate from me, it also meant that I could no longer conceive of ‘them’ as fitting neatly into categorisations which chiselled down their individuality and complexity.

It became clear to me through my emotional engagement with my research participants, that they defied any attempts to know them according to the categorisations of ‘victim’ and ‘deviant’ as they are envisioned within the parliamentary discussions on spontaneous arrival (see Chapters Five and Six). It also became clear to me that my respondents defied the descriptions of refugees which are offered up in refugee studies which also can tend towards understanding ‘them’ as victims (I will discuss this in greater detail throughout this thesis). In short, my emotional engagement with my research respondents allowed me to see these respondents’ complexity and individuality. Emotion allowed me to understand that it is a whole and multifaceted person, rather than a homogenized refugee/spontaneous arrival audience, or a person boiled down to the categorizations of ‘refugee’, ‘illegal immigrant’ or ‘victim’ who engages with Australia’s immigration deterrence policy information.

This realisation importantly challenges the direct effects understanding of communication that underpins the justification for immigration deterrence policies. As Chapters Five and Six demonstrate, Australian politicians appear to understand the communication of immigration deterrence policies in line with the direct effects model and fail to consider that potential spontaneous arrivals will have diverse reactions to deterrence policy
messages. The direct effects model conceives of the audience member as a passive participant in the communication process whose behaviour is directly modified and shaped by the messages that s/he receives (McQuail 2005, p.471; Ang 1995, p.212; O’Shaughnessy & Stadler 2005, p.99; Taylor & Willis 1999, p.156-157). Direct effects understandings of communication are criticised for failing to consider how the audience member’s personality and socio-cultural background will affect how s/he interprets the messages that s/he receives. Instead, the hypodermic needle model of communication – the effects model which most closely resembles the Howard Government’s understanding of the communication of deterrence messages – understands ‘the audience’ to be a mindless, unthinking, homogenous mass. As Taylor and Willis state “this strain of effects research argued that repressive ideas and ideologies could be inserted straight into the masses and the direct and even responses could be expected from all ‘mass’ members as they act upon these ideas” (Taylor & Willis 1999, p.157).

I also argue that the concept of the ‘mass’ underpins the understanding that spontaneous arrivals are victims. The victim idea also involves conceiving of refugees as a passive mass rather than as people who act in multiple ways and whose actions are shaped by factors in their backgrounds and personalities. As Rajaram proposes, through depicting refugees as victims, humanitarian agencies render refugees “speechless and without agency, a physical entity, or rather a physical mass within which individuality is subsumed” (Rajaram 2002, p.251). As Chapters Five and Six demonstrate, when Australian politicians oppose deterrence policies, they typically position spontaneous arrivals as victims. The victim perspective tends to ignore refugees’/spontaneous arrivals’ individual and culturally-based experiences and instead supports the understanding that refugees are a mass – a group which acts as one and where all act for the same reasons (i.e. where all action is driven by
the victim’s desperation or fear). However, my study shows that refugees reject Australia’s immigration deterrence messages because of their individual experiences and perspectives (these are partly shaped by their national, ethnic and religious backgrounds) and they do not have a singular interpretation or reaction to Australia’s immigration deterrence policies. Therefore, refugees do not simply act as a mass.

2.5 Trauma

It was evidently not only my emotional response to the research process but also the respondents’ emotional reactions which have guided the direction of this study and the issues that I investigate in this thesis. I was compelled to explore issues of trauma and its impact on the respondents’ interpretations of Australia’s immigration deterrence policies because trauma was an element in so many of the interviews that I undertook for this research. I had originally attempted to avoid focusing on trauma in this study. In drawing up the interview questionnaire for this research, I took deliberate steps in order to try and avoid, as much as possible, asking my respondents’ questions that might draw up issues of trauma or that might upset them. I had no desire to re-traumatise my respondents through asking them too many difficult questions. As Zwi et al. (2006) propose, in refugee research “dangers of ‘re-traumatization’ are present if sensitive issues are not handled appropriately… such re-traumatization may follow ‘intrusive’ and ‘invasive’ questioning” (Zwi et al 2006, p.268). For example, many studies document the profoundly negative impact that the experience of immigration detention can have on the refugees who are subjected to it (Sultan & O’Sullivan 2001; Silove, Steel & Watters 2000; Steel et al 2006). Therefore, I did not seek to ask my respondents, about how their experiences of being detained had affected them; these types of questions, which I believed would upset my respondents, did not appear to be important to the aims of a study which was focused on the
reception of policy information. Such a line of questioning therefore appeared to me to be unethical.

While I believed that my interview questionnaire would avoid all of the ‘hard’ issues; for my respondents, discussing anything connected with their 'refugeehood' was inherently traumatic. Interview questions that to me seemed easy and straightforward, sometimes evoked very strong emotional reactions from the respondents. The respondents clearly made no division between their traumatised selves and the people that I had hoped to encounter who might talk to me more dispassionately about the Australia Government’s immigration deterrence information campaign. Many of the respondents also seemed intent on talking to me about particularly traumatic issues and one interviewee in fact managed to answer nearly every question that I put to him by speaking about his traumatic experience of immigration detention. Some respondents spoke about their trauma because they wanted me to let others know about what had happened to them. For others, however, especially for TPV holders and those who were mentally and emotionally scarred as a result of their experiences of immigration detention, trauma was still a part of their every day life experience. It seemed that by merely addressing these respondents as refugees and by making them think about their lives as refugees, I had scratched the top off a wound that lay not too far from the surface – they could not help but talk about their trauma.

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27 This of course would seem to be a rather naive assumption on my part but prior to embarking on this study, I had engaged in discussions about my research topic with refugees who were friends of mine; these conversations certainly did not involve the level of trauma which was ultimately associated with the interviews that I undertook. Before I began my study I had therefore observed refugees discussing Australia’s immigration deterrence policies in a much more detached way (though my friends still held very strong views on the matters discussed).
Vicarious trauma

The respondents’ trauma had several important impacts on me and this study. I experienced what is termed as ‘vicarious trauma’. According to Pearlman and Saakvitne “vicarious traumatization refers to a transformation in the therapist’s (or other trauma worker’s) inner experience resulting from empathetic engagement with the client’s trauma material” (Pearlman & Saakvitne 1995, p.151). Indeed, to say that I was ‘deeply moved’ by this research is an understatement, considering that I feel that I came to reflect on (and was deeply troubled by) humanity, my own society, my dual roles of researcher and compassionate human being and quite possibly the meaning of life in general. To admit to this, however, is to perhaps open myself up to accusations of bias and to risk criticism about the veracity of my research findings – it might be suggested that I sought to prove that immigration detention or other policies were deterrence failures because I was so emotionally caught up in my respondents’ stories.

I have already argued above that no study can ever be truly objective or free of bias or emotion, and the trauma that I observed and experienced through my study has coloured my perspective of Australia’s immigration detention system and the temporary protection visa. In particular, given that many of my respondents spoke about the damaging effects which resulted from their experiences of being immigration detainees and TPV holders, I can only agree with the existing literature that immigration detention and the TPV do appear to have deeply and profoundly negative effects on those who are subjected to them (Sultan & O’Sullivan 2001; Silove, Steel & Watters 2000; Steel et al 2006; Barnes 2003; Leach & Mansourri 2004; Mann 2001; Marston 2003).
However, I have not sought to challenge the legitimacy of Australia’s immigration deterrence policies as deterrents on the basis that these policies damage the individuals who are subjected to them. On the contrary, the interviews that I undertook with refugees indicate that refugees do not have a simplistic understanding of their experiences of immigration detention and the TPV. Some of the refugees who were interviewed for this study, though they said that they were traumatised as a result of being detained, also described their experiences of immigration detention as some of their “best days” because it was as detainees that they were finally free from the persecution that they had faced in their homelands. The immigration detention experience was not understood in a singular way by such respondents; they could laugh about their detention experience and speak about the trauma of being detained almost at the same time (see especially the case study in Chapter Eight)28.

The respondents thus forced me to examine issues which I had sought to avoid in this research. Specifically, they compelled me to examine trauma and its impact on their understandings of Australia’s immigration deterrence policies. Much of the existing literature which is focused on Australia’s deterrence mechanisms points to the traumatic impact that Australia’s immigration detention system has on the individuals who are subjected to it (see Chapter Three); this literature tends to give the impression that refugees react to their detention in a singular – traumatic – way. However, in observing my respondents’ trauma and discussing this with them, I was able to view trauma as one of a

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28 I also found that even when refugees are traumatised, it does not follow that they transmit a deterrence message to potential spontaneous arrivals overseas. My research suggests that traumatic events, if they are spoken about at all by refugees in Australia with their friends and relatives overseas, are described as only one element of the individual’s overall experience of life in Australia (I discuss this further in Chapters Eight and Nine). For the respondents of this study, the trauma that they experienced as immigration detainees and TPV holders did not overpower their positive understandings of their lives in Australia; nor did it overpower their conviction that their spontaneous arrival was a necessary and legitimate means to escape persecution.
range of emotional forces which impact on the individual refugee’s life – rather than being the only force. This highlighted to me how the understanding of refugees as predominately traumatised victims fails to consider that trauma is not unmediated by other emotions nor is it static (everlasting). Though trauma played a role in how the respondents understood Australia’s deterrence measures and played a role in how they spoke about these things to their friends and relatives overseas, trauma was by no means the only frame with which they understood these policies.

Observing trauma, therefore, allowed me to view how the individual who is labelled as ‘refugee’ is infinitely more complex, and the ways in which s/he understands Australia’s immigration deterrence measures is infinitely more complex than constructions traditionally associated with refugeehood allow. Specifically, to construct a refugee as a traumatised victim ignores the possibility that such an individual can process and understand the one thing – i.e. their immigration detention experience – in a multitude of ways simultaneously; refugees are not such simplistic thinkers. The trauma which arose during my interviews with refugees therefore allowed me to begin to grasp the complexity of refugee audiences and their understandings of Australia’s deterrence mechanisms.

2.6 Bombs, terror, and riots

As I have suggested above, it was not merely my reaction to the interview process which affected the topics which are addressed in this thesis and the way in which I understand and depict the refugee/spontaneous arrival subject. Clearly the respondents also responded strongly to the process of being interviewed and reacted to how they understood me and my research against the backdrop of violence which characterised the historical moment in which the study was conducted. The interviews for this study were undertaken from June
to December 2005; in July 2005 the London transport network was targeted by so called ‘home-grown’ – British born – terrorists of the Islamic faith. As Turner observed in 2003, there was an “unprecedented degree of public antagonism to Muslim-Australians as members of the national community” (Turner 2003b, p.411); in 2005 this sentiment was unchanged. This antagonism hit a peak in 2005 a week after I completed my last interview in the form of the ‘Cronulla riots’ – “the outbreak of mass racist violence against young men of ‘Middle Eastern appearance’ on Cronulla beach, Sydney” (Poynting 2006, p.85).

The London bombings and the Cronulla riots followed a series of events which have shaped understandings of the Muslim ‘other’ in Australia. As Turner points out however, it was not so much the events themselves but how these became understood in the context of media reports and political speeches which has been significant in producing an Australian national identity from which Muslims are excluded (Turner 2003b). The thrust of these media reports and political speeches not only excluded the Muslim ‘other’ from the Australian national identity but pitched ‘him’ against the Australian ‘self’. Certainly this was the case with the media reports surrounding the 2001-2002 trial and conviction of a number of Muslim men accused of gang rape of several young ‘Australian’ women.

Some media reports focused on the backgrounds of the men as Lebanese Muslims and the women as ‘Caucasian’ or ‘Anglo’ Australians and Islam itself was targeted as a basis for these crimes (Kabir 2005, p.293).

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29 Such events are not only mentioned by Turner (2003b) but also by Kabir (2005); the two authors commonly speak about the media and political interest in ‘Lebanese crime gangs’ from the late 1990s; the 2001-2002 trial and conviction of a number of Muslim men accused of gang rape; and the 2001 Tampa crisis (Turner 2003b, p.411; Kabir 2005, pp.249-317). Kabir (2005) also points to the influence of international terrorist strikes – particularly those of September 11 2001, and the bombings in Bali in 2002 – as having a significant impact on the stereotyping and understanding of Muslims by the broader Australia community (Kabir 2005, pp.249-317).

30 The media focused on the backgrounds of the victims and perpetrators because of the social obsession with the Muslim ‘other’ as Turner (2003b) and Kabir (2005) suggest, but also because the young men had referred
In addition, some scholars have argued that the Howard Government’s rejection of asylum seekers who arrived spontaneously in Australia by boat was linked to their (the asylum seekers’) assumed Muslim identity and the threat that such an identity was said to pose to Australia (see Chapter Three). The former defence minister Peter Reith, for example, justified the Howard Government’s policy of interdicting smuggling boats, at a time when most carried Iraqi and Afghan asylum seekers, by suggesting that Islamic terrorists might be amongst the passengers. He said:

you’ve got to be able to manage people coming into your country. You’ve got to be able to control that otherwise it can be a pipeline for terrorists to come in and use your country as a staging post for terrorist activities. (Reith as cited in Marr & Wilkinson 2003, p.151)

This background of violence and potent anti-Muslim sentiment had a notable impact on my study; it had an effect on how my respondents saw me and what they spoke about during their interviews. It is widely recognised that in interview encounters, the background of the researcher affects the responses elicited from the interviewees and this therefore affects how ‘reality’ is represented and how knowledge is constructed in the research being undertaken (May 2001, p.128; Dunbar, Rodriguez & Parker 2002; Song & Parker 1995). This is particularly the case when the researcher is of a different ethnic, racial, class background or gender to the respondent; the power relations and inequalities which exist between such groups in the broader social environment can be (or are inevitably)

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to their victims as “Aussie pigs” and “said that they would rape them ‘Leb-style’” (Seneviratne 2002). The young men thereby, exemplified the subject position of the dangerous, threatening Muslim ‘other’ that already existed within media and political discourses at the time that their crimes were committed. The media reports not only focused on the men themselves but suggested that they came from “communities that nurtured the rapists, gave them succour and brought them up with such a hatred of Australia’s dominant culture and contempt for its women that they think of an 18 year old girl, dressed for a job interview in her best suit, sitting on a train reading a book, as a slut” (Devine 2002, p.15). Such media reports thereby held entire Muslim communities responsible for these crimes.
reproduced in the interview setting. However, Gunaratnam argues that “interactions [between researchers and their respondents] are never organised or given meaning around a single category of difference” (Gunaratnam 2003, p.85). I cannot therefore understand my interaction with my respondents purely on the basis of our religious differences, for example, as if such differences dominated all other aspects of the interaction and individuals concerned.

I can never know to what extent my background impacted on my interviewees’ responses but some respondents clearly made assumptions about my background and what that represented against the backdrop of violence occurring in the broader social environment around us. One Afghan respondent for example made an assumption about my religious background – that I was a Christian – as he described how the Taliban regarded followers of the Shi’a branch of Islam – his religion:

**Interviewee:**… The people killing us, very easier than you because they believe that they should not kill you because you belong to that one prophet.

**Roslyn:** Mohammed or?

**I:** No your prophet

**R:** Jesus?

**I:** Jesus. The Jews they can’t kill straight away because they live under a prophet called Moses. But they kill us because we are Shi’a, Shi’a is anti Muslim [according to the Taliban] (Afghan respondent, interviewed 11/11/05)31

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31 Instead of using pseudonyms, throughout this study I refer to the respondents by using the date that they were interviewed. In the case above, the respondent was interviewed on 11 November 2005. This decision, to use dates instead of pseudonyms may be criticised considering that such a choice echoes the Australian Government’s practice of referring to immigration detainees by numbers – a practice which may dehumanise the detainees. However, Human Rights Watch (2002) also differentiates between the refugee respondents in its study by using numbers – specifically the interview number and date. Robinson and Segrott (2002) in addition, do not use pseudonyms to refer to the asylum seekers who were interviewed for their study.
The respondent, during this interview, therefore, perceived my religious background to be advantageous to my hypothetical position in Afghanistan as compared to his own position; this mirrored his later discussion about the differences between our respective positions in Australia today given that he was the target of discrimination in Australia because of his religious – Islamic – background. Reflecting on the conversation between us (reproduced above), I am struck by the fact that I took up the subject position that the respondent offered me – that of a Christian with Jesus as ‘my’ prophet – when this is in stark contrast to my usual ambiguous understanding of my religious identity. In fact, my initial inability to understand what he meant by ‘my’ prophet is illustrative of the fact that I did not really identify with his understanding of me nor the binary of difference that it implied. During the interview process, I was often struck by my feelings of solidarity with my respondents, especially as a result of the many things that I perceived that we had in common. On the other hand, the respondents evidently perceived stark differences between us and remarked on them.

This respondent’s answers, and quite possibly the responses of the other interviewees, were thus shaped by their notions about the divisions between ‘us’ (themselves and me). At times also, the interview context – influenced by the broader environment in which it was conducted – was an emotionally and politically charged site. For this respondent, the broader social context in which the interview was conducted not only affected his responses to my questions, it also led us – the respondent and I – to decide to cut his interview short because of the traumatic impact that it was having on him.32 Faced with this experience, I

32 Particularly upsetting for him was the fact that his Muslim identity associated him with terrorism in the minds of the Australians who discriminated against him and his wife. He considered this to be doubly traumatic given that as a Hazara, he had faced persecution at the hands of the foreign militants and Taliban forces which are now being targeted by ‘the war on terror’ in Afghanistan – he found it painful therefore to be associated with his persecutors.
floundered in trying not to re-traumatisise this respondent through the interview process; specifically, I tried to turn our conversation to other, more ‘positive’, topics. However, I failed to realise that there was an implicit trauma which arose as the result of the collision of our two subjectivities in an environment where the ‘Australian’ Christian/Muslim binary was a violent aspect of his everyday experience; the trauma arising out of our encounter, in some respects, was probably inevitable.

Other respondents also assumed certain things about my background in contrast to their own. Importantly, more than one respondent made an association between being interviewed by me and the interviews that they had undergone with Australian immigration officials. This association arose because I asked some of the same questions that asylum seekers are routinely asked by DIAC. For example, I asked the respondents about the things that prompted them to leave their home countries – i.e. what made them refugees. I do not know to what extent the assumed association between DIAC and me affected what the respondents chose to tell me. Certainly, the respondents’ answers were mediated by their fear that anything that they told me might affect their immigration status in Australia. Even when I explained the purpose of my study and the fact that I had no connection with the immigration department, I do not believe that such fears were entirely allayed. Mine is not the only study in which this has occurred. Crock revealed that some potential participants, in her study on unaccompanied minors who had sought asylum in Australia,

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33 The association between immigration officials and me was also made as a result of the bureaucratic aspects of this study. In particular, the informed consent forms and ‘plain language statement’, which I was required to give to the respondents in order for this study to receive ethics approval from my university, echoed the bureaucracy that the respondents had encountered in their claims for refugee status. The fact that these documents were printed on the university’s letterhead, and the respondents were asked to sign the informed consent form, seemed to give the documents an added level of importance and perhaps gave me an ‘official’ status. One respondent directly said that these forms were a barrier which prevented me from gaining the trust of refugees; others implied the same thing.
declined to participate in her research because of their fears that their involvement in her study might adversely affect their asylum cases (Crock 2006, p.212).

There are many more examples that I could relate in speculating about how my respondents’ answers were affected by their backgrounds, assumptions about me and also the context in which the interviews took place. This should not devalue the things that they did choose to tell me. It simply illustrates the point that interviewees are active participants in the research process and that the ‘truth’ is never unproblematically extracted from respondents during interviewing; ‘reality’ is always necessarily condensed and constructed during the interview process (Gubrium and Holstein 2001, p.22).34

2.7 Detachment

Oakley says of traditional (positivist) research paradigms that these work from the assumption that the interviewee is a passive participant in the interview exchange and s/he is “socialised” to act in the appropriate manner associated with the interview context:

“…one piece of behaviour that properly socialised respondents do not engage in is asking questions back” (Oakley 1981, p.35). It was Oakley’s experience however, that her research participants did not adhere to “correct interviewing behaviour” (Oakley 1981, p.35). Oakley’s respondents, in fact, asked her many questions which she, in turn, felt compelled to answer despite the perspective offered within some methodological texts that such an engagement with research participants was a threat to the researcher’s objectivity and could bias research results (Oakley 1981, p.36). Carter and Delamont also suggest that

34 This is something which is also acknowledged by cultural studies scholars, Ang says, for example, “material obtained by ethnographic fieldwork or depth interviews with audience members cannot be treated as direct slices of reality… statements about their relation to television cannot be regarded as self-evident facts. Nor are they immediate, transparent reflections of those viewers’ ‘lived realities’ that can speak for themselves” (Ang 1996, p.47).
interviewees are not passive participants in the interview exchange and that “the informants frequently need, want, and even demand responses from the researcher which ‘invalidate’ the traditional positivist research relationship” (Carter and Delamont 1996, p.xiii).

The respondents in my study, like those who participated in Oakley’s (1981) research, were certainly not passive. They reacted to the process of being interviewed and reacted strongly. As a result, I came to realise that the detached approach valued by positivist research paradigms was untenable and unethical, this is something that Oakley (1981) and Fontana and Frey (2003) also argue. My respondents were not content to sit back and allow me to extract the information that I wanted from them; they directly challenged me to give them something back in exchange for the information that they provided to me and at times I struggled to meet their needs and demands, as the exchange below illustrates:

**Younger woman:** So do you have anything new about refugees?

**Roslyn:** The policy, are you talking about?

**Older woman:** Yes.

R: I know some things and various things about the policy but it depends sort of on what, like I can’t give you advice because my knowledge isn’t the same as a lawyer’s…

**Older woman:** So what’s the result for us? What’s going to happen from this study? We need our opinion to reach someone… So we’re helping you with your research and we need help from you at the same time in our case.

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35 As Fontana and Frey (2003) relate, the interview situation can be unpredictable, researchers can be forced out of detachment by uncontrollable factors; at such times researchers must confront questions about the ethics of ‘sitting back’ and not getting too involved with their research subjects. When my respondents asked me about immigration policies that might affect them and also asked for advice about migrant settlement services that they could access, I did not feel that I could deny them this information for the sake of keeping the interview ‘on topic’. After all, I had worked with refugees for over six years and studied Australia’s immigration policies for a similar amount of time; I had the information that my respondents needed.
R: I can’t help you with your [legal] case because I’m not a lawyer, I’m just a university student but I can refer you to people who can help you…” (Interview with a family of Iraqi refugees 13/07/05)36.

Given these types of exchanges, I found it impossible to view my respondents as objects of knowledge. I could not hold a conversation with them, share a meal with them and laugh with them and then go home and condense them down to the category of ‘refugee’ – they were more than such a label implied and in fact demanded such a recognition of their humanity and their needs. They demanded to be much more than simply ‘objects’ of knowledge.

2.8 Background factors

Reflexive accounts typically include an acknowledgement or speculation about how the researcher has been ‘positioned’ to produce the account that s/he does. Seiter says, for example, of her work “my study is clearly bounded by concerns that preoccupied me as a white middle class academic” (Seiter 1999, p.55). I have already spoken about how the intersection of subjectivities – mine and my research respondents’ – affected my research but I have not really otherwise speculated about how my background impacted on the construction of knowledge in this study. It would appear to be particularly important to make the reader aware of the fact that I have worked with refugees for a number of years in various organisations. I have worked as a refugee caseworker for Amnesty International

36 As this excerpt reveals, I initially felt constrained in assisting my respondents, not only by my desire to remain ‘detached’ but also by my belief that refugees should receive advice from those most ‘qualified’ to give it – in this case immigration lawyers. I did provide this group of women with several phone numbers of organisations which I felt could assist them. I sent them a booklet which provided information on settlement services that they could access and also, despite my initial misgivings, I did give them some advice to help them with their legal cases. These women were not the last of my respondents to ask me for advice, a number of respondents asked for my opinion concerning their prospective enrolment in university courses – something that I felt more qualified to speak about. One respondent asked my opinion on a small business venture that he was embarking on, and I told another respondent about a free trauma counselling service that she could access. Clearly, some respondents regarded me in a similar way to how I regarded them – on one level, as a source of knowledge.
(Australia), as an intern for UNHCR (in Geneva and Canberra) and as a public servant (in administration and research) for the Refugee Review Tribunal (RRT) – the Commonwealth Government department charged with reviewing asylum claims that have been rejected by DIAC. My personal interaction with refugees, refugee advocates and lawyers, and those who review asylum claims on behalf of the Australian Government, meant that I already held strong views on ‘illegal immigration’ before I began this research. These views were further influenced by a research project that I undertook with two colleagues in 2003 which investigated the impact of the TPV regime on refugee service providers and the provision of settlement services to refugees who hold TPVs (see Pickering, Gard & Richardson 2003).

When I began my doctoral research I was not a detached or objective researcher, in fact I was deeply critical of Australia’s immigration deterrence policies because of the harm that they appeared to cause to refugees. I also had little faith that immigration deterrence measures could achieve their aims. Instead, like my former academic supervisor, Prof William Maley, I believed that Australia’s immigration deterrence policies were designed more for the appeasement of the domestic audience (the Australian people) than to practically prevent spontaneous arrival (Maley 2001, p.9). My work experience most definitely affected this perspective. For example, my work with UNHCR, where I worked briefly to facilitate the resettlement of refugees to Australia, demonstrated to me that UNHCR’s resettlement ‘queue’ did not work as efficiently or as easily as the Howard Government proposed37. However, though I began this research with certain perspectives,

37 The ‘queue’ idea was a core pillar that underpinned the Howard Government’s use of immigration deterrence policies. As I explain throughout this thesis, the Howard Government argued that asylum seekers could approach UNHCR’s offices in various countries in order to apply for refugee status and resettlement to Western countries. It was argued (by the Coalition Government and also Labor politicians) that this
this does not mean that I have not allowed the interviews that I undertook with refugees, and the insights that I gained from reading the literature related to my topic area, to surprise me and to challenge my ideas.

While my research ultimately cemented my belief that immigration deterrence policies are harmful to those who are subjected to them, as I have explained above, I have come to see the trauma, which is experienced by refugees as a result of these policies, in less black and white terms than I did previously. I now see trauma as one aspect of refugees’ complex understandings of their experiences of immigration detention and the TPV. I also now have a much less black and white understanding of Australia’s policy of interdicting smuggling boats given that a number of my respondents, contrary to my own perspective, were in favour of repelling asylum boats from landing on Australia’s shores. These respondents were in favour of preventing further spontaneous arrivals from coming to Australia by boat so that others would not have to face the same dangers and traumas which the respondents themselves had faced when they travelled to Australia on unseaworthy smuggling boats. I have therefore, been challenged to include the many varied perspectives of my respondents in this thesis even when these conflict with my own ideas. This thesis then, is not written from a position of objectivity, and the process of research itself became as much about resolving my personal ethical and emotional quandaries as it was about investigating the reception of Australia’s immigration deterrence information – these things, in fact, went hand in hand.

 resettlement ‘queue’ was readily accessible to asylum seekers, therefore making the act of spontaneous arrival unnecessary.

38 At the time of writing this thesis, I have not come to a final position about the ‘rights and wrongs’ of Australia’s interdiction policy; I believe however, that interdiction should never be supported if it results in ‘refoulement’ – returning refugees to situations where they would face persecution.
Some scholars who undertake research on refugees advocate that such research should be “scientifically sound” (Jacobsen & Landau 2003, p.112) and that researchers should eliminate bias in their studies (Jacobsen & Landau 2003, pp.102-103). As I have already stated, however, I believe that work and research with traumatised people can radically alter the individual researcher, perhaps forever, and I do not believe that anyone who works with refugees or choses to research them will come away from the experience with a ‘neutral’ perspective. I therefore follow the example of refugee researchers such as Barsky, who, despite his belief that his position may provoke “scornful or dismissive rebuttals” (Barsky 2000, p.13), nevertheless is unabashed in allowing the reader an insight into how his strongly held views formed a basis for his study. Barsky says for example:

this study is rooted in my belief that the restriction of the free movement of peoples is perverse, that systems erected to judge the validity of claims… are generally self-serving and inadequate for the task at hand, and that the fear that overcomes us when we contemplate the idea of open borders is based upon fallacious information and misguided assumptions. (Barsky 2000, p.18)

It is as a highly opinionated and emotive individual that Barsky (2000) introduces his research to his readers. Similarly, I introduce this study to my readers not as an anonymous author reporting on ‘the facts’ about the refugee/spontaneous arrival audience, but as an emotive and opinionated individual whose research experience has only further complicated my understanding of the refugee subject and refugee audiences. This chapter has introduced the reader to some of the major themes which are addressed by this thesis and hopefully, it has begun to give the reader an insight into the complexities associated with understanding and writing about refugee audiences.
3. Narrowing the field: Refugees, Criminology and Audiences

3.1 Introduction

Much of the literature which is focused on Australia’s immigration deterrence measures is written from a position which is generally dismissive of ideas that are used by the Australian Government to validate its policy of deterring spontaneous arrival. Some commentators dismiss the notion that Australia’s immigration deterrence policies can achieve their objectives and deter desperate asylum seekers who have no other choice but to seek refuge in Australia ‘illegally’. On the other hand, some studies suggest that Australia’s ‘Pacific Solution’ ‘works’ as a deterrent. However, as yet, no study investigates how asylum seekers and refugees interact with Australia’s policy messages so we have an incomplete understanding of how potential spontaneous arrivals are likely to receive and understand information concerning Australian immigration deterrence measures. At present we can only really speculate as to the deterrent ‘effect’ of such policies.

Various British, Canadian and Dutch studies demonstrate that sometimes refugees do exercise a choice over their asylum destinations and that this choice is occasionally influenced by the destination country’s immigration policies – asylum seekers’ actions are therefore driven by factors other than just their desperation. Furthermore, these studies demonstrate that the phenomenon of spontaneous arrival is more complex than can be grasped through an argument about whether or not refugees have a ‘choice’ in their ‘unauthorised’ journey. These international studies show that both the ideas – (1) that
asylum seekers are compelled to find protection in Australia because they have no other choice and (2) that they can be sent a ‘strong message’ about Australian policy which will deter them – are too simplistic to encompass the multitude of influences and circumstances that result in spontaneous arrival. Importantly, these studies show that we cannot understand ‘illegal immigrants’ as a homogenous lump which will react in unison – either because they are desperate or because they are devious – and we simply know very little about the effect of immigration policies on refugees’ choices at all.

While Australian refugees studies and literature focus predominately on the ethical and human rights issues surrounding Australia’s immigration deterrence policies, the existing criminological literature on deterrence acted as a basis for me to consider deterrence more broadly. Though the philosophy behind deterrence – the belief that human behaviour can be shaped through punishment or the reduction of benefits – remains a popular way of understanding and dealing with criminal action, various branches of criminology reject this perspective. Specifically ‘new’ criminology views the ‘deviant’ act to be a socio-historical and power-laden construction. Put simply, there is no objective way to understand what or who is criminal and the right to define who/what is criminal tends to rest with ‘powerful’ groups in society. It is not enough then, to ask merely whether or not deterrence ‘works’ – we must also investigate the power relations which underpin the construction of deviance and, by extension, the power/knowledge which positions ‘deterrence’ as the ‘cure’ for such deviance.

Cultural studies scholars are also concerned with issues of power and they propose that the construction of ‘the message’ is not an innocent practice. The production of ‘the message’ and its reception are influenced by power relations and also the socio-historical context in
which both the message’s producer and ‘receiver’ are embedded. Drawing on these ideas I would argue that there is a need to investigate such power relations and to examine how they affect refugees’ reception of deterrence policy messages. This chapter offers the reader a brief introduction into the literature which shaped my research and also demonstrates the need for further investigation into the issue of immigration deterrence beyond the current debates.

3.2 Australian Refugee studies – arguing against deterrence

Does deterrence work?

Crock and Saul suggest:

…the consensus among these bodies [HREOC, Amnesty International and the UN Human Rights Committee] is that the… claims that detention is necessary to deter others from coming to Australia without permission are unrealistic. Asylum seekers fleeing persecution, fear or violence will stop at nothing to find safety and protection for themselves and their families. The distant threat of detention in Australia appears to be the last thing on an asylum seeker’s mind when deciding on Australia as a place of refuge. (Crock & Saul 2002, p.96)

This argument is echoed by others who examine the phenomenon of spontaneous arrival in Australia (MacCallum 2002, p.36; Manne & Corlett 2004, p.90; Maley 2001, p.13). These scholars dismiss the ‘power’ of Australian immigration deterrence policies to shape the choices of refugees. These authors argue that because some refugees have no other choice but to flee to Western nations ‘illegally’ when they cannot find ‘effective protection’ in their home regions, then the deterrence of asylum seekers is unethical and doomed to failure. Increasingly, this perspective was altered after the Howard Government implemented the ‘Pacific Solution’ and even those scholars who criticised Australia’s
immigration deterrence policies, suggested that the deterrence mechanisms that were introduced ‘post–Tampa’ are ‘working’ (Manne & Corlett 2004, pp.87-91; Mares 2002, p.4; Marr & Wilkinson 2003, p.287).

Very few studies or texts which examine Australia’s immigration deterrence policies, explore deterrence itself. Generally speaking, the great majority of Australian studies which examine immigration deterrence policies focus on understanding the impact of these policies – or rather the harmful impact – on refugees. These studies also typically explore how the issue of ‘illegal’ immigration has come to occupy such importance in the Australian political and social landscape. Deterrence itself is largely unstudied and while some scholars and politicians speculate about whether certain policies ‘work’ as deterrents, we simply do not know how Australia’s deterrence messages are ‘transmitted’ to their target nor do we know how asylum seekers receive and interact with them.

The Australian studies and texts which contain refugee testimonies do, however, offer important insights which challenge current assumptions about the deterrence of spontaneous arrivals. In such texts, interviews with refugees who have come to Australia as spontaneous arrivals suggest that at least some refugees have very little knowledge of Australia – let alone Australia’s immigration policies – before they arrive: “we knew nothing about Australia, only that it was supposed to be a safe place to come to” (Tyler 2003, p.64). This raises questions about whether Australia’s deterrence policy information can reach potential spontaneous arrivals who are located in other countries. These studies also indicate that some refugees select Australia as an asylum destination primarily based on criteria other than Australia’s asylum policies (for example, family reunification) (Human Rights Watch 2002, p.32). This, importantly, highlights that Australia’s
immigration policies may have little significance to refugees compared with other more important factors (such as the desire to be reunited with a loved one) when they decide upon an asylum destination. These studies, therefore, challenge the assumption that spontaneous arrivals are highly knowledgeable about Australia’s immigration policies before they arrive in Australia. Such studies also challenge the belief that these policies play a central role in shaping the decisions that refugees make about seeking asylum.

While no study in the Australian context has directly sought to investigate refugees’ reception of Australia’s deterrence policy information, one study undertaken by the human rights NGO Human Rights Watch sought to understand why asylum seekers leave their countries of first asylum and come to Australia ‘illegally’ (Human Rights Watch 2002, p.3). On the one hand, this study found that some refugees have no other option but to travel to Western nations ‘illegally’ in order to find protection when they can not find safety in their home regions. On the other hand, the Human Rights Watch study found evidence that Australia’s Pacific Solution had resulted in a situation where “…people-smugglers no longer look to Australia as a feasible ‘asylum country’” (Human Rights Watch 2002, p.15).

Does the Pacific Solution – a policy which the Rudd Government has sought to dismantle – present a resounding ‘yes’ to the central question posed in this thesis: do Australia’s immigration deterrence policies ‘send a strong message’? Certainly this was increasingly suggested within government and non government literature when John Howard was Prime Minister, as exemplified by the following statement:
during 2000-01, the year before the Pacific Strategy commenced, most unauthorised arrivals came from Afghanistan (2,271), followed by Iraq (869) and Iran (515). In 2002-03 there were no unauthorised arrivals. (DIMIA 2004a, p.27)

Mares (2002), though writing from a perspective which condemns Australia’s deterrence policies, echoed DIMIA’s suggestions about the success of the Pacific Solution when he suggested that: “The prospect of risking a dangerous sea voyage only to end up in a remote Pacific detention centre has no doubt caused some asylum seekers to reconsider their options” (Mares 2002, p.4). However, Crock and Saul argued that “…even the slimmest hope of protection – including that offered by the Pacific Solution – is enough to motivate asylum seekers to risk their lives to reach safety” (Crock & Saul 2002, p.51). Indeed, despite the supposed success of the Pacific Solution and Australia’s interdiction policy in deterring spontaneous arrivals, a small number of asylum seekers have sought to come to Australia by boat since these policies were implemented. For example, in January 2006, 43 West Papuan asylum seekers landed at Australia’s Cape York (The Age, 20 January 2006, pp.1, 14).

Some scholars argued that if the Pacific Solution and the interdiction policy work as deterrents, then Australia does not need to retain other deterrence measures – such as the TPV and mandatory detention – given that the deterrent effect of these policies has not been ‘proven’? Indeed, as my colleagues and I noted in a study undertaken in 2003 “according to the only current measure of the success of deterrence policies – DIMIA’s figures – the numbers of unauthorized arrivals coming to Australia continued to increase following the introduction of the TPV” (Pickering, Gard & Richardson 2003, p.31); the numbers of spontaneous arrivals also increased following the implementation of Australia’s mandatory detention regime (DIMIA 2003a; DIMIA 2003c). Manne and Corlett argue that
the ‘pre-Tampa’ deterrence mechanisms implemented by the Australian Government were ineffective as deterrents; they argue that in the wake of the success of ‘post-Tampa’ initiatives – such as the Pacific Solution and interdiction policy – that the older policies should be abandoned (Manne & Corlett 2004, p.88-90).

Despite the apparent success of Australia’s Pacific Solution and interdiction policy, deterrence is far from an ‘open and shut’ case in the Australian context. The debates about the effectiveness of Australia’s immigration deterrence mechanisms and the ethics of retaining them are still being waged. In the past the deterrence debate has had a potent influence on Australia’s national politics and international relations. In 2006, the controversial Migration Amendment (Designated Unauthorised Arrivals) bill, under which the Howard Government hoped to subject all spontaneous arrivals to the Pacific Solution, was underpinned by deterrence. As the former Minister for Immigration stated in relation to this bill: “These changes send a strong message to people who want to risk their lives by travelling to Australia illegally… these proposed changes will provide a strong deterrent to these activities” (Vanstone 2006).

The introduction of this bill was widely perceived as a gesture of appeasement to Indonesia which had withdrawn its ambassador from Canberra to protest against Australia’s decision to grant refugee status to the above mentioned West Papuan asylum seekers who came to Australia as spontaneous arrivals. This legislation was ultimately withdrawn by the Australian Prime Minister, John Howard, when it became clear that the bill lacked the support that it needed to be passed in the Senate; crucially, the bill lacked the support of a handful of Howard Government senators. As events surrounding the introduction of this Migration Amendment bill to the Commonwealth Parliament demonstrate, Australia’s
immigration deterrence measures continue to play an important and indeed pivotal role in
Australian politics and diplomatic relations.

The deterrence of spontaneous arrivals has indeed occupied centre-stage in Australian
politics. The 2001 national election is widely seen as having been won on border
protection issues (see Marr & Wilkinson 2003); the Howard Government’s tough stance on
border protection and the popularity of this stance was thought to be integral to its re-
election in that year. During the 2004 election campaign, Prime Minister Howard once
again revived the illegal immigration/deterrence debate. Not only did the election
campaign include the catchcry “we will decide who comes here and the circumstances in
which they come” but Howard used the issue to rally voter support for his government,
saying: “the other thing I’d simply say is that most Australians remember of that period
that we stopped the boats coming and we stopped illegal immigration coming to this
country and we were strong on border protection and the Labor Party was weak” (Howard
quoted in Australian Associated Press 31 August 2004). However, despite the obvious
immense importance of Australia’s deterrence policies – in terms of their influence on
Australia’s political landscape – we do not know what potential spontaneous arrivals
actually do with Australian policy information when they receive it. While so much rests
on these policies – politically and financially – we do not even know whether they achieve
their aims.

**Human Rights and Deterrence**

While Australia’s immigration deterrence policies are discussed within Australian refugee
studies in terms of whether they ‘work’ and how much they cost, overwhelmingly, the
context in which deterrence is considered in these studies is within a discourse of human
rights. A plethora of literature focused on refugees has arisen in the last two decades in Australia as refugee issues and the issue of ‘illegal immigration’ have become increasingly significant to Australian politicians, the Australian people and academics. The great majority of academic and non-academic literature relating to refugees in the Australian context is written from a pro-refugee perspective. This literature is at times a deliberate counter-discourse, which challenges the claims made by the Australian Government about the ‘unauthorised’ journey and claims made about spontaneous arrivals themselves. Some literature is designed explicitly to ‘correct the myths’ created by the Australian Government and to present the refugee’s perspective of spontaneous arrival to the Australian public (see Edmund Rice Centre 2001; Refugee Council of Australia n.d; HREOC 2003; Rural Australians for Refugees 2002). This literature reflects a belief that the spontaneous arrival’s journey to Australia is necessary and legitimate.

These texts commonly refute the proposal that all refugees have access to alternatives to ‘illegal immigration’. Such literature challenges the idea which is put forward by Australian politicians, that there is a ‘queue’ overseas that refugees can join in order to be sent by the UN’s refugee agency – UNHCR – to Australia (Crock & Saul 2002, p.46; Mares 2002, p.18; Maley 2001, p.3). This literature also commonly disputes the belief that all refugees might find safety in countries which border their own, that UNHCR offices and Australian embassies are readily accessible to those who wish to apply for asylum to Australia, and that spontaneous arrivals have a detailed knowledge of the international asylum system which they exploit (Human Rights Watch 2002; Crock & Saul 2002, pp.46-49; Brennan 2003, pp.51-54; Mares 2002, pp.23-25).

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39 Most of this literature appears to criticise the Howard Government.
These texts call into question certain ideas concerning the spontaneous arrival subject and “the Australian stereotype of the boat person… [as] a young man from a wealthy family who cuts a deal with a people smuggler for transport to one of a range of first world countries” (Brennan 2003, p.47). Instead, in such literature, the spontaneous arrival’s ‘choice’ is often depicted through case histories or selected quotations from refugees who have arrived in Australia spontaneously (see for example Crock 2006, Moorehead 2005; Mann 2001). These case histories portray the spontaneous arrival as being typically from a poor family which has sold all of its possessions in order to save their son from persecution: “my father sold his house and other personal belongings to get me out of Afghanistan” (Afghani refugee quoted in Mansouri & Bagdas 2002, p.34). The refugee’s decision to flee her/his home country is often depicted in these case histories as being urgent, where money is paid to a smuggler for a journey to an unknown destination: “My family and children were convinced that I was going to be killed next so they raised the money to get me out of Afghanistan” (Afghani refugee quoted in Mansouri & Bagdas 2002, p.37; also see Crock 2006 pp.57-58). Thus, this literature suggests that the refugee fleeing persecution makes her/his decisions with little consideration of Australia’s asylum policies.

This literature also commonly suggests that the Australian Government and the Australian community’s focus on the issue of ‘illegal immigration’ is disproportionate to the problem that it presents, as McMaster says: “boat people attracted sensational media attention, clearly out of proportion to their actual numbers” (McMaster 2001, p.96). In suggesting that this concern about spontaneous arrival is exaggerated, many texts commonly compare the threat posed by spontaneous arrivals to the threat posed by visa overstayers in Australia; many commentators point to the fact that while the numbers of people in the
latter group is higher, there is minimal public concern over this phenomenon (see for example Pickering & O’Kane 2002, pp.13-14). The explanation commonly offered for the public ‘hysteria’ over spontaneous arrival relates to the composition of the ‘uninvited’ group – in recent years being mostly Middle Eastern and Central Asian – whereas visa overstayers are typically British, American and New Zealand citizens (McMaster 2001, p.190; Mares 2002, p.30; Crock & Saul 2002, p.30).

The perceived threat posed by spontaneous arrivals is thus purported to be rooted in Australia’s traditional fear of the Asian ‘other’ which was reflected most poignantly in the past through the ‘white Australia policy’ (this existed in Australia from 1901 to 1973) (McMaster 2001, p.3; MacCallum 2002, pp.14-15; McMaster 1999, p.89-90; Gibney 2004, p.193). For MacCallum, amongst others (see McMaster 2001), it is this fear that has led to the acceptance of cruelty within Australia’s immigration deterrence policies, as he says:

> the public was ready to endorse xenophobia, barbarism and outright cruelty… from now on they [spontaneous arrivals] were to be demonised, treated as a substantive threat to Australia, turned into the new Threat from the North, the Yellow Peril and the Red Menace reborn. (MacCallum 2002, p.10)

It is the cruelty and human rights abuses that have been perpetrated on those who are subjected to Australia’s immigration deterrence measures – spontaneous arrivals – which has featured as the central focus of refugee studies and literature in Australia. As a result of the harm that immigration deterrence policies cause to refugees, these policies have been roundly condemned by human rights and refugee advocacy groups. Various studies have concluded that the policies of mandatory detention and the temporary protection visa have a detrimental effect on the mental health of those who are subjected to them (Sultan &
For example, Sultan and O’Sullivan (2001) documented the three-stage decline in psychological wellbeing commonly experienced by immigration detainees; this was attributed to their experiences of the immigration detention environment\textsuperscript{40}. The TPV is also charged with creating an impoverished class of refugee; researchers have found that TPV holders have poor access to health and other essential services as a result of their visa status (Mann 2001; Mansouri & Bagdas 2002; Pickering, Gard & Richardson 2003, Marston 2003; Barnes 2003). Amnesty International has expressed concern that the ‘Pacific Solution’ breaches international laws while UNHCR has criticised the policy for having “contributed to serious mental health problems” amongst the asylum seekers held at Australia’s behest on Nauru (UNHCR 2006, p.2; Amnesty International 2002, p.9).

The level of criticism directed at Australia’s immigration deterrence measures has been intense. The mandatory detention regime has been the subject of a number of inquiries conducted by the United Nations (see A v Australia 1997; UN Economic and Social Council 2002; Bhagwati 2002), the Human Rights and Equal Opportunity Commission (HREOC1998; HREOC 2004), and the Commonwealth Ombudsman (Winder 2001), in addition, to being the subject of parliamentary inquiry (Australian Parliament 2001) and other investigations commissioned by the Australian Government\textsuperscript{41}. These inquiries also

\textsuperscript{40} Of the 33 detained respondents in Sultan and O’Sullivan’s study “85% acknowledged chronic depressive symptoms, with 65% having pronounced suicidal ideation…seven individuals exhibited signs of psychosis, including delusional beliefs of a persecutory nature… and auditory hallucinations” (Sultan & O’Sullivan 2001).

\textsuperscript{41} For example, the Commonwealth Government initiated the ‘Palmer Inquiry’ which investigated the wrongful detention of Cornelia Rau, an Australian permanent resident who was placed in immigration detention. The examination of Rau’s case led to a broader investigation encompassing similar cases (Palmer 2005).
commonly document the severe mental distress exhibited by those who have been subjected to immigration detention.

The reports produced by the UN Human Rights Committee (see *A v Australia* 1997) and HREOC (1998; 2004), amongst others, found that Australia’s mandatory detention policy breached Australia’s international obligations as a signatory to various international human rights instruments. Specifically, the UN Human Rights Committee concluded that Australia had breached articles relating to arbitrary detention within the International Covenant on Civil and Political Rights (*A v Australia* 1997, P.24). HREOC (2004) found that the detention of children breached various articles of the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. HREOC’s report from its inquiry investigating the detention of children in Australia’s immigration detention centres, in addition, documented that “children in detention also self-harmed – they have sewn their lips together, attempted to hang themselves, swallowed shampoo and detergents and cut themselves” (HREOC 2004, p.34).

Australia’s immigration deterrence policies are thus firmly placed within existing literature alongside a discourse on human rights. The severe harm that is said to have been caused by Australia’s immigration deterrence policies is the central and almost exclusive focus of the existing studies which examine these policies. Given the thrust of this literature – with its authors’ obvious concern to prevent further harm to refugees and asylum seekers – deterrence as a topic of interest becomes almost irrelevant; it does not particularly matter whether deterrence policies ‘work’ when the policies themselves are morally reprehensible. As my colleagues and I suggested in our study on the temporary protection visa “…any
deterrent ‘benefit’ arising from the policy would not outweigh the harm caused by it…” (Pickering, Gard & Richardson 2003 p.31).

It is important then, to realise that immigration deterrence policies in Australian are discussed within the context of a highly emotive debate and a debate which is highly influential in terms of its impact on Australia’s national politics. On one level this is a dispute over whether or not certain policies ‘work’ as deterrents. On a second level the debate centres on whether the deterrence of asylum seekers is morally justifiable. Whether or not deterrence policies ‘work’ may ultimately be irrelevant if one subscribes to the moral arguments surrounding the deterrence debate. However, an ardent and popular belief that immigration policies can shape the choices of refugees exists amongst Australian politicians (as Chapters Five and Six demonstrate) and arguably also amongst the Australian community which supports them (as the 2001 election might attest). Therefore, it seems imperative, given the immense importance of these policies, to understand exactly what happens when refugees receive Australia’s deterrence messages – something which is not addressed in the current literature and something which I aim to examine through this study.

3.3 International studies

A number of qualitative studies, which are mainly focused on the UK, Canada and the Netherlands, investigate the extent to which refugees take host countries’ asylum policies into account when determining where they will seek refuge. From these studies a number of conclusions can be drawn, first, some refugees do consider such policies when they select an asylum destination. Second, some refugees have no control over where they seek asylum. Third, some refugees have little or no knowledge about their destination country
before they arrive there and they have minimal, if any understanding of the international asylum system (Barsky 2000; Havinga & Bocker 1999; Doornbos, Kuijpers & Shalmashi 2001; Robinson & Segrott 2002; Gilbert & Koser 2006; Day & White 2002). These studies suggest that it cannot be assumed that all refugees will have an accurate understanding of asylum destination countries’ immigration policies before they claim asylum. Also, it cannot be assumed that refugees will access or consider policy information or even make a choice about their destinations at all. These studies offer findings of relevance to the study of deterrence in the Australian context; they offer greater evidence than can be found in the Australian refugee studies, that refugees are influenced by more than either immigration policies or simply their desperation when making choices about a destination to seek asylum.

Why refugees select particular destination countries – the importance of access

The accessibility of asylum countries as an important influence affecting the choices made by refugees, is discussed in several international studies and also the Human Rights Watch (2002) study on Australia (previously mentioned). The refugee respondents of the Human Rights Watch (2002) study stated that they wanted to go to “any country which accepts refugees” and Australia was the easiest and cheapest country to reach which fitted this criteria (Human Rights Watch 2002, p.33). Conversely, a number of the respondents in Robinson and Segrott’s (2002) study on the UK, claimed that they had wanted to go to Australia but were told by smugglers that “these destinations were difficult to arrange and very expensive” (Robinson & Segrott 2002, pp.20-23). Like the respondents of Robinson and Segrott’s (2002) study, Barsky’s (2000) respondents – asylum seekers in Canada – also rejected certain destinations because of perceptions about accessibility; many commonly believed that the US had a low acceptance rate for refugees.
These studies show that a destination country’s accessibility is of considerable importance to those refugees who are in a position to make a decision about their asylum destination. This is particularly relevant to the Australian situation given that Australia’s interdiction policy is designed to prevent asylum seekers, who attempt to come to Australia on smuggling boats, from accessing the Australian mainland and asylum system. These studies also suggest that the information that refugees receive about which countries are accessible appears to be conflicting and is based very much on rumour; this indicates that the ‘transmission’ of policy information to potential spontaneous arrivals is imperfect. At present we do not have a strong understanding of how policies which restrict refugees’ access to asylum procedures (such as Australia’s interdiction policy) affect the decisions that refugees make about seeking asylum. More research on this area is therefore required; my study provides some insights on this topic.

Why refugees select particular destination countries – the influence of refugees’ national background

Of Barsky’s (2000) respondents, a small number were knowledgeable about the asylum policies which operate in a number of countries. Importantly, however, Barsky (2000) found that the level of knowledge that asylum seekers possess about possible destination countries appears to be related to their country of origin. Barsky’s (2000) interviews with asylum seekers from Russia, Israel, Peru and Pakistan demonstrate that certain factors, that have a bearing on asylum seekers’ decisions about host country, are common to asylum seekers from the same country of origin. For example, Barsky (2000) found that his Russian respondents possessed more knowledge than the other nationality groups in his study about the asylum policies operating in a number of possible host countries, and
intermediaries (such as smugglers) had significantly more influence over the choices of Pakistanis (Barsky 2000, p.126, p.258). Similarly, Havinga and Bocker’s (1999, p.56) respondents claimed that asylum seekers from Southern and Eastern Asia are more likely to rely on “commercial organisations specialised in smuggling people out and in” (Havinga & Bocker 1999, p.56) whereas “Africans are often said to rely on networks based on kinship, friendship, political brethren; tribe and or/village” (Havinga & Bocker 1999, p.56).

Like Barsky (2000), Gilbert and Koser (2006) also found that certain nationality groups of asylum seekers were better informed about destination countries’ asylum policies than other nationality groups42. Asylum seekers from the same country also hold common beliefs about which destination countries will reject them; this was the case with Robinson and Segrott’s Sri Lankan respondents (Robinson & Segrott 2002, p.47). A number of studies, in addition, point to a trend where asylum seekers from former colonial countries are more likely to migrate to the former imperial nations to which their home nations are linked (Havinga & Bocker 1999, p.45; Robinson & Segrott 2002, p.30; Day & White 2002, p.16). These findings are significant because they suggest that potential asylum seekers from different country groups are unlikely to exhibit a universal response to immigration deterrence messages. These findings indicate that refugees will not possess the same level of knowledge when interpreting such messages and may be influenced by different factors when making choices about their asylum destinations as a result of differences in their backgrounds. In short, we cannot assume that one deterrence policy message will ‘fit all’; this is a perspective which is echoed in the audience studies which are discussed later in this chapter. As these international studies do not examine how an asylum seeker’s

42 Specifically, Gilbert and Koser found that prior to arriving in the UK, Kosovars and Colombians had been more knowledgeable about British asylum policies than Afghans and Somalis (Gilbert & Koser 2006, p.1214).
background affects her/his interpretation of immigration deterrence messages, then further research on this topic, such as that which I have undertaken, is evidently needed.

Factors other than policy – family reunification

For some of Barsky’s (2000) respondents, Canada’s asylum policy was just one factor amongst many that influenced their choice of this destination. The presence of the respondents’ family members in Canada and the respondents’ perceptions about Canadian culture and even climate and geography also led them to select Canada as an asylum destination (Barsky 2000, p.116). Thus, while Barsky’s (2000) study illustrates that some asylum seekers do take their host country’s asylum policies into consideration when making choices about a destination to seek refuge, policy is by no means the most influential factor in that decision nor is it considered in isolation from other issues.

Barsky noted in relation to his Russian respondents that “the choice of Canada as opposed to other Western countries is also potentially a non choice if the person has family or friends in the host country” (Barsky 2000, p.184). This conclusion is reinforced by Havinga and Bocker (1999, p.50) and Day and White (2002) who similarly suggested that the asylum seeker’s choice of a particular destination is often not a choice for the country itself, instead it represents a decision to reunite with family members living there. As Day and White assert “the United Kingdom as a country was not the stated object or haven, but families or friends [living there] were” (Day & White 2002, p.24). Could this potentially mean that deterrence policies or messages might be rendered ineffective in the face of an asylum seeker’s desire to reunite with a loved one?43 It is important therefore, to examine

43 Indeed, Crock and Saul (2002), amongst others, observed that the numbers of women and children coming to Australia as spontaneous arrivals increased following the introduction of the TPV which denied access to
what factors, other than asylum policy, might affect refugees’ decisions about their asylum destination countries and which may also impact on their interpretations of deterrence policy information; my study investigates the influence of such factors.

The role played by agents/people smugglers in decisions made about destination

The studies already discussed, which focus on the UK, Canada and the Netherlands, commonly point to the important role that smugglers play in determining where asylum seekers claim refuge. Koser and Pinkerton (2002) state that people smugglers may have surpassed asylum seekers’ family and friends in terms of their influence on the decisions that asylum seekers make; they state, “…human smugglers are playing a growing role in the migration of asylum seekers, and have begun to fulfil many of the functions traditionally served by social networks” (Koser & Pinkerton 2002, p.2). Robinson and Segrott (2002) also found that ‘agents’ were influential in shaping asylum seekers’ beliefs about destination countries, for example, through telling potential asylum seekers which countries are the most accepting of refugees (Robinson & Segrott 2002, p.24)44.

The refugee respondents of these studies also said that they effectively surrendered themselves to the decisions of smugglers, often claiming that they would have gone anywhere that the smuggler said to go (Barsky 2000 pp.263; Doornbos, Kuijupers & Shalmashi 2001, p.22). For some of the other respondents of these studies, however,

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44 Similarly, Gilbert and Koser state: “Among the Afghans, Kosovars and Somalis, the importance of the smuggler as a source of information came across time and again. Whether in determining their destination or providing information about how to get through immigration or what they would find in the UK, the smugglers’ knowledge was critical.” (Gilbert & Koser 2006, p.1216)
choice was denied to them entirely by the smugglers that they engaged (Gilbert & Koser 2006, p.1215; Robinson & Segrott 2002, p.21). These international studies thus back the assertions which are made in the studies that focus on Australia already discussed; such studies indicate that it is misguided to assume that asylum seekers are always the active decision makers when choices about asylum destinations are made. The smuggler’s influence on asylum destination choice is considerable, and in some cases literally decisive. Any study which investigates refugees’ reception of deterrence policy information would therefore need to consider the role that smugglers play in shaping potential asylum seekers’ decisions and perspectives – indeed my study examines such factors.

Passive recipients?

While potential asylum seekers are influenced by the information that they receive from smugglers, several studies suggest that their family members and friends, who are located in asylum destination countries, are also a key source of information for potential asylum seekers (Barsky 2000, p.218; Doornbos, Kuijpers & Shalmashi 2001, p.20; Robinson & Segrott 2002, p.60; Day & White 2002). In addition to the information that they receive from their families, friends and smugglers, potential asylum seekers also draw upon resources such as newspapers, movies and other mass media when making decisions about their asylum destinations.

Robinson and Segrott (2002) noted in relation to their respondents that “asylum seekers actively negotiate the images they received of the UK, and are not merely passive recipients” of such information (Robinson & Segrott 2002, p.27). This finding fits with the assertions of cultural studies scholars who suggest that individuals do not uncritically ‘soak up’ the messages or images that they receive from media sources and such individuals may
reject messages which do not concur with their own experiences or beliefs\textsuperscript{45} (this is discussed in greater detail below). This is precisely what Barsky (2000) and Robinson and Segrott (2002) found. Barsky (2000) found that his respondents from the former Soviet Union drew upon the images of America which were presented to them in Soviet and American propaganda when they made decisions about seeking asylum in Canada. While some of Barsky’s respondents felt that negative beliefs about the United States were “implanted in us” by the former Soviet regime, others rejected the negative images that had been projected to them (Barsky 2000, p.134).

Robinson and Segrott (2002) made a similar finding in relation to their Iranian and Iraqi respondents (Robinson & Segrott 2002, p.30). According to Robinson and Segrott (2002), these respondents “sorted through” and rejected certain images projected to them by the state controlled media in Iran and Iraq (Robinson & Segrott 2002, p.30). Robinson and Segrott (2002) found that ironically, negative portrayals of the UK actually encouraged Iraqi and Iranian asylum seekers to select the UK as a destination to seek refuge. The negative propaganda created by their home governments about the UK led some asylum seekers to believe that the UK was hostile to their governments and would therefore accept their asylum claims (Robinson & Segrott 2002, p.30).

Robinson and Segrott (2002) also stated that their respondents accessed information about the UK from a number of sources but these sources offered contradictory information which meant that asylum seekers had to sift “…through these views on the UK, thereby actively shaping their opinions” (Robinson & Segrott 2002, p.28). This is an important

\textsuperscript{45} This also fits with the perspectives of some criminologists, as discussed below, who argue that “offenders do not respond mindlessly to stimuli, but are engaged in meaningful activity that happens to have been labelled as criminal by dominant groups in society” (Burke 2005, p.174).
observation, it suggests (rather logically) that potential asylum seekers are unlikely to interpret the information that they receive concerning Australia’s immigration deterrence policies in isolation but they will draw on numerous other information sources when deciding if Australia is a suitable place to seek refuge. Importantly, Robinson and Segrott (2002) also note that “negative depictions of the UK did not necessarily deter migration to this country, especially when the government at home had produced them” (Robinson & Segrott 2002, p.37). This could indicate how the deterrence information produced in Australia and distributed by state-run media services in other countries might be interpreted by potential spontaneous arrivals (i.e. it may be rejected by them).46

These studies suggest that it cannot be taken for granted that potential spontaneous arrivals will simply accept Australia’s deterrence messages, rather, these messages will be interpreted in various ways by potential asylum seekers who will draw on multiple sources of information when understanding Australia’s deterrence policies. This suggestion, however, is merely speculative as no study yet investigates how potential asylum seekers interpret Australia’s deterrence information when they receive it. My study not only examines how refugees interpret Australia’s deterrence policy information but also investigates what additional sources, other than policy information, are drawn upon by refugees when they make sense of policy messages.

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46 As I mentioned in Chapter Two I made a number of inquiries to DIMA/DIMIA in order to try and discover how and to whom the department distributes its deterrence information materials (i.e. the posters and pamphlets from the Overseas Information Campaign). At one point I was told that the state controlled media in other countries distributed/broadcast these materials to their people. Certainly the former Minister for Immigration Phillip Ruddock did take such materials with him on several trips to the Middle East with the express purpose of giving them to local officials whom he hoped would then distribute them amongst the local population. Ruddock said, “I will be taking with me a range of information material including a video, booklet and fact sheets in Arabic, Farsi and English to give to local officials. It is my hope that they will use the material to highlight the dangers of illegal travel so that this pernicious trade, and the consequent tragic loss of life that so often occurs, will be reduced” (Ruddock 2001d).
The role of ‘chance’ in the decisions that asylum seekers make about destination

Apart from their financial resources, families and people smugglers affecting asylum seekers’ decisions about destination, ‘chance’ is also mentioned in a number of studies as an important factor which influences where refugees claim asylum (Barsky 2000; Havinga & Bocker 1999; Day & White 2002). As Barsky suggests “no matter how much information is disseminated, or not, the element of chance will continue to play a role” in where asylum is claimed (Barsky 2000, p.121). These international studies therefore suggest that for some refugees it may not matter how strong the deterrence message is that is broadcast to them because there are many uncontrollable factors that determine where refugees claim asylum. Even when they appear to have a choice in their destination, there are many influences on asylum seekers’ choices other than immigration policy; even when they consider policy, there are in turn, many influences on asylum seekers’ perceptions of what that policy might mean for them.

On the whole, these international studies indicate that many factors affect the decisions that asylum seekers make about their destination countries. There are, in addition, evidently many factors which will potentially shape refugees’ reception of Australia’s deterrence policy information and it is unlikely that the reception of such information will be straightforward. Importantly, also, these studies demonstrate that potential asylum seekers are not governed either by their fear or the host countries’ asylum policies when they make

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47 For example, a number of Barsky’s respondents had, in fact, boarded planes which were bound for destinations other than Canada but for various reasons they disembarked during their stopovers in that country where they claimed asylum. One respondent, for example, disembarked because the plane on which she was travelling had no milk for her baby and she did not, therefore, select Canada as her destination for any reason other than ‘chance’ (Barsky 2000, p.121). In Day and White’s study one respondent came to the UK only because she was unable to obtain forged documents for any other destination – this choice was therefore also dictated by ‘chance’ (Day & White 2002, p.21).
decisions about seeking asylum. As I have indicated throughout this chapter, these studies provided various avenues for inquiry which were followed up by my research.

3.4 Criminological literature

I originally drew on criminological literature when undertaking research for this study. Ultimately, I came to draw more strongly on the audience studies that have been undertaken by cultural studies scholars when I sought to understand and analyse the ‘strong message’ which is supposedly sent by Australia’s immigration deterrence policies. However, criminological perspectives and insights on deterrence still underpin the approach that I took in researching the deterrence of spontaneous arrival and this literature, importantly, highlighted the need to investigate deterrence policies beyond examining whether or not they appear to achieve their objectives.

I drew on criminological theory for two main reasons. First, debates within the context of criminology about deterrence are significantly more developed than debates about deterrence in relation to immigration policies. Indeed, criminological texts suggest that major challenges to the classical criminological approach, which proposed the use of deterrence to prevent crime, occurred in the 19th century (McLaughlin, Muncie & Hughes 2003, p.12). A substantial volume of studies aimed at understanding deviance, crime prevention and deterrence since this time provides valuable insights, especially in light of the dearth of literature on immigration deterrence. An examination of the debates within criminology indicates that there is little consensus amongst criminologists regarding the value of deterrence. The other main reason that I explored debates within criminology was because spontaneous arrival in Australia is constructed as a deviant act. While “people who enter Australia without a visa have not necessarily committed a criminal offence in
doing so” (Vanstone 2004b) those who undertake this act are commonly referred to as ‘illegal immigrants’ and they are conceived of as deviants. It therefore became of interest to me to examine criminological perspectives on the construction of deviance and the purposes that such constructions serve.

The deterrence of spontaneous arrival as envisioned by the Howard Government echoed the notions of ‘crime’ and ‘deviance’ as they are conceptualised by the classical school of criminology. Central to the classical hypothesis is the idea of free will “guided by reason and self interest”, where it is thought that an individual chooses to undertake a deviant act after performing a cost/benefit analysis of the proposed action (Vold, Bernard & Snipes 2002, p.20). Such an assumption is found in the speeches of Howard Government MPs; Howard Government politicians assumed that potential spontaneous arrivals are drawn to Australia because of the ‘benefits’ that may be found there. For example, according to the former Minister for Immigration, Phillip Ruddock,

there are a number of attractions [in Australia] which prompt people to pass through a situation where they would be safe and secure to get to Australia. That is related to the level of benefits if people are freed into the community. (Ruddock, P 2002c, House Hansard, p.3025)

Howard Government politicians thus assumed that refugees who come to Australia as spontaneous arrivals give up safety in other countries in order to obtain ‘benefits’ from Australia. These politicians therefore assumed that such refugees perform a kind of cost/benefit analysis before choosing to engage in spontaneous arrival.

The belief that human beings make ‘rational’ choices is disputed within criminological studies. Tunnell, for example, suggests that some acts which are routinized or impulsive
involve little thought or consideration of “alternatives or consequences” (Tunnell 2002, p.268). This idea is reflected in the testimonies of refugees in speaking of their ‘unauthorised’ journeys to Australia, for example, a refugee quoted in one study said “A friend told me that a boat was leaving for Australia. There was no time to consider” (Lonely Planet 2003, p.29). Furthermore, White and Haines (2003) also suggest that “for some people offending may be entirely rational in a manner that is not amenable to the deterrence resulting from punishment” (White & Haines 2000, p.33). In fact, it might seem entirely rational, having weighed up the ‘pros’ and ‘cons’ of their situations, for refugees to choose to undertake the act of spontaneous arrival; this is reflected in the following statement:

When the smugglers showed us the boat we were going to travel in, we were frightened because the boat looked like it was built overnight by amateurs. But we had no choice because we came to a point of no return. If we go back to our country, we would be definitely killed. If we go with this boat, maybe we survive. (refugee quoted in Mansouri & Bagdas 2002, p.39)  

Also central to the classical hypothesis is the proposal that human beings “can be controlled by their fear of punishment: if the pain obtained from punishment exceeds the pleasure obtained from crime, then people will choose not to commit crime” (Vold, Bernard & Snipes 2002, p.20). According to the classical perspective, in order to prevent crime, it is proposed that deterrence is improved when the penalties for committing crime are increased along with the certainty and swiftness of being caught and punished (Bishop 1982, p.2; Burke 2005, p.36, 40). Such an idea underpins the emphasis on increasing
‘toughness’ in the context of the criminal justice system and arguably also underpins the Howard Government’s approach to border protection (Akers 2000, p.27).48

Therefore, classical criminologists focus on controlling crime through “better and more efficient carefully calculated means of punishment [rather than] establishing specific causes of crime or trying to understand its meaning” (McLaughlin, Muncie & Hughes 2000, p.1). My analysis of the Commonwealth Parliament’s Hansards (detailed in Chapters Five and Six) illustrates that this approach has also been taken by the Australian Government in seeking to prevent spontaneous arrival. First, the analysis shows that the Howard Government came to the conclusion that there are no legitimate reasons for spontaneous arrival because, as its politicians argued, refugees fleeing persecution can apply for asylum through other means. Second, based on the first assumption, it was thought that the individuals who arrive spontaneously in Australia either seek a ‘preferred migration outcome’ or access to ‘benefits’ while their asylum claims are being processed. There is little evidence in the parliamentary discussion, or anywhere else, to suggest that the Howard Government probed the reasons for spontaneous arrival beyond ‘establishing’ these causes.

In opposition to the classical hypothesis, positivist approaches to criminology deny the free choice doctrine (McLaughlin, Muncie & Hughes 2000, p.12, p.2) and suggest instead that “people can only behave as they have already been determined to behave” (Vold, Bernard & Snipes 2000 p. 9). Quetelet proposed in the 1800s that “criminality is not freely chosen… but that it is an inevitable and resultant feature of social organisation”

48 As my analysis of the Commonwealth Parliament’s Hansards shows (in Chapters Five and Six), Australian politicians aim to increase the toughness and strength of border protection legislation, particularly so as to not appear ‘soft’ to people smugglers and potential spontaneous arrivals.
(Mclaughlin, Muncie & Hughes 2000, p.12). From Quetelet’s hypothesis various theories have arisen and scholars now seek to understand the causes of crime, including investigating how the criminal’s psychological and social profile affects her/his actions.

Positivist branches of criminology have, in turn, been dismissed by more radical branches of criminology arising since the 1960s (Cohen 1992, p.5) which dispense with the emphasis on the causes of crime altogether and ask instead why “certain behaviours and situations come to be defined as criminal?” (Mclaughlin, Muncie & Hughes 2000, p.12, p.227). The criminologists who subscribe to this position take an interest in investigating the influence of social power relations in determining such things as ‘deviance’ and ‘crime’; they suggest that certain groups in society are privileged in determining what constitutes a criminal act and who is considered to be deviant.\(^{49}\)

While I am interested in understanding the causes of spontaneous arrival, I do not seek this understanding along positivist lines. Instead, I take the approach that, rather than being naturally ‘deviant’, the act of spontaneous arrival is constructed as such and this construction is a site of debate.\(^{50}\) It becomes important then, given these insights, to investigate the role that social power relations play in positioning spontaneous arrival as a deviant act and to understand why certain perspectives on spontaneous arrival are

\(^{49}\) Carrington says in describing ‘New Criminology’ that it shifted the focus of criminological research towards investigating “the manner in which social control and criminalization processes embody class relations which systematically discriminate against the powerless by criminalizing their behaviour, while turning a blind eye to the transgressions of the corporate and bourgeois world” (Carrington 2002, p.123).

\(^{50}\) This debate is evidenced by the Australian Government’s view of spontaneous arrival, on the one hand, as an illegitimate and deviant act that must be prevented (through deterrence). On the other hand, the same act is viewed as not only legitimate but necessary by refugees and their advocates, and under such circumstances the deterrence of spontaneous arrival is undesirable and possibly in breach of international human rights laws.
privileged over others. It is therefore important to probe deterrence policies beyond investigating whether or not they ‘work’; one must also examine the power/knowledge which positions spontaneous arrival as a deviant act and constructs deterrence as its cure. Specifically, I have sought to examine how the ‘knowledge’ which is created in the Commonwealth Parliament affects the construction of spontaneous arrival.

I am not the first to draw on criminological perspectives in order to investigate how the parliamentary debate on ‘illegal immigration’ supports certain – deviant – understandings of spontaneous arrival. Pickering and Lambert (2002) undertook an examination of the parliamentary debates on immigration deterrence and they also examined the Commonwealth Parliament’s Hansards. Pickering and Lambert were interested in understanding “the operation of power in relation to this discourse” (Pickering & Lambert 2002, p.66). They explored “the ways deterrence has become naturalised and ‘commonsensical’…” and legitimizes “repressive government policy and practice” (Pickering & Lambert 2002, pp.69-70). However, unlike Pickering and Lambert (2002), I combine my analysis of parliamentary debates with an analysis of refugees’ testimonies.

Refugee perspectives assisted me to develop a greater understanding of how the parliamentary debates shape certain subjectivities and impact on understandings of spontaneous arrival. Through their testimonies, refugees offer alternative ‘truths’ about

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51 In drawing on radical or ‘new’ criminological perspectives to inform my understanding of immigration deterrence policies, I am mindful of one of the major criticisms of this branch of criminology: that it fails to “take crime and its effects seriously” (Carlen 1998, p.65). In particular, feminist scholars suggested that early approaches in radical criminology romanticised crime and the criminal “at the expense of a regard for the reality of the experience of victimisation...” (Carrington 2002, p.127). In a similar way, it would be inadequate to merely suggest, for example, that the construction of spontaneous arrival as a deviant act is perhaps a product of unjust power relations. To concentrate only on issues of power, social control and questions of deviance and discipline ignores the fact that the spontaneous arrival’s journey is not a victimless exercise. Asylum seekers are exploited, and sometimes, tortured, trafficked or killed by those they engage to assist them – people smugglers – any attempt to understand immigration deterrence should involve a consideration of these issues.
themselves and their journeys which challenge the ‘knowledge’ offered by politicians; such testimonies thereby highlight the extent to which refugee knowledges are excluded from the knowledge construction that takes place in the Commonwealth Parliament. While I ultimately drew more from cultural audience studies and Foucault’s works in writing this thesis, this criminological literature (and specifically criminologists’ long history of questioning the deterrence rationale) provided a basis for various points of inquiry which are addressed in the following chapters.

3.5 Audience studies

Deterrence as a process is essentially a communicative process; in the context of the criminal justice system, punishment is used to signal what is acceptable and unacceptable behaviour (Von Hirsch et al 1999, p.39). Similarly, Australian immigration deterrence measures are built around the objective of communicating ‘a strong message’ to either people smugglers or their ‘clients’, in order to correct undesirable behaviour. While some studies examine whether immigration policies play a role in the decisions that asylum seekers make about where they will seek refuge (particularly the international studies mentioned above), no study yet investigates the reception of immigration policy information from a communication studies perspective.

Audience studies, and in particular those studies that have been undertaken by cultural studies scholars, offer a challenge to the idea that immigration deterrence policies can ‘send a strong message’. These scholars reject the assumption that messages and ideas – i.e. don’t come to Australia ‘unauthorised’– can be transmitted directly into the minds of individuals. Instead, cultural studies scholars argue that audience members actively process the messages that are broadcast to them and that these messages may therefore be
interpreted in a multitude of ways. Furthermore, cultural studies scholars demonstrate that individuals do not understand or interpret messages in isolation from other messages or from other people. The individual viewer/audience member/reader is influenced in her/his interpretation by the socio-historical and cultural context in which s/he is positioned, the discourses arising out of that context, his or her individual background and also the viewing communities with whom s/he observes the ‘message’. All of these factors working together mean that it is difficult to predict how an individual audience member will react to the messages s/he views. As Ang says:

We cannot say in advance which meanings and effects media content will have on audiences. It will depend on who these people are (e.g., in terms of class, gender, race, religious conviction, regional or national background) and the specific social and cultural contexts in which these media are embedded when they ‘reach’ their audiences. (Ang 1995, p.219)

Cultural studies scholars have also proposed, as I mentioned in the last chapter, that in investigating how audiences respond to particular texts, audience researchers need to examine the power relations which shape ‘the message’s’ production and reception. The ‘third generation’ of reception studies scholars also recognise the need for audience researchers to investigate the power relations which shape the construction of ‘the audience’ (Alasuutari 1999). If we ask only whether or not the message was ‘understood’ as the ‘sender’ intended, then we fail to understand how the audience’s reaction to the message – for example, their rejection of it – might relate not to the audience member’s inherent ‘deviance’; but to the fact that the message and its audience are constructed based on a vision which does not fit with audience members’ understandings of themselves and their choices. As this thesis is written from a communication studies perspective, I began this study by asking two major questions in relation to the communication of deterrence
messages: first, how are these messages broadcast/delivered to their target? Second, how are they received?

How are deterrence messages broadcast?

As the Australian and international studies discussed above illustrate, many asylum seekers arrive at their destination country knowing very little about it; no study points to a widespread or comprehensive knowledge amongst asylum seekers of the migration laws operating in such destination countries. It is thus reasonable to question whether asylum seekers receive immigration deterrence policy information at all. There also appear to be substantial barriers which prevent some refugees from receiving information from asylum destination countries while they are still in their countries of origin and in transit countries. The refugee ‘lifestyle’ is often marked by upheaval and transitory movement and refugees are often located in sometimes very isolated areas of the world. One might ask for example: how do messages about Australian policy reach illiterate and isolated villagers in Afghanistan?52 – the country from which most spontaneous arrivals have come to Australia in recent years.

There is currently very little publicly available information or literature which describes how the Australian Government overcomes the barriers described above when sending ‘the strong message’ about Australia’s immigration policies. I contacted the former Minister for Immigration, Amanda Vanstone, and her department (DIMIA) and asked them to provide me with information which would explain how the Australian Government transmits its deterrence messages to potential spontaneous arrivals. According to a

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52 This is also a question which is asked by Maley (2001, p.9)
spokeswoman representing the minister\textsuperscript{53}, the deterrence message is broadcast through the *Overseas Information Campaign* to both the countries from which spontaneous arrivals originate and the countries they transit en route to Australia (DIMIA 2004, pers. Comm., 1 May). The information campaign is also designed to “dissuade relatives and friends already in Australia from encouraging their relatives overseas to seek entry to Australia via smuggling routes” (DIMIA 2004, pers. Comm., 1 May). According to the minister’s spokeswoman, various publicity materials produced by DIMIA have been distributed in a number of countries and have been “highly publicised in Australia and overseas” (DIMIA 2004, pers. Comm., 1 May). It was initially of interest to me to verify whether the deterrence information materials were indeed publicised in various overseas countries as the DIMIA official had claimed. No information was provided by the minister’s spokeswoman to demonstrate that this was the case.

In this thesis I only partly address questions concerning where and how Australia’s deterrence policy information is distributed. As I stated in Chapter Two, I did not seek to discover whether the *Overseas Information Campaign* had reached its target audience overseas as this appeared to be too difficult to determine. However, Chapters Eight and Nine demonstrate that the Howard Government did not entirely overcome the various barriers which prevent refugees from receiving deterrence messages given that many of the respondents of my study did not receive the ‘strong message’ prior to their arrival in Australia. Importantly, on the other hand, some of my respondents did receive some information about Australia’s immigration policies pre-arrival, demonstrating that it cannot be assumed that policy information does not reach some refugees before they come to

\textsuperscript{53} A representative from DIMIA’s International Cooperation Branch, Refugee International and Humanitarian Division responded to a letter I sent to Minister Vanstone in 2003; the Charles Sturt University Ethics in Human Research Committee has not permitted me to reveal the representative’s name in my thesis.
Australia. However, while this study shows that policy information is delivered to some refugees overseas, I refute the assumption that communicating ‘the strong message’ to potential spontaneous arrivals is unproblematic. As Chapter Five and Six show, Australian politicians have an understanding of immigration deterrence messages which mirrors the direct effects model of communication in that it is thought that the deterrence message travels in an unbroken line from ‘sender’ to receiver. Instead, as this study shows, the information which is eventually received by potential spontaneous arrivals is often inaccurate, lacking in detail and, importantly, its interpretation is far from straightforward. It is on this last point – reception – that my study offers most insight.

How are deterrence messages received?

In answering the second of the two questions posed above – how are deterrence messages received? – I principally draw upon the work of scholars (particularly Morley 1999a) within the cultural studies tradition and, specifically, their research on audiences. There are several reasons why I chose to explore the position of cultural audience studies rather than the many other explanations, including other communications traditions which investigate how individuals react to the messages that are broadcast to them. First, according to Morley and Brunsdon, cultural audience research reacts to two extreme positions offered by the communication traditions which preceded it: the hypodermic needle approach on the one hand and, on the other, “liberal models [advocating] the sovereignty of the media consumer and their relative imperviousness to media influence” (Morley & Brunsdon 1999, p.6).

54 After examining a number of ‘effects’ studies, Andy Ruddock concluded that “few researchers understood media effects in ‘hypodermic’ terms, or if they did the evidence they gathered on audiences soon led them to dismiss the idea” (Ruddock 2001, p.40). While I acknowledge this, I have chosen to discuss the hypodermic needle model rather than effects research more generally because I argue that the Howard Government had a ‘hypodermic’ understanding of the communication process (I illustrate this in Chapters Five and Six).
While the hypodermic needle approach theorised that ideas and ideologies could be
directly inserted into the minds of a passive audience, the uses and gratifications theory
proposed that the audience is active and individuals select the media they view in order to
satisfy their needs (Taylor & Willis, 1999 pp.157-161; Ang 1995, p.212). The first of these
two approaches appeared to give considerable power to the ‘sender’ who was thought to
have the ability to manipulate or shape the opinions of a passive audience. As audience
researcher Andy Ruddock says, the hypodermic needle idea saw the “mass media function
as narcotics on the audience, making them passive, childlike and easily manipulated”
(Ruddock 2001, p.11). The uses and gratifications approach, on the other hand,
concentrated power in the hands of the ‘receiver’ who was thought to pick and choose what
they viewed according to their individual preferences. However, uses and gratifications
researchers failed to consider how individual choices and preferences might be influenced,
limited or structured by social power relations (Ang 1995, pp.212-213; Ang 1985, pp.9-10).

In addition, according to Morley and Brunsdon, neither of these approaches addresses
“how audiences made sense of the media materials with which they found themselves
confronted” – this being one of the major objectives of the reception studies approach$^{55}$
(Morley & Brunsdon 1999, p.6). In short, neither the hypodermic needle approach nor the
uses and gratifications model advocate that researchers should examine how audiences
interpret the texts that they view. Reception studies scholars of the cultural studies
tradition, on the other hand, explored how audience members interact with the messages

$^{55}$ Cultural studies scholars also raise other concerns about the hypodermic needle approach to communication
and the uses and gratifications approach; I speak about some of these concerns throughout my thesis.
that they view and also investigated the power relations which impact on this reception. The goals of cultural studies’ audience research therefore fits with the objectives of my study. In this thesis I seek to investigate the reception of deterrence information and also to understand how social power relations might shape this reception.

Active audience

Cultural studies scholars conceive of audience members as active, rather than passive individuals, who interact with the texts that they view and do not merely passively absorb messages and ideas. As Morley says “People don’t passively absorb subliminal ‘inputs’ from the screen. They discursively ‘make sense’ of or produce ‘readings’ of what they see” (Morley 1999b, p.8). Cultural studies scholars also subscribe to the idea that texts are polysemic, that is, they are open to more than one meaning and therefore interpretation and meaning cannot be fixed by the message’s ‘sender’ (Hall 2001; Morley 1999a; Moores 1993, p.17; Real 1996). Cultural studies scholars have shown that the same message will be interpreted in different ways by different individuals depending on influences from their backgrounds (Lull 1990; Liebes & Katz 1990; Morley 1999a).

Lull (1990), Morley (1999a; Morley 1999b) and Liebes and Katz (1990) demonstrate that individuals ‘decode’ messages within family and social groups – this influences individual interpretations. Women have also been shown to interpret texts differently from men (Ang 1985; Lull 1990; Liebes & Katz 1990; Morley 1999b). These studies demonstrate that rather than audiences being directed in their behaviour by the messages that they view, audiences reject and accept aspects of the texts that they are exposed to and interpret the text in relation to their own experiences and backgrounds. From this, the idea of sending ‘a strong message’ becomes more complex, and we cannot assume that refugees will react in
a uniform or predictable way to immigration deterrence messages – they are likely to interpret deterrence information in different ways according to their backgrounds and under the influence of the socio-cultural groups to which they belong.

Indeed as various audience studies demonstrate, individuals may exhibit quite radical reactions to the mass media messages which are delivered to them. In her study of Dallas, Ang found, for example, that some viewers of this programme transformed it “from a seriously intended melodrama to the reverse: a comedy to be laughed at” (Ang 1985, p.98). The Russian Israeli respondents in Liebes and Katz’s study of Dallas, on the other hand, were convinced that Dallas was designed as an instrument of propaganda which “serves the hegemonic interests of the producers of American society” (Liebes & Katz 1990, p.75). Importantly, from my perspective in writing this thesis, Liebes and Katz (1990, p.81) explain that it is because of the fact that their Russian respondents were refugees, that they were so sensitive, suspicious and critical of the messages that they received.

Liebes and Katz note: “…these are refugees who are well trained in applying ideological criticism to other people’s ideologies as well as their own. They are continually alert to sources of potential manipulation” (Liebes & Katz 1990, p.81). Curiously, this echoes Barsky’s (2000) findings in relation to the Russian respondents in his study of asylum seekers in Canada, discussed above. In a similar way to Liebes and Katz (1990), Barsky (2000) found that his Russian respondents were suspicious of both the Russian and American ‘propaganda’ with which they came into contact. Robinson and Segrott (2002, p.30) also made similar conclusions in relation to their Iraqi refugee respondents as I have already noted.
Therefore, while refugee studies show that refugees are active viewers/readers, it is possible, given Liebes and Katz’s (1990) observations, to assume that refugees may be even more active – or at least more suspicious – than the non-refugee audience, when interpreting the messages which are delivered to them. Furthermore, in their study investigating the importance of social networks as information sources for potential spontaneous arrivals, Koser and Pinkerton conclude:

One of the principal reasons why asylum seekers seem unlikely to attach weight to information disseminated by formal institutions, is that these are not trusted. Interestingly, this does not appear to arise from a concern that institutions in destination countries will provide misinformation in order to deter asylum seekers, rather the issue is a lack of trust of any formal institution. (Koser & Pinkerton 2002, p.15)

This proposal, that refugee audiences may be more likely to scrutinise and reject the ‘official’ texts broadcast to them, further disrupts the notion that policy messages will be uncritically absorbed by refugees; indeed, my study ultimately shows that refugees constitute active audiences.

The active audience paradigm, however, has been the focus of criticism with critics suggesting that some scholars who draw on this paradigm overstate the audience member’s power/capacity to determine the text’s meaning. In fact, cultural studies scholars assume that the message, though polysemic, is structured in dominance – the meanings that the audience can draw out of the text are thus in some restricted, or at least shaped by social power relations which are reflected in the texts themselves (Hall 2001). Livingstone proposes that we should ask “how the texts guide and restrict interpretations” (Livingstone 1998, p.26). Instead of suggesting then, that the text can mean whatever the audience wants it to mean, the notion of the active audience is perhaps “deployed as a way of
capturing all the complicated processes” which people undertake when they make sense of the texts they view (Barker 2006, p.124).

The active audience paradigm is a reaction to the hypodermic needle approach to communication which saw audiences as a “passive, mindless and homogenous” mass (Livingstone 1998, p.26), and when I use the term ‘active audience’ in this thesis my objective is to challenge such ideas about refugees as an audience. I do not, however, use the active audience idea to propose that deterrence messages do not ‘work’, nor to imply that refugees interpret the deterrence message in any way they want to. Instead, in taking up the active audience paradigm I suggest that interpretation is a complex and creative process which is shaped by many factors, including the audience member’s background.

It is important, then, to move beyond hypodermic understandings of communication which assume that audience members will simply absorb the ideas which are broadcast to them or react to deterrence messages in predictable ways – i.e. in the way that the sender would like. Multiple reception studies demonstrate that communication is much more complicated than the hypodermic needle model implies and the fact that some of the respondents in my study received the deterrence message and still came to Australia as spontaneous arrivals illustrates that they did not passively absorb ‘the message’ and comply with the sender’s wishes. Equally, however, as cultural studies scholars caution, the active audience paradigm should not be used to suggest that the audience has the power to do what it wants with ‘the message’.
Power

The cultural studies scholars of the 1970s and 80s were particularly interested in the relationships of power which underpin the production and reception of the ‘message’. Hall in his seminal *Encoding/Decoding* essay, suggested that language was not neutral nor transparent in its description of real life events, instead, it is a system of coded signs where codes can “contract relations for the sign with the wider universe of ideologies in a society” (Hall 2001 p.171). He believed these codes existed in a hierarchy which reflected the “dominant cultural order” which he suggested was not fixed “nor uncontested” (Hall 2001, p.172). According to Hall, texts can reflect and project this dominant order and messages can be ‘encoded’ with dominant ideological viewpoints.

Drawing on Hall’s (2001, p.166) proposal that communication is a “complex structure of dominance” and summarising one of the main tenets of the *Encoding/Decoding* thesis, Morley proposed that “the message is thus a structured polysemy. It is central to the argument that all meanings do not exist ‘equally’ in the message: it has been structured in dominance although its meaning can never be totally fixed or ‘closed’” (Morley 1999a, p.124). Radway (1991), thus argues in her study *Reading the Romance* (1991) that the infinite number of meanings an individual might draw from a text is constrained (although not completely) by the cultural context in which the message is viewed. In the case of romance novels, Radway (1991) proposed that an ideological message affirming patriarchy underpinned the romance text and she questioned whether women readers were ‘positioned’ both by the text and their social setting to commonly reproduce this “ideological status quo” (Radway 1991, 217). Social power relations then, are thought to influence how the message is constructed and interpreted, and, in particular, these studies
suggested that message construction and interpretation occur in line with dominant ideological perspectives.

Later audience studies within the cultural studies tradition, rather than focusing on the power relations between the text and the viewer, examined the power relations which structure viewing itself. I discuss this shift away from the text towards viewing behaviour and the criticism levelled at textual analysis in greater detail in the next chapter. One insight offered by such studies, which focus on examining viewing behaviour, is that this behaviour in the home is shaped and caught up with the “structure of domestic power relations” (Morley 1999b, p.148). Morley found through his study *Family Television: Cultural Power and Domestic Leisure* that the differences in the viewing behaviour of his male and female respondents were traceable to the “social roles that these men and women occupy within the home” (Morley 1999b, p.146). Viewing behaviour – who has possession of the remote control and whose programs are valued or watched, as well as the many activities that viewers engage in while watching TV – and not just interpretation, is shaped by social power relations.

Cultural studies scholars now call for an investigation of power relations beyond examining how these power relations influence interpretations of ‘the message’ or the viewing behaviour of audiences. Various writers (Ang 1996; Hartley 1987; Hagen 1999; Tulloch 2000; Shimpach 2005; Barker 2006; Bye 2001; Lotz 2000) propose that audience researchers should examine the power relations that underpin the construction of the audience itself by both those who send ‘the message’ and those who research ‘the audience’. Hartley (1987) is particularly emphatic that there is no such thing as ‘the audience’, rather, for him ‘the audience’ is an “invisible fiction” created by institutions –
government regulatory bodies, the mass media industry and audience researchers – to serve
the needs of these organisations/individuals. Similarly, Bye says

the ‘viewer’ and ‘the audience’ have been important figures for Cultural
Studies in its attempts to make sense of television… many writers now
accept that these figures are not simply the ‘reality’ against which the texts
of television programming can be judged, but are themselves representations
called into being by social scientists, marketers and television companies.
(Bye 2001, p.373)

‘The audience’, for many scholars, is now considered to be a ‘discursive construct’ rather
than being an objective entity which can be readily described and measured. These
scholars recognise that individuals are reduced and shaped in order to fit within
understandings of who and what constitutes ‘the audience’. Instead of referring to ‘the
audience’, which implies that ‘the audience’ is a singularised entity, cultural studies
scholars now speak of ‘audiences’ in the plural, acknowledging audience diversity and
perhaps the individual’s irreducibility to the categorisation of ‘audience’ (for example, see
Barker, 2006; Clarke 2000). These ideas regarding the construction of ‘the audience’ were
discussed in the previous chapter and will be addressed in greater detail throughout this
thesis.

In this chapter, I have dealt with only some of the major aspects of the cultural studies
approach to researching audiences. I discuss other facets of the cultural studies tradition
throughout this thesis. In particular, I discuss the contribution of a Foucauldian analysis to
the debate about ideology and the text at the beginning of the next chapter. These issues
are raised there as a prelude to the analysis of parliamentary speeches in Chapters Five and
Six. Through introducing these aspects of the cultural studies approach to the reader, I
hope to highlight that my approach to examining ‘the strong message’ of immigration
deterrence policies does not merely involve understanding the effectiveness of deterrence messages. The research on audiences that has been undertaken by cultural studies scholars demonstrates that there is much more that needs to be examined when we research audiences than merely investigating whether ‘the audience’ received the sender’s intended message. Instead, we must understand reception to be a creative process but one which is shaped by factors in the audience member’s background and structured by social power relations. In this thesis I draw on the insights of cultural studies’ audience research to approach refugees as active viewers of information, and to consider the ways in which the deterrence message and the spontaneous arrival audience have been constructed as the result of social power relations.

3.6 Conclusions

I have demonstrated in this chapter that the Australian studies which examine Australia’s immigration deterrence policies do not provide an understanding of how refugees interact with information concerning such policies. While scholars debate whether or not deterrence policies ‘work’, they are primarily interested in examining the harm caused by these policies to refugees. The refugee’s interpretation of deterrence information is consequently not studied in any depth in Australian texts. The international studies that were reviewed in this chapter demonstrate that various factors influence asylum seekers’ decisions about asylum destination countries; these studies indicate that policy information alone will not govern the choices that asylum seekers make. These studies show that the asylum seeker’s interaction with Australian policy information is likely to be much more complex than Australian politicians assume – something which my study demonstrates.
The criminological literature which was reviewed in this chapter and the audience studies undertaken by cultural studies scholars illustrate that there is a need to examine immigration deterrence policies beyond merely investigating whether or not these measures can achieve their objectives. It is important to realise that the ‘deviance’ which is associated with spontaneous arrival is not ‘natural’ nor is deterrence its ‘natural’ cure. Instead, spontaneous arrival is constructed as a deviant act and this construction is underpinned by power relations. The insights offered by ‘new’ criminology and cultural studies’ audience research necessitate that any study which examines the deterrence of spontaneous arrivals should also and necessarily involve an examination of the power relations which underpin the construction of deterrence messages.

The literature that I have reviewed in this chapter demonstrates that, far from receiving a ‘strong message’, the refugee’s reception of Australia’s deterrence policy information is likely to be affected by a variety of factors and is not straightforward. However, in the absence of a study which investigates the reception of such policy information, we can only speculate that this is the case. My study therefore addresses a substantial gap in the current literature which is focused on Australia’s immigration deterrence policies.
4. Conceiving of the ‘strong message’: Texts, Foucault and Critical Discourse Analysis

4.1 Introduction

As I stated in the introductory chapter, the central question that is addressed in this thesis is: do Australia’s immigration deterrence policies send a strong message to potential spontaneous arrivals? In order to answer this question it would appear imperative to first ask: what exactly is the strong message which is being sent? To borrow from Lasswell’s (1948) transmission theory of communication, it would appear that it is important, when seeking to understand the impact of the strong message, to ask: “Who… said what… in which channel… to whom… with what effect?” (Lasswell in Lewis & Slade 1994, p.9).

However, cultural studies scholars reject the transmission approach to communication because of, amongst other things, “its concentration on the level of message exchange and for the absence of a structured conception of the different moments in the complex structure of relations” (Hall 2001 p.166). Hall proposed as a basis for his Encoding/Decoding theory that the text’s construction and reception are structured by social and economic power relations (Hall 2001, p.168).

Drawing on Hall’s (2001) proposal, it becomes important then, not only to ask what the message is that is being transmitted, but perhaps to also understand the ideological assumptions underpinning its creation and impacting on its reception. As I have already stated, this study is indeed concerned with the power relations which are inherent in the
message’s construction but, given the criticism surrounding the search for ideology within the text, I view these power relations in a more Foucauldian light.

The approach that I took in understanding the ‘strong message’ involved dispensing with ideology and the search for the text’s ideological meaning while still retaining an interest in the text and its production. However, my approach was to examine these things more broadly, investigating not merely the text itself and what the audience does with it; but I also to examine how the text’s very existence is caught up with the construction of its audience. My textual analysis therefore involved examining the simultaneous production of the deterrence message and its audience and also the power relations which support these constructions. The method described in this chapter draws on Foucault’s archaeology and genealogy and I am specifically interested in investigating how the need for the deterrence message is dependent upon the things said about the audience by ‘qualified’ speakers.

4.2 Textual analysis

The audience researchers of the cultural studies tradition which built on and tested Hall’s (2001) Encoding/Decoding hypothesis typically undertook a textual analysis of the ‘message’ in order to understand its ideological underpinnings. This method was found to be flawed however, because the search for ideology – more specifically the search for the dominant ideological position within the text – was inescapably influenced by the researcher’s subjectivity. As Radway notes “any scholar’s account of a social formation as a determining context is… itself produced from within an ideological position and a

56 Morley and Brunsdon’s (1999) comprehensive study of the content of the television program Nationwide is an example of this. Radway (1991) and Ang (1985) also examined the ideological meanings that were theorised to be embedded within the texts that they studied.

57 As Moores says “another difficulty arises when we try to determine the exact status of a preferred reading… Where is it and how do we know if we’ve found it? Can we be sure we didn’t put it there ourselves while we were looking?” (Moores 1993, p.28).
particular historical context” (Radway 1991, p.5). Furthermore, according to Howarth, Foucault rejects ideology because

he [Foucault] argues that ideology ‘always stands in virtual opposition to something else which is supposed to count as truth…’ [and] presupposes a conception of human subjectivity that is either deceived by the operation of ideology, or able to break decisively with false beliefs and become enlightened. (Howarth 2000, p.79)

Not only did researchers neglect to recognise that their own concepts of what constitutes ideology and hegemony reflect their own preoccupations and socio-historical backgrounds, as Radway (1991) suggests; but their search for ideology evoked the sense that they were uncovering a truth to which others (the viewers and the producers) might be blind. Indeed, one of the major criticisms directed at the textual analyses that were undertaken in the wake of Hall’s *Encoding/Decoding* concerned the researchers’ claims to authority of their particular interpretation of ‘the message’. As Turner notes, “an additional worrying by-product of textual analysis was the elitism implicit in its de facto privileging of the academic reader of texts” (Turner 2003a, p.109).

**4.3 The shift away from the text**

As cultural studies scholars increasingly recognised the problems that were inherently linked to their search for ideology within the text – researcher subjectivity being but one\(^5\) – they began to refocus their attention on the audience and the contexts of reception.

Examples of such research include Lull’s studies as described in *Inside Family Viewing: Ethnographic Research on Television’s Audiences* (1990) and Morley’s *Family Television:*

\[^5\] For more critique on textual analysis see Morley’s Chapter ‘The ‘Nationwide’ Audience: a critical postscript’ in *Television, audiences and cultural studies* (Morley 1992, pp.119-130) where he re-examines and strongly criticises his textual analysis of the television program *Nationwide*. Turner also offers a summary of the arguments against textual analysis in his chapter ‘Texts and Contexts’ in *British Cultural Studies* (Turner 2003a, pp.71-108).
Cultural Power and Domestic Leisure (1986). Characteristic of the so-called ‘ethnographic turn’ in audience research (Tulloch 2000, p.7; Alasuutari 1999, pp.5-6), these researchers no longer focused their attention on the power relations between the viewer and text and instead examined how the act of viewing in the micro-setting of the home might be connected to broader power relations within the macro social/cultural environment\(^59\).

However, this shift away from the text to a focus on ‘the audience’ and their viewing behaviour is not unproblematic, nor is it unchallenged, particularly when it is accompanied by a move away from studying production. As Nightingale says of the shift away from textual analysis:

> the heat was taken off the text... off the structures of production and those involved in it. The heat was also taken off the academic researcher, who no longer had to justify his or her reading of the text. The heat was focused directly and remorselessly on the audience. (Nightingale 1996, p.63)

Nightingale is specifically critical of Buckingham’s (1987) study of the English soap *Eastenders* because she claims that Buckingham neglects to examine the producers’ role in creating the text’s meaning (Nightingale 1996, p.90)\(^60\).

Barker is also critical of research which focuses on ‘the audience’ at the expense of understanding ‘the message’ being broadcast to them (Barker 1997). For Barker “the study of texts remains an important activity of cultural studies” (Barker & Galasinski 2001, p.8).

\(^{59}\) As Alasuutari says, the authors of such studies were concerned with investigating the role of viewing in ‘everyday’ life and “not the impact (or meaning) of everyday life on the reception of a program” (Alasuutari 1999, p.5); they were not interested in the meanings that the audience drew from the text.

\(^{60}\) What concerns Nightingale the most is Buckingham’s (1987) suggestion that the text is “without ideology” (Nightingale 1996, p.90). Nevertheless despite Nightingale’s critique, Buckingham (1987) does provide some important insights into production; significantly from the perspective of this study, he investigates how the construction of the text is accompanied by a construction of the audience to whom it is directed.
Along with Galasinski, Barker (2001) formulates a version of ‘critical discourse analysis’ which provides researchers with a means of analysing texts while it also addresses some of the criticism that has been directed at textual analysis in the past. Barker recognises the need to still explore the role of the ‘sender’ and the power relations which are inherent in the production of the text; he argues that the polysemic nature of the text does not undercut the ideological messages within it. Barker says:

> while evidence suggests that television viewers understand a good deal about both the grammar and production processes of television… that does not necessarily prevent them from producing and reproducing forms of ideology. (Barker 1997, p.137)

Barker’s (1997; Barker & Galasinski 2001) approach to ideology however, rather than involving a ‘top-down’ power structure (from sender to receiver), borrows from Foucault’s theories; he frames ideology as a form of power/knowledge. In relation to his study on British Asian and African teen viewing of soap opera, Barker suggests that “ideology as a form of power/knowledge circulates through both television texts and the discourses produced and disseminated by parents, peers, schools and other sites and agencies” (Barker 1997, p.147). Barker and Galasinski (2001), like Foucault, therefore see power as arising from multiple sites rather than being concentrated in the hands of the ‘producers’.

Barker and Galasinski (2001) also address one of the main criticisms of textual analysis – that textual analysis has tended not to involve a consideration of the “total textual environment” (Couldry 2000, p.73) which shapes cultural meanings and audience

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61 Barker and Galasinski understand ideology as “the attempt to fix meaning for specific purposes” (Barker & Galasinski 2001, p.66). In a more Foucauldian light they further suggest that “ideologies are discourses which give meaning to material objects and social practices, they define and produce the accepted and intelligible way of understanding the world while excluding other ways of reasoning as unintelligible” (Barker & Galasinski 2001, p.66).
interpretations. Recognising that viewers/readers do not merely read one text but accumulate “meaning across texts where all meaning depends on other meanings” (Barker & Galasinski 2001, p.69), Barker and Galasinski (2001) do not analyse the text in isolation but examine it as part of an overall structure and as an intersection between multiple texts and meanings (Barker & Galasinski 2001, p.69).

Barker and Galasinski’s (2001) method, furthermore, addresses the problem of the researcher’s subjectivity and authoritative interpretation of the text; they argue that their method might offer a quasi objective means of undertaking textual analysis which is “empirically verifiable” while still recognising their interpretation to be “culture-bound and context-specific” (Barker & Galasinski 2001, p.85). They also call on researchers to be reflexive in acknowledging their interpretative role, particularly “the analytical choices we make, especially with regard to the backgrounds we invoke in our investigations” (Barker & Galasinski 2001, p.64). Barker and Galasinski (2001) therefore propose to undertake a form of textual analysis which addresses some of the shortcomings of the textual analyses that were undertaken in the past.

Tulloch’s (Tulloch & Moran 1986; Tulloch 1999) studies of the production aspects of the television program *A Country Practice* offer further impetus for a return to examining the text and how it is created rather than simply focusing all analysis on ‘the audience’ and viewing behaviour. This is because, as Tulloch’s (Tulloch & Moran 1986; Tulloch 1999) studies show, rather than being a fixed or bounded entity, the “audience is, most of all, a discursive construct produced by a particular analytic gaze” (Alasuutari 1999, p.6). Tulloch’s (1999) study reveals how program content and various other aspects of production are shaped by an understanding and image of ‘the audience’ which is
continually negotiated and constructed by all players (producers, directors, actors) in the production (though they do not have an equal footing in this construction). Tulloch’s (1999) study, like Buckingham’s (1987) study of the British soap Eastenders, demonstrates that producers prefer to use their intuition in order to ‘know’ the audience, rather than relying on feedback from the audience themselves and “indeed, where research came up with information which contradicted their [the producers’] beliefs… it was to all intents and purposes ignored” (Buckingham 1987, p.14).

Gans (1979), in his study: Deciding What’s News also found that journalists create news based on their personal beliefs about the audience. Gans noted, in particular, that while journalists and producers paid little attention to audience research and letters from viewers, they were highly responsive to informal feedback from “the known audience. For the most part, these are family members, friends, neighbours and people journalists meet at parties” (Gans 1979, p.236). Potentially then, the producer’s vision of ‘the audience’ may not be amenable to the audience member’s understanding of self, nevertheless the producer is granted the status to know the audience and to construct ‘the message’ based on that vision.

To study ‘the audience’ in isolation from the text thus risks ignoring how ‘the audience’ and texts are simultaneously constructed and are indivisibly linked in the process of production which is itself linked to broader cultural relations and ‘processes’. As Ang asserts “an audience researcher working within a cultural studies sensibility cannot restrict herself or himself to ‘just’ studying audiences and their activities… she or he will also engage herself/himself with the structural and cultural processes through which the audiences she or he is studying are constituted and being constituted” (Ang 1996, p.42). This necessarily also involves a recognition of the power relations which are inherent in
these structural and cultural processes and, by extension, the construction of the audience and text.

For Hartley (1987) and Hagen (1999) the construction of the audience serves “the needs of the imagining institution” (Hartley 1987, p.125). Hartley (1987) and Hagen (1999) both refer specifically to the mass media industry and those who regulate it. Ang, however, guards against conceiving of power in such a top-down relationship where power is concentrated in the hands of either media producers or receivers (Ang 1996, p.42). Instead, Ang, in a more Foucauldian way, advocates for a “distributional theory of power” where the reception of texts is a site of cultural struggle in which power is distributed amongst the various players in that struggle – producers and receivers alike (Ang 1996, p.42). I would add to this, that the construction of ‘the audience’ is itself a site of cultural struggle in which the audience members themselves are participants though they (and consequently their knowledge) lack the status associated with the ‘experts’ – including the researchers – who know them.

4.4 Understanding the ‘strong message’

The method that I have used to answer the thesis question posed at the beginning of this chapter involves a return to textual analysis and examining how the text is produced, in particular investigating how the process of producing the ‘message’ is based on and produces certain understandings of the audience. Like Barker and Galasinski (2001), I intend to use aspects of critical discourse analysis alongside Foucault’s notion of power/knowledge in order to understand the construction of the ‘strong message’ that is said to be sent by Australia’s immigration policies. Unlike Baker and Galasinski (2001), I prefer to dispense with ideology altogether. I see ‘the message’ and the sender’s decision
to send it as something which comes about as the result of discourse. Rather than seeking to find the ideological underpinning of the text – in this study the ‘texts’ are policies and advertisements which are designed to deter spontaneous arrival – I will seek an understanding of these texts through examining their position within the context of the broader discourse on the audience itself.

I ask specifically: why does the message exist in the first place? How does the need to communicate to the spontaneous arrival audience – to send the ‘strong message’ – come about as the result of the discourse and knowledge produced about the audience itself? Gale (2001), summarising Scheurich’s (1997) ‘policy archaeology’ asks the additional questions:

what are the conditions that make the emergence of a particular policy agenda possible?... what are the rules or regularities that determine what is (and what is not) a policy problem?... how do these rules and regularities shape policy choices? (Gale 2001, p.387)

In short, drawing on Foucault’s archaeology and genealogy, I am seeking to discover both the ‘conditions of existence’ for the ‘strong message’ – the deterrence policy – and also to understand the ‘message’s’ existence as a product of power/knowledge.

4.5 Intent

By seeking to understand why the ‘strong message’ is necessary I return to the question of the sender’s intent. Foucault is wary of the search for intent if this search results in questions like “who then has power and what has he in mind? What is the aim of someone who possesses power?” (Foucault 1980a, p.97). My understanding and use of the word ‘intent’, however, differs from the kind of ideological intent that Morley and Brunsdon (1999) search for in the content of Nationwide. Instead, intent in the context of this thesis
refers to the incitement to deter and the incitement to send the deterrence message – it is something which is rooted in discourse and more specifically the discourse on the audience.

Hogue, (2003) amongst others (also see Marr & Wilkinson’s *Dark Victory* 2003) claims that the Howard Government used the spontaneous arrival issue during the 2001 national election and “sought office (successfully) through creating a non-existent threat and then pretending to solve it” (Hogue 2003, p.204). It is thought then, that the Howard Government created a particular vision of the spontaneous arrival audience in order to maintain its grip on power. This supports Hartley’s (1987) proposal that the construction of ‘the audience’ serves the interests of those who create it. However, we might consider how power, in more a Foucauldian sense, is invested in the construction of knowledge about spontaneous arrivals and thus is also invested in the construction of messages which are directed to this audience. This power goes beyond the conscious intention of the sender but is inherently caught up with it. For example, the sender may create the deterrence message because s/he wants an orderly and efficient migration ‘queue’. This decision is based on a wider, more pervasive and long lived discourse appealing to order and what that entails. The unseen power that disciplines the sender and receiver alike is an unquestioned social acceptance of order and efficiency. In this way then, we need not investigate the sender’s intent as an autonomous, deliberate or ideologically motivated action but rather we can view how intent – the need to deter – originates within discourse.

### 4.6 Foucault’s methods

Kendall and Wickham (1999) suggest that “Foucault’s methods are not easy to follow.

Even though we can sensibly regard *The Archaeology of Knowledge, The Order of Discourse*, and *Questions of Method*… as methodological in tone, they do not add up to a
coherent statement of his methodology and they hardly constitute a user-friendly ‘how to’
guide to Foucauldian scholarship” (Kendall & Wickham 1999, p.1). Understanding
Foucault’s methods is made more difficult due to the fact that these develop and change
throughout the course of his works. Foucault’s shift from archaeology to genealogy, while
still retaining both methods, also complicates a lucid understanding and application of
Foucauldian methods. Dreyfus and Rabinow (1992) suggest that archaeology was
methodologically unsound and that this was recognised by Foucault. Despite this, Foucault
continues to use archaeology in his analysis but teams it with genealogy:

Critical and genealogical descriptions are to alternate, support and complete
each other. The critical side of the analysis deals with the system’s
enveloping discourse; attempting to mark out and distinguish the principles
of ordering, exclusion and rarity in discourse… The genealogical side of the
analysis, by way of contrast, deals with series of effective formation of
discourse: it attempts to grasp it in its power of affirmation… a domain of
objects in relation to which one can affirm or deny true or false propositions.
(Foucault in Dreyfus & Rabinow 1992, p.105)

Put more simply by Howarth, “whereas archaeology describes the rules of formation that
structure discourses, genealogy examines the historical emergence of discursive formations
with a view to exploring possibilities that are excluded by the exercise of power and
systems of domination” (Howarth 2000 p.49). I offer further explanation of archaeology
and genealogy below. I propose to draw on both these methods as well as drawing on the
insights that Foucault arrives at through applying these methods in a number of his works,

### 4.7 Archaeology

This thesis centres on the examination of one statement: ‘it sends a strong message’ which
was used by the Howard Government as a blanket justification for its immigration
deterrence policies. How is it that this statement makes sense? Why is it held to be ‘true’? What supports it? How does it relate to other statements? Foucault does not debate the truth of various statements but instead examines how statements exist within discourse through “the analysis of their coexistence, their succession, their mutual functioning, their reciprocal determination, and their independent or correlative transformation” (Foucault 2003a, p.29).

Foucault seeks “to describe the relations between statements” and formulates archaeology as a method to conceive of the links between them (Foucault 2003a, p.31). As part of his method, Foucault identifies “the rules of formation [which] are conditions of existence…” (Foucault 2003a, p.38) and “examines the way they [these rules] structure the formation of objects, ways of speaking, concepts and strategies of a discourse” (Howarth 2000, p.52). In this way, Foucault suggested that discourse could limit the way something was known and understood. As Hall describes “discourse, Foucault argues, constructs the topic. It defines and produces the objects of our knowledge. It governs the way that a topic can be meaningfully talked about and reasoned about” (Hall 1997, p.44). Thus I propose that the phrase ‘it sends a strong message’ is made meaningful because it exists within the context of a discourse which supports it and which it, in turn, supports; this is the discourse on the ‘illegal’ immigrant (the discourse on ‘the audience’).

Dreyfus and Rabinow (1992) identify several methodological problems with archaeology which relate to Foucault’s conception of autonomous discourse described in The Archaeology of Knowledge. As Dreyfus and Rabinow put it, through archaeology Foucault

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62 In the next chapter I suggest that this is not a singular discourse but can perhaps better be described as a “web of discourses” (Foucault 1998, p.30).
sought “an objective account of the rule-like way discourse organises not only itself but social practices and institutions” but he failed to recognise “the way discursive practices are themselves affected by the social practices in which they and the investigator are embedded” (Dreyfus & Rabinow 1992, p.xii). Similarly, Howarth says: “social practices are not caused by rules. Rather social practices shape the meaning and application of rules” (Howarth 2000, p.62). Discourse then, has a reciprocal and indivisible relationship with social practice – each continuously produces and shapes the other.

In formulating archaeology, Foucault also neglected to recognise the researcher’s interpretative role in determining the rules of formation. Foucault’s objective search for rules which discourse itself creates fails when the archaeologist decides what those rules should be. For example, Foucault’s choice of which categories are important in the description of “serious speech acts” – objects, subjects, concepts and strategies – undermines the objectivity of his method (Dreyfus & Rabinow 1992, p.61). Dreyfus and Rabinow ask “Is there no interpretation involved in the choice of descriptive categories? Must we not ask: Are these descriptions accurate or distorted? But doesn’t that reintroduce truth?” (Dreyfus & Rabinow 1992, p.85). Dreyfus and Rabinow (1992) also criticise Foucault’s attempt to bracket meaning. The aim of archaeology is not to look for truth and meaning within statements but to investigate how statements are made truthful and meaningful within discourse. Dreyfus and Rabinow argue, however, “if all discourse was, for the archaeologist, mere meaningless noise he could not even catalogue statements” (Dreyfus & Rabinow 1992, p.87); this is also a point made by Howarth (2000, p.63).

Foucault ultimately realised that the archaeologist is positioned within the discourse that s/he analyses and therefore can never offer an objective, disinterested account of the rules
to which s/he is bound: “it is not possible for us to describe our own archive, since it is from within these rules that we speak” (Foucault 2003a, p.146). As Dreyfus and Rabinow describe “thus being both within and outside of the discourses he [sic] studies, sharing their meaningfulness while suspending it, is the archaeologist’s ineluctable condition” (Dreyfus and Rabinow 1992, p.88). Archaeology then, is inescapably an interpretative exercise and in using it as a method in this thesis, I acknowledge my interpretative role. Indeed, I have already acknowledged that my interest in the thesis topic was born out of my interaction with refugees as a worker in various government and non government organisations and was also influenced by the discourses produced by these organisations and others within Australia and globally at this time.

Furthermore, researching my thesis topic was neither an objective nor meaningless exercise. By merely suggesting that the ‘send a strong message’ statement is not ‘the truth’, I am already taking a political stand and one that will inevitably contribute to the knowledge about the spontaneous arrival audience. As an objective archaeological analysis is unachievable I have avoided making claims about the ‘truth’ and validity of my analysis. Given Dreyfus and Rabinow’s (1992) criticism of archaeology and Foucault’s own acknowledgement of the deficiency of his method, I will move on from an archaeological approach to also take up and explore Foucault’s genealogy.

4.8 Genealogy

According to Dreyfus and Rabinow, Foucault recognised that

He himself, like any other investigator is involved in, and to a large extent produced by the social practices he is studying… Foucault introduces
genealogy as a method of diagnosing and grasping the significance of the[se] social practices from within them. (Dreyfus & Rabinow 1992, p.103)

With genealogy, Foucault drops the rules of formation that he outlined in *The Archaeology of Knowledge* (2003a) and instead understands “the human sciences [to be] intelligible as part of a larger set of organized and organizing practices in whose spread the human sciences play a crucial role” (Dreyfus & Rabinow 1992, p.103). According to Howarth, discourse remains central to Foucault’s genealogical analysis but discourse is no longer treated as autonomous systems of scientific statements, but as the products of power relations and forces that form them. As he [Foucault] puts it, ‘it is in discourse that power and knowledge are joined together’. (Howarth 2000, p.67)

Power, and its relationship to the production of knowledge about the human subject, thus becomes central to Foucault’s works. Dreyfus and Rabinow propose that “the genealogist is a diagnostician who concentrates on the relations of power, knowledge and the body in modern society” (Dreyfus & Rabinow 1992, p.105). Various other authors concur, pointing to common themes in Foucault’s genealogical works including his concern with power, knowledge, the role of institutions and experts in the construction of objects of knowledge, and the disciplining of individuals and their bodies (see for example Howarth 2000; McHoul & Grace 1993; McNay 1994; Kendall & Wickam 1999). In this study I draw on Foucault’s genealogical works: *Discipline and Punish* (1991) and *The History of Sexuality Vol 1* (1998) primarily because these two texts present Foucault’s insights on the interaction of power, knowledge and the production of deviant subjects. These insights become important because the construction of a deviant refugee subject (the illegal immigrant) predicates and justifies the Australian Government’s need to create an immigration deterrence message – that is, the need to ‘send a strong message’.
4.9 Hansard analysis: qualified speakers

My use of Foucault’s archaeology and genealogy is dependant on a number of things.

First, I conceive of the Commonwealth Parliament as an institution which constructs ‘the truth’ about the spontaneous arrival subject and which also plays a role in disciplining the refugee/spontaneous arrival’s body. For Foucault, the institutional sites from which certain subjects speak affects (legitimises or de-legitimises) their status as ‘qualified’ speakers, for example, he says,

Medical statements cannot come from anybody; their value, efficacy, even their therapeutic powers, and generally speaking, their existence as medical statements cannot be disassociated from the statutorily defined person who has the right to make them. (Foucault 2003a, p.56)

I have contended above that the ‘truth’ about the ‘illegal immigrant’ is constructed within discourse; in Australia one site of such knowledge construction is the Commonwealth Parliament. Other significant sites of knowledge construction about the spontaneous arrival include the media, human rights NGO literature, legal discourses and, increasingly, refugee studies as an emerging discipline. Foucault would not suggest that there is a dominant discourse amongst these in the sense that one group producing a particular discourse dominates another in a fixed relationship (Foucault 1998, p.100). Instead, he proposes that the power of certain people’s statements to be accepted as ‘the truth’ is reinforced by multiple normalising practices.

In The Birth of the Clinic (2003b) Foucault discusses how medical training at one point became institutionalised within the medical school and the hospital which became the only accepted places where one could become ‘qualified’ to treat the ill. Medicine in this way
became a ‘closed profession’ where “any person practicing medicine who has not passed the examinations of the schools, or who has not appeared before the special juries, will be fined or… committed to prison” (Cababis in Foucault 2003b, p.95). Medical training within the hospital became the accepted norm and bounds were put on knowledge creation – only those trained in the appropriate way could contribute to how illness and the ill could be known. Similarly, in contemporary Australia Members of Parliament (MPs) have become qualified speakers on the refugee/spontaneous arrival subject.

Under the Howard administration, government MPs functioned like the qualified physician; they literally had access to certain privileged knowledge (for example, unreleased intelligence reports) which enabled them to hold a privileged position in constructing ‘the truth’ about the spontaneous arrival subject. Foucault discusses the existence of a knowledge hierarchy. Within this hierarchy are low-ranking knowledges that do not have the status of truth or recognition partly because of the construction of the subjects who speak them (Howarth 2000, p.78). Foucault contrasts, for example, the difference between the scientifically ‘true’ statements produced within the discipline of medicine as opposed to the ‘beliefs’ of the patient (Foucault 1980a, p.82). I might similarly contrast the knowledge which is constructed within the Commonwealth Parliament with the refugee’s understanding of self; indeed this is exactly what I sought to do through interviewing refugees.

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63 In a number of the political speeches which were analysed for this thesis, Howard Government MPs drew on information given to them by anonymous intelligence sources in order to justify the introduction of new ‘border protection’ legislation. For example, Ruddock says “without going into detail, we have credible information that people smugglers are still operating in Indonesia. There are several thousand people who are seeking movement by people smugglers….” (Ruddock, P 2002b, House Hansard, p.4018). The anonymous intelligence reports on which Ruddock and other MPs drew were obviously not accessible to the general public or presumably to opposition parties. As I argue in Chapter Five, this privileged access to such information meant that Howard Government MPs and Senators were privileged in their construction of knowledge about spontaneous arrival.
This idea, that there are disqualified and ‘qualified’ knowledges, allows me to account for the differences in ‘truth’ between parliamentary speeches and refugee testimonies without being drawn into the argument about which account is actually ‘true’. The construction of MPs as qualified speakers and the rendering of their knowledge as more legitimate than that of the refugee/spontaneous arrival, as the next chapter will illustrate, is dependant on what these ‘qualified’ speakers say about refugees/spontaneous arrivals and also the institutional site from which they speak. The politician’s position as a ‘qualified’ speaker is also enabled by her/his role as an administrator of the unique entity of the state.

4.10 The parliament as institution

Foucault understood power to be distributed “throughout the entire social body” (Foucault 1980, p.119) rather than being concentrated in the hands of those who administer the State. However, while he disputes the ‘top-down’ notion of power, for Foucault, the State still holds a position of unique importance. Foucault suggests that the state is “superstructural in its relation to a whole series of power networks that invest in the body… knowledge, technology and so forth” (Foucault 1980a, p.122). Foucault proposes that the state has a certain ‘meta power’ “but this meta-power with its prohibitions can only take hold and secure its footing where it is rooted in a whole series of multiple and indefinite power relations that supply the necessary basis for the great negative forms of power” (Foucault 1980a, p.122).

Foucault describes in The History of Sexuality Vol 1 (1998) how the state regulation of sex was achieved first through the “development of the great instruments of the state, as institutions of power” and second through the permeation of discipline “at every level of
the social body and utilized by very diverse institutions (the family and the army, schools and the police, individual medicine and the administration of collective bodies)” (Foucault 1998, p.141). This discipline was in turn made possible as a result of the emergence of certain ideas about the human body during the 17th century; Foucault suggests that the prevailing belief at this time was that the body could be made ‘useful’ and there was a concern to regulate the body as a means of regulating the species (Foucault 1998, p.139). Underpinning the discipline of the body across various sites – the school, the hospital, within the family – was a medical and scientific discourse which sought to discover the best means by which to make the body useful. Therefore, while the state and state institutions play an important role in disciplining the human body/the subject, it is the power that is invested in particular discourses that legitimise the actions taken by the state.

While the Australian Government might concern itself with the control of spontaneous arrival and various public sector organisations – branches of the public service, the judicial system, the prison system and the armed forces – are engaged in this purpose, the power to control does not originate within the government itself. Instead, the right of the Australian Government to detain or deter spontaneous arrivals depends on the power invested in particular discourses. How is it that deterrence and detention became legitimised as a means of dealing with the ‘deviant refugee’? How did certain types of refugee become constructed as deviant in the first place?

Supporting the use of immigration deterrence mechanisms is a network of intersecting discourses. In the last chapter, for example, I suggested that Australian politicians understand the phenomenon of spontaneous arrival and its prevention through drawing on insights traceable to classical criminological perspectives. The Hansard speeches that were
analysed for this thesis are also undercut by a discourse of managerialism. According to Rees, managerialism is based on the belief that “efficient management can solve almost any problem” (Rees 1995, p.15). Rees outlines that managerialism, which is underpinned by an economic rationalist ethos, is characterised by a push to do “more with less” and a “preoccupation with control” (Rees 1995, p.19,22); it is said to be concerned with the three ‘E’s’ – “economy, efficiency and effectiveness” (Newman 1998, p.340). Such a managerialist ethos supports and justifies immigration deterrence as exemplified in the following statements by Ruddock:

The Australian public expects its government to exert control over our borders” (Ruddock, P 2001a, House Hansard, p.30869, emphasis added); “one of the core values underpinning Australia’s immigration policy is that we… must have the capacity to manage the movement of people across our borders in an orderly and efficient manner. Otherwise the idea of a managed immigration policy becomes rapidly meaningless. (Ruddock, 2002b, House Hansard, p.4019, emphasis added)

Pickering and Lambert (2002), among others, question whether “controlling the movement of persecuted people is both possible and desirable” (Pickering & Lambert 2002, p.78). Indeed, the crux of the argument against the managerialist ethos is that it privileges efficiency at the cost of the needs of human beings (Rees 1995, pp.19-23). The legitimacy of deterrence policies therefore has a basis in the legitimacy and potency of the managerialist rhetoric; the power to deter does not rest with the Australian Government but with an acceptance of the ‘common sense’ of such things as ‘efficiency’ and ‘order’. Similarly, the criminalisation of spontaneous arrival depends on a particular conception of human beings and human rationality – based on a rational choice perspective – which predates the construction of the ‘illegal immigrant’ within contemporary Australia. The phenomenon of spontaneous arrival is understood in a particular way because of its
placement within a discourse of criminality and a discourse of managerialism/economic rationalism, but given the prolific literature from NGOs on spontaneous arrival, the phenomenon could have been constructed and understood otherwise (i.e. within a human rights discourse).

4.11 The statement

Having decided that the Commonwealth Parliament is a site which produces knowledge about the ‘illegal immigrant’ and is also a site which produces understandings about how this deviant subject should be dealt with, I will examine the parliamentary discourse through analysing the Commonwealth Parliament’s Hansards. I am specifically interested in how the statement ‘it sends a strong message’ exists within the parliamentary discussion. Howarth suggests that Foucault does not understand ‘statements’ as “utterances or sentences… [but as] those linguistic performances in which subjects are empowered to make serious truth claims because of their training, institutional location and mode of discourse” (Howarth 2000, p.55).

Furthermore, Howarth claims “Foucault is not interested in the analysis of ordinary speech acts, such as commands and warnings” (Howarth 2000, p.55). Foucault, in fact, emphatically states on numerous occasions in *The Archaeology of Knowledge* that the statement does not resemble a sentence: “the statement is not the same kind of unit as the sentence, the proposition or the speech act” (Foucault 2003a, p.97). One of the reasons why the statement cannot be reduced to a sentence is because the meaning of a sentence and its currency as ‘truth’ can change depending on who utters it (Foucault 2003a, p.114). Dreyfus and Rabinow offer as examples of statements: “research reports, data banks, biographies, autobiographies” (Dreyfus & Rabinow 1992, p.71).
How I conceive of the ‘statement’ then, appears to be different to the Foucauldian definition because ‘it sends a strong message’ is a sentence. However, I am interested in this sentence’s existence as an assertion that becomes a statement of truth when uttered in the context of the discourse on illegal immigration in the Commonwealth Parliament. As Mills explains: “statements are for him [Foucault] those utterances which have some institutional force and which are thus validated by some form of authority – those utterances which for him would be classified as ‘in the true’” (Mills 2004, p.55). How is it that this assertion – ‘it sends a strong message’ – is made intelligible and taken seriously through its connection with other assumptions arising out of the discussion on ‘illegal’ immigration (Howarth 2000, p.55)? How is this statement also made ‘true’ because of who utters it (the ‘qualified’ speaker)? I am arguing that truth claims at the sentence level are important, a position taken up by Barker and Galasinski (2001) (discussed below).

4.12 Discourse analysis

While I propose to examine the statement ‘it sends a strong message’ based on Foucauldian definitions of ‘the statement’, I am also interested in examining this phrase using aspects of critical discourse analysis (CDA). Barker and Galasinski (2001) draw heavily on Foucault’s works in formulating their critical discourse analysis, as I have already mentioned. While they are interested in such things as the grammar and vocabulary, they do not limit themselves to studying the linguistic structures of the text. Barker and Galasinski, like Foucault, are interested in the broader effects of discourse; they say:

[to conduct discourse analysis means that the investigation of language is required to go beyond the boundaries of the syntactic or semantic form of utterance… the focus is on the social actions accomplished by language]
users communicating within social and cultural contexts. (Barker & Galasinski 2001, p.63)

Similarly, of Foucault’s archaeology McNay says “archaeology is not simply a form of linguistic analysis. Rather it involves the analysis of a series of heterogeneous elements: institutions, techniques, social groups, perceptual organisations, etc.” (McNay 1994, p.69). Unlike Foucault, who does not concern himself with the dissection of the sentence, Barker and Galasinski (2001) are interested in this micro-level analysis while they are also still concerned with how the text ‘functions’ in a broader sense. Barker and Galasinski directly state that their critical discourse analysis is not prescriptive: “we do not mean to say that our model constitutes a ‘must’ list” (Barker & Galasinski 2001, p.83), consequently I am interested in marrying aspects of their critical discourse analysis with my understanding of archaeology and genealogy. Greater explanation of this method is offered in the next chapter.

4.13 Conclusions

This chapter has reshaped the thesis question: I am no longer asking if immigration deterrence policies ‘send a strong message’, I am now concerned with understanding how the statement ‘it sends a strong message’ exists within discourse. This shift ensures that my analysis goes beyond a transmission-like understanding of ‘the message’ – I am not simply asking “who said what in which channel to whom” (Lasswell in Lewis & Slade 1994, p.9) – to an acknowledgement of the power relations which are inherent in the message’s construction. There are not only power relations inherent in the construction of the text but

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64 This proposal to use discourse analysis to effectively study the discourse in which ‘the audience’ is constructed and embedded is also proposed by Bratich who recognises the constructed nature of ‘the audience’; Bratich says: “to study audiences is to study the discourses that take audiences as their object. The method here would be discourse analysis” (Bratich 2005, p.243).
power relations also shape the construction of the audience to whom that text is directed. The production of text and audience are in fact indivisible, the process of producing one produces the other – neither can be analysed in isolation; the very existence of the deterrence message is tied to a particular view of the spontaneous arrival audience.

Key players in the production of ‘the message’ and ‘the audience’ are politicians – qualified speakers who, because of the institutional site from which they speak, have the status to ‘know’ the audience and to ‘know’ how to change the audience’s behaviour (to deter). The method I employed to understand the ‘strong message’ borrows from Foucault’s archaeology, particularly his concern with ‘the statement’ and its links to ‘qualified’ speakers and the institutional locations from which they speak. From archaeology, I am also interested in the rarity of discourse, specifically asking why one statement exists and not another; why ‘sending a strong message’ becomes the way to deal with spontaneous arrival.

From Foucault’s genealogy I draw in concepts of power/knowledge in order to understand how the disciplining of the refugee body is not so much based on a top-down understanding of power, but is based in discourses which discipline the refugee and the ‘normal’ population alike. In addition to this, I am interested in investigating these discourses and the power relations which underpin them at the sentence level. As the next two chapters illustrate, I examine how such things as word choice and “grammatical structures render reality intelligible to us” (Barker & Galasinski 2001, p.73).
5. Why deter? Why and how ‘it sends a strong message’ exists in discourse?

5.1 Introduction and Method

I began my analysis by asking how the phrase ‘it sends a strong message’ exists within the parliamentary discussion on ‘illegal immigration’. I sought to investigate how this ‘statement’ is supported in discourse, how it makes sense and ultimately how it is rendered legitimate and ‘true’ because of its relationship with other statements and also because of the institutional context in which it is uttered. Throughout this analysis I was equally interested in understanding how this statement functions within a discourse concerning a particular object of knowledge – the ‘illegal immigrant’/spontaneous arrival. More specifically, I was concerned with how this statement produces certain understandings of spontaneous arrivals as an audience and how these understandings in turn produce/reinforce the need to ‘send a strong message’. As described in the previous chapter, the analysis of the parliamentary discussion – Hansard – is a textual analysis which draws on Foucault’s archaeology and genealogy and Barker and Galasinski’s (2001) critical discourse analysis (CDA). I begin this chapter by providing more detail on how I will use archaeology, genealogy and CDA before investigating how both ‘the message’ and ‘the audience’ are simultaneously constructed within the parliamentary discussion.

65 In this chapter and Chapter Six, I do not explicitly state my opinion of the political speeches that I quote and critique; this possibly explains why some who have read this thesis feel that I agree with the statements presented or agree with the idea that policy can ‘send a strong message’. I have not said for example, that some statements struck me as fanciful or that it seems ridiculous to propose that refugees would ever receive such detailed messages from the Australian Parliament (if indeed the Parliament itself can transmit messages at all). I have sought to avoid making such comments throughout these chapters because, as these chapters demonstrate, my understanding of these statements is not so simplistic. I do not dismiss these statements because they are ridiculous or fanciful. Instead, I seek to understand why such statements have currency as
Foucault asks: “how is it that one particular statement appeared rather than another?” (Foucault 2003a, p.30). Drawing on Foucault’s archaeology, Scheurich (1997) asks “by what process does a social problem gain the ‘gaze’ of the state, of the society, and, thus, emerge from a kind of social invisibility into visibility?” (Scheurich 1997, p.97). Scheurich asks not only why some social ‘problems’ and individuals become identified as problems – and not others – but also why particular policy solutions arise to address them – and not others. From this I might also question why and how the phenomenon of spontaneous arrival became defined as a problem and why sending a ‘strong message’ – deterrence – was formulated as the method to deal with this problem. I ask in this analysis: how does the parliamentary discussion – the discourse of policy construction – serve to create/reinforce an understanding of the ‘problem’ which necessitates a particular policy solution at the exclusion of others? How does the discourse function to produce “the range of possible and ‘impossible’ policy solutions?” (Scheurich 1997, 102). In other words, what is it about the nature of the problem (as it is constructed in discourse) that makes the ‘strong message’ a plausible and necessary policy solution?

In place of Foucault’s ‘rules of formation’, Scheurich proposes that there is a grid of ‘social regularities’ which generate social problems and their policy solutions (Scheurich 1997, p.102). Scheurich, however, does not seem to acknowledge his own hand in the ‘truth’, and investigate what mechanisms support these statements and their supposed legitimacy. I am not seeking to determine whether or not these statements are true, or whether or not they are fanciful; I am seeking to understand how they become ‘the truth’ at the expense of other truths. If indeed, the reader feels that these statements are ridiculous or disconnected from the refugee’s ‘reality’, then the reader would agree that this provides even greater impetus for understanding why these statements have such legitimacy and the status of truth connected to them. Therefore, I do not explicitly state my opinion in these chapters, I have done this extensively elsewhere (see Chapter Two). However, the reader should understand that the mere fact that I am interrogating status and legitimacy that is associated with these statements would suggest that I do not understand them to constitute ‘the truth’ or the only ‘truth’ possible about spontaneous arrival.
determination of what these social regularities are, though he suggests that there may be more than the five regularities that he identifies: “gender, race, class, governmentality, and professionalism” (Scheurich 1997, p.97). Following in Foucault’s footsteps, Scheurich (1997) seemingly outlines an objective set of rules that govern the production of policy problems and the production of their solutions. Given that Foucault ultimately dispenses with his rules of formation, as explained in the previous chapter, I do not wish to draw on this aspect of archaeology too rigidly. Instead, from archaeology, I retain an interest in the formation of objects, the formation of statements in relation to those objects and the idea that certain statements are accorded the status of truth because of the institutional sites from which they arise. In this analysis, I also examine the interdependence between statements and how they work to reinforce one another to produce truth.

In *The Archaeology of Knowledge*, Foucault suggests that statements are arranged in “an obligatory set of schemata of dependence” (Foucault 2003a, p. 63). Dreyfus and Rabinow state: “An important feature of the serious speech act is that it cannot exist in isolation” (Dreyfus & Rabinow 1992, p.52) “one cannot study… serious speech acts in isolation from each other” (Dreyfus & Rabinow 1992, p.58). Rather than existing as separate entities, Foucault suggested that statements exist together in a discursive formation; he said of discourse that it “can be defined as the group of statements that belong to a single system of formation” (Foucault 2003a, p.121). Connected with this, Foucault hoped to draw a line between discourses but as Dreyfus and Rabinow (1992) describe, his attempt to find definitive and separate discourses failed. In *The Birth of the Clinic* (2003b) Foucault did not find
Drawing on these ideas I am interested in how statements within the Hansard data reinforce one another and seem to form a coherent set of ideas. However, I step back from suggesting that there is a single homogenous discourse to be found within this data, in fact, my analysis does not even identify something that can be described as a ‘Howard Government discourse’ as this would impose a unity on the speeches of Howard Government MPs which did not exist.\(^{66}\)

Foucault, according to Howarth, “argues that social subjects do not autonomously produce discourses. Rather, subjects are the function and effect of discourse”; discourse produces both those subjects who are qualified to speak the truth as well as those about whom the truth is spoken (Howarth 2000, p.53). Foucault is interested in his genealogical works in how the production of ‘truth’ and the production of subjects who are qualified to speak the ‘truth’ are caught up with power. Gale (2001) examines such power relations in the context of policy creation, introducing policy genealogy to complement Scheurich’s (1997) policy archaeology. Gale (2001) extends Scheurich’s (1997) policy archaeology by taking up issues concerning who has the right to make policy. Gale (2001) asks “why are some policy actors involved in the production of policy (and not others)? And… what are the conditions that regulate the patterns of interactions of those involved?” (Gale 2001, pp. 387-388). This echoes Foucault’s questions: “who is speaking? Who, among the totality of speaking individuals, is accorded the right to use this sort of language…? Who is qualified to do so?

\(^{66}\) Indeed, the opinions of Howard Government MPs and senators on immigration deterrence policies became increasingly disparate in the latter years of Howard’s administration.
Who derives from it his own special quality… the presumption that what he says is true?” (Foucault 2003a, p.55). Foucault, in addition, asks about the reciprocal relationship between power and knowledge, he asks: “how did they [power relations] make possible these kinds of discourse, and conversely, how were these discourses used to support power relations?” (Foucault 1998, p.97).

In my analysis I examine how the parliamentary discourse concerning spontaneous arrival reinforces the status of qualified speakers and positions politicians as subjects who can speak ‘the truth’ about the spontaneous arrival subject. I also ask how power relations underpin and produce knowledge about the spontaneous arrival audience and examine how the discourse on this object of knowledge in turn supports power relations. Specifically, I was interested in investigating how the construction of the spontaneous arrival subject renders this subject’s knowledge less legitimate than the ‘expert’ knowledge of the politician. More generally, I ask what are “the effects of power generated by what was said?” (Foucault 1998, p.11) and how does power/knowledge work to produce/reinforce the speaking positions of refugees and politicians and the legitimacy granted (or not) to their respective claims about the refugee/spontaneous arrival experience.

This analysis is concerned not only with the construction of qualified subjects who can speak the truth about ‘the audience’ but I am also interested in examining how other subjects are produced within discourse and what is said about them. Hall, in describing Foucault’s approach to the subject, like Howarth (2000) above, suggests that “discourse… produces ‘subjects’” which he describes as “figures who personify the particular forms of knowledge which the discourse produces” (Hall 1997, p.56). This analysis is concerned with this type of subject because I investigate the construction of the spontaneous arrival
audience – i.e. those subjects who are the object of knowledge. I am also interested in understanding what other subjects are produced alongside the spontaneous arrival subject within the parliamentary discussion.

In *Discipline and Punish* (1991) and *The History of Sexuality Vol 1* (1998), Foucault demonstrates how the construction of deviant subjects is accompanied by the simultaneous construction of normality. In producing the truth about the bad/the deviant/the abnormal, discourse also produces understandings of what is normal. In *The History of Sexuality Vol 1* (1998), Foucault suggests that the production of deviant subjects necessarily involved an intense policing of the ‘normal’ population:

> The sex of husband and wife was beset by rules and recommendations. The marriage relation was the most intense focus of constraints; it was spoken about more than anything else; more than any other relation… it was under constant surveillance. (Foucault 1998, p.37)

Therefore it becomes of interest to me throughout this analysis to understand how the normalisation and discipline which functions in relation to the ‘illegal immigrant’ might be accompanied by an accumulation of knowledge about the ‘normal’ and the disciplining of ‘normal’ subjects. In my analysis I therefore ask: how might power/knowledge function to produce and discipline ‘normal’ subjects such as the Australian citizen, the ‘regular’ migrant, and the ‘normal’ refugee?

In keeping with this emphasis on power, I am interested in investigating in this analysis, the power relations that are expressed within the parliamentary discussion on ‘illegal’ immigration at the level of the sentence. Discourse, at the level of words and sentences (not merely at the level of Foucauldian statements) can be harnessed by power to limit how
reality is made visible or, as Barker and Galasinski say, how it is “intelligible to us” (Barker & Galasinski 2001, p.73). Critical Discourse Analysis (CDA) is used to investigate issues of power and the power relations between various social subjects which are accomplished through discourse (Barker & Galasinski 2001, p.67; Fairclough 2003, p.124). As Van Dijk suggests “critical discourse analysts want to know what structures, strategies or other properties of text, talk, verbal interaction or communicative events play a role in the modes of reproduction [of dominance]” (Van Dijk 2001, p.300).

As I stated in the previous chapter, I do not apply Barker and Galasinski’s (2001) CDA prescriptively; I borrow ideas from CDA but in this Chapter I do not match the depth of linguistic analysis of the kind that is undertaken by discourse analysts such as Fairclough (2003) – “one of the founders of critical discourse analysis” (Locke 2004, p.1) – or Halliday (2004)67. Instead my analysis takes an interest in such things as vocabulary, grammar, forms of address etc., which Barker and Galasinski (2001) discuss, and I draw out what I identify as repeated ideas and themes in the Hansard data. This thematic analysis follows Barker and Galasinski’s (2001) application of CDA68. My analysis also strongly mirrors Van Dijk’s (2001) use of CDA to analyse parliamentary debates on immigration issues and ethnic affairs; Van Dijk’s (2001) analysis was also thematic – his discussion centres on common ideas that he draws out of his data.

67 Fairclough’s (2003) “textually orientated discourse analysis” (Fairclough 2003, p.2) and Halliday’s (2004) in-depth grammatical analysis explore the linguistic structures of texts in considerable detail. I was only interested in certain aspects of linguistic analysis and I acknowledge that there are many more features of the text that I might have explored as Fairclough (2003) and Halliday’s (2004) analyses illustrate.
Given the criticism levelled at textual analysis in the past, I conduct the following analysis with at least two reservations. First, I do not claim that my reading of the text is authoritative, as Barker and Galasinski note “there is no ultimately ‘correct’ interpretation of texts” (Barker & Galasinski 2001, p.64) nor is there a true meaning to be found in the text which can be objectively extracted by the researcher. Like Van Dijk (2001) and Barker and Galasinski (2001) in their analyses, in my analysis I take note of particular elements of speech that are of interest to me – I do not remark on many aspects of the text that might be important to other researchers or readers. It is for this reason that many of the original paragraphs that I analysed are included in this chapter, allowing other readers to draw their own conclusions concerning these passages and my assessment of them. At the same time however, given my own identification with many of Van Dijk’s (2001) conclusions in his study, it is likely that other readers will subscribe to a similar understanding of the Hansard speeches to my own. Perhaps this is because as Barker and Galasinski suggest, there is a quasi-objective core to lexico-grammatical analysis that is “repeatable and empirically verifiable” (Barker & Galasinski 2001, p.84) or because as Radway suggests “similar readings are produced… because similarly located readers learn a similar set of reading strategies and interpretative codes that they bring to bear on the texts they encounter” (Radway 1991, p.8). Other readers who are similarly positioned to myself are therefore likely to produce similar readings to my own.

69 In his analysis, Van Dijk focused on selected passages and particular elements of the parliamentary discussions that he analysed – namely “the persuasive dimension of text and talk” (Van Dijk 1993, p.64). Like me, Van Dijk therefore placed limits on his analysis. Similarly, Barker and Galasinski say of their CDA “what we have proposed above is not a finite set of questions that can be asked of a text…” (Barker & Galasinski 2001, p.84).
According to Couldry, textual analysis has tended to

limit the complexity and vastness of the textual field [through] selecting from the range of available texts those to which we have to pay close attention; [and] selecting from the range of possible readings those which can serve as reference points for establishing meanings [of the text]. (Couldry 2000, p.68)

Therefore, the second reservation underpinning this analysis concerns the ‘artificial’
boundaries that I have placed on the text. Although I have analysed the Hansard speeches in isolation from other texts, I acknowledge that this data should be understood within a “total textual environment” (Couldry 2000, p.73). It is not possible to view the text as an autonomous or unified entity; as Ang suggests in relation to the mass communication text “it becomes more and more difficult to delineate what ‘the television text’ is in a media saturated world” (Ang 1996, 41). So, too, it is impossible to separate the parliamentary speeches that I analysed from the debate on spontaneous arrival which is still being waged in Australia and globally at this time.

There is a need to recognise that the parliamentary debate does not exist in isolation but exists within a broader cultural and discursive environment. It must also be acknowledged that the need to ‘send a strong message’ and the vision of the spontaneous arrival audience which accompanies this, does not arise solely from the parliamentary discussion but also has roots in the broader textual environment as well70. Indeed, Van Dijk proposes that there is a cyclical relationship between the parliament, the media and the public, where each feeds off each other in the process of shaping how ethnic affairs are understood, he says: “political definitions of ethnic events and issues may in turn influence public debate and opinion

70 For example, Pickering (2001) highlights how media discourses construct a particular understanding of the spontaneous arrival in Australia.
formation, which – again, through the news media – in turn influence and legitimate policies and legislation, thereby closing the full circle of mutual influence” (Van Dijk 1993, p.50).  

Clearly, as Couldry (2000) suggests, I have placed limits on the text in terms of selecting the Hansard and isolating it from the vast range of texts which contribute to the construction of the ‘illegal immigrant’/spontaneous arrival audience. I have also placed limits on the text in terms of my reading of it through selecting from the range of possible readings that could be drawn from it. My only ‘remedy’ for having made these choices is to make my readers aware of them. Such an acknowledgement has a basis in the reasoning that research and analysis are not objective exercises and researchers must recognise “the analytical choices we make” (Barker & Galasinski 2001, p.64); and we must also recognise the need to make our readers aware of them.

### 5.2 Examining ‘the message’ in context

I began my analysis by undertaking successive searches of the electronic version of the Commonwealth Parliament’s Hansards through the Parliament’s website. As the goal of the analysis was to investigate how the statement ‘it sends a strong message’ exists in the parliamentary discussion on ‘illegal immigration’, these searches included the search terms: ‘send’/‘strong’/‘message’/ ‘refugee’. The search was broadened after preliminary analysis showed that the words ‘signal’ and ‘message’ were used interchangeably by politicians. Thus searches included combinations of the following words: ‘send’, ‘message/signal’, ‘refugee/ immigration’. The terms ‘refugee/immigration’ were used in order to limit the

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71 Bayley goes further, arguing that the mass media has become increasingly important in shaping the course of political debates (Bayley 2004, p.11). I acknowledge, therefore, that a greater understanding of the construction of the deterrence message and its audience would be gained if I also examined the media discourse on ‘illegal immigration’ but this is outside the scope of this study.
search results to the immigration context given that the phrase ‘it sends a strong message’ is used in various other contexts (about which perhaps this research might also offer some insights). The main search and analysis was undertaken in 2004 and subsequent searches were undertaken in 2006.

Sixty-one entries – individual speeches from Members of Parliament (MPs) – from the Senate and House of Representatives’ Hansards between 1992 and 2006 were deemed relevant to this research. Individual paragraphs within these speeches which contained the word ‘message’ or the word ‘signal’ were isolated for analysis as it was thought that this would offer more direct access to what was said about ‘the message’ by politicians and particularly what was said about it in relation to ‘the audience’. It was thought that such an approach would allow me to better observe the simultaneous construction of the audience and message – to observe the production of both. A broader analysis of the speeches beyond these paragraphs was also undertaken and provided greater insight into how the parliamentary discussion enables the production of certain objects of knowledge, shapes and reinforces the politician’s position as a qualified speaker on these objects of knowledge and reinforces and legitimises the ‘truth’ of the ‘send a strong message’ statement. The insights gleaned from this broader analysis are also included throughout this chapter and the following chapter. The words ‘signal’ and ‘message’ have been bolded in the Hansard paragraphs which appear in this chapter and Chapter Six. This was done to better illustrate to the reader how statements about ‘the message’ are interlinked with statements about ‘the audience’; i.e. this was done to better demonstrate how the parliamentary discourse simultaneously produces ‘the audience’ and ‘the message’.
5.3 ‘A’ strong message?

One hundred and nineteen paragraphs from Hansard, which contained a reference to either a ‘message’ or ‘signal’\textsuperscript{72} were identified and deemed relevant to this analysis. While some repeated ideas emerged within this data, the data is dominated by quite precise claims made by individual MPs about ‘the message’ which is supposedly sent by specific policies. In this analysis I did not identify the equivalent of a uniform message of the type that might be present throughout a marketing campaign. For example, at one point the *Overseas Information Campaign* featured the slogan “it’s not worth the risk” (i.e. it’s not worth the risk of coming to Australia ‘unauthorised’); a similar uniform idea or notion of what ‘the strong message’ is, was not identified through my analysis of the parliamentary discussion.

Rather than there being one recurring message in the Hansard data, multiple messages are claimed to be sent by deterrence policies to several different audiences. Apart from the general objective of the Howard Government’s policy messages being to prevent ‘unauthorised’ travel to Australia, the ‘strong message’ itself is not clearly defined. Instead, the ‘strong message’ refers to a multitude of messages which are said to arise out of various policies. Although a singular message was not identified, there is a general theme amongst the Howard Government’s policy messages which is, loosely, that Australia would prefer to take its refugees through the UNHCR resettlement program rather than have people arrive spontaneously on Australia’s shores. However, the message at times becomes: Australia does not want spontaneous arrivals at all.

As there is not a consensus on what ‘the message’ actually is, amongst those who refer to it, I do not seek to define ‘the message’ in definitive terms. One might suggest that ‘the

\textsuperscript{72} Not all of these paragraphs are presented here.
message’ is depicted in information campaign documents, such as those produced as part of the Overseas Information Campaign and ‘the message’ is also reflected in the legislative changes/the policies themselves (refer to discussion in Chapter Two, pp.29-31). However, ‘the message’ is never this clearly defined by those who discuss it. As I have already stated in Chapter Two, Australian politicians fail to describe exactly how their policies ‘send a strong message’, other than proposing that people smugglers monitor parliamentary discussions and could perhaps pass on ‘the message’ to potential spontaneous arrivals. Instead, it is simply asserted that these policies ‘send a strong message’ and there is next to no discussion of ‘the message’ – what it is and how it is sent – beyond this. The following section isolates and examines various paragraphs where politicians refer to specific messages that they claim their policies send to potential spontaneous arrivals.

Specific messages to the potential spontaneous arrival and the construction of the ‘knowledgeable deviant’

**Message = you can’t expect your day in court (Hardgrave 6 February 2001)**

Hardgrave, a Liberal Party MP in the Howard Government, said of the Migration Legislation Bill (No.2) 2000:

But one of the things that will come out of these measures is a very simple **message** to the countries of origin of those who seek to go around the well-established system for refugees that is administered by the United Nations. **The message** is clear: you can’t expect to stay in Australia for years and years and then get your day in court or to come here without a set of papers in your hand. A lot of dreadful people undertake nefarious activities, human misery activities, by importing people illegally into this country, telling them to dispose of their papers. Why? Because it makes it harder for the system to deal with them – to make an assessment and process them – and decide one way or the other, whether they are in or out of Australia. (Hardgrave, G 2001, *House Hansard*, p.23924)
This speech by Hardgrave (2001) illustrates how assertions about ‘the message’ are wrapped up in assumptions about ‘the audience’ – the message and the audience are constructed simultaneously. Hardgrave (2001) assumes that “the message” about Australia’s legislation changes will reach potential spontaneous arrivals in their countries of origin and that this message will be intelligible to them by virtue of its simple nature. This assumes that the communication of ‘the message’ is straightforward, direct and uncomplicated; it echoes Shannon and Weaver’s (1949) proposal that ‘the message’ moves in a linear progression from sender to receiver (McQuail 2005, p.63). Unlike those who subscribe to the transmission model of communication, however, Hardgrave (2001) makes no room for communication ‘break down’ and instead seems to suggest that there is only one way that the policy message will proceed – the message will be received, will be understood and will be adhered to.

I suggest therefore, that politicians like Hardgrave subscribe to a hypodermic understanding of communication. A model that is part of the ‘effects’ family of communication theories, the hypodermic needle model of communication is based on the assumption that the mass media “acted as hypodermic needles [and] injected messages directly into the veins of a passive, mindless, mass audience” (Ang 1995, p.207). While such an assumption suggests certain things about how communication ‘works’, it also implies certain things about the audience. If it is assumed that potential spontaneous arrivals receive and understand Australian policy messages in their countries of origin, then their subsequent spontaneous arrival in Australia must equate to them deliberately choosing to ignore these messages.

73 The transmission model refers to ‘noise’ which occurs somewhere along the continuum from sender to receiver and leads to a slippage in understanding between the two (Lewis & Slade 1994, pp.8-9).
The message that Hardgrave (2001) suggests policy changes send is: “you can’t expect to stay in Australia for years and years and then get your day in court or to come here without a set of papers in your hand” (Hardgrave, G 2001, House Hansard, p.23924). This deviates from ‘the message’ described by other politicians that spontaneous arrivals should not come to Australia at all. This demonstrates one way in which there is not a singular message sent by Australia’s immigration deterrence policies.

The intent to send this specific message is based on certain assumptions and a particular vision of ‘the audience’. Not only does Hardgrave (2001) assume that the message will reach potential spontaneous arrivals, he also assumes other things about this audience, namely that they “go around” the UN’s “well-established system for refugees” (Hardgrave, G 2001, House Hansard, p.23924). Hardgrave (2001), in addition, proposes that potential spontaneous arrivals know that disposing of their identity papers will make it difficult for the Australian authorities to assess their claims to asylum. In addition, Hardgrave claims that potential spontaneous arrivals know that they can use the Australian judicial system to appeal negative decisions on their asylum applications. In short, Hardgrave’s (2001) intent to deter is based on the belief that spontaneous arrivals have quite a detailed knowledge of Australia’s refugee determination procedures and the international asylum ‘system’ before they arrive in Australia; they are therefore ‘knowledgeable deviants’.

The idea that refugees know about UNHCR’s resettlement program, that it is readily accessible to them but some choose to ‘go around’ it, is disputed by various studies (see Chapter Three) and also by the refugees who were interviewed for this study (see Chapters Eight and Nine). A number of studies also demonstrate that asylum seekers typically
possess minimal knowledge about their asylum destination countries before they arrive in these countries (Barsky 2000; Havinga & Bocker 1999, p.49; Doornbos, Kuijpers & Shalmashi 2001, p.23; Robinson & Segrott 2002, p.46; Gilbert and Koser 2006, p.1209; Day and White 2002, pp.22, 25). For example, Robinson and Segrott said that “most of the respondents” in their study “knew very little about UK asylum policy before their arrival” (Robinson & Segrott 2002, p.46); similarly, Gilbert and Koser stated that “few of the respondents” in their study “arrived with much knowledge of the UK, and their knowledge was limited to general impressions of the country; they knew little about asylum policy and practice” (Gilbert & Koser 2006, p.1209). The assumptions underpinning the intent to ‘send a strong message’ are thus based on disputed ‘truths’ about what spontaneous arrivals know pre-arrival and disputed truths about why spontaneous arrivals make the ‘unauthorised’ journey (this perspective is dealt with further in Chapters Eight and Nine).

**Message** = ‘entering Australia illegally involves a huge risk’ / ‘huge penalty’ (Barresi 21 October 1999)

Barresi, a Liberal Party MP under the Howard Government, said of the Border Protection Legislation Amendment Bill 1999:

> The measures in this bill, along with other legislation planned by this government, will send a message that entering Australia illegally involves a huge risk. More importantly, it is a message that will be heard loud and clear by those who prey on the hopes of innocent people that smuggling to Australia involves a huge penalty. (Barresi, P 1999, *House Hansard*)

The spontaneous arrival is not only understood to be a ‘knowledgeable deviant’, instead, some Howard Government MPs viewed the spontaneous arrival to be a victim. In contrast
to the descriptions in other parliamentary speeches where spontaneous arrivals are depicted as opportunistic, Barresi (1999) portrays the spontaneous arrival as “innocent” and the victim of a people smuggler who “prey[s]” on their vulnerability (Barresi, P 1999, *House Hansard*). The recasting of the spontaneous arrival as a victim appears to be born out of a concern for the welfare of that victim, given that the intended message is one about ‘risk’. The construction of the spontaneous arrival as a ‘victim’, however, does not lead Barresi (1999) to withdraw his support for deterrence policies, rather the labelling of the spontaneous arrival as a ‘victim’ reinforces the politician’s status as a knower of this subject and a knower of how the victim can be helped.

Foucault observed that welfare was tied to normalisation in the ‘cure’ of the sick, the mad and the sexual deviant; in the interests of “individual and collective welfare” a cure was sought for the abnormal subject (Foucault 1998, p.142). Here too, in Barresi’s speech, the ‘normal’/correct way of seeking asylum (through UNHCR) is constructed as the ‘safe’ way to seek refugee status. The normalisation of the ‘authorised’ journey is thus caught up with the protection of the spontaneous arrival subject. The disciplining of this subject is linked to ideas about the individual’s welfare and the welfare of others like him/her who may also seek to arrive spontaneously in Australia. The disciplining of spontaneous arrivals is thus justified on the basis that it is ‘good’ for ‘them’ (and not just for ‘us’). In contrast, Human Rights Watch (2002) and the respondents of my study argued that for some asylum seekers waiting in UNHCR’s resettlement ‘queue’ can be dangerous (see Human Rights Watch 2002, pp.15-29; see also Appendix One of this thesis). However, when it comes to the

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74 In more recent speeches, Liberal and National Party politicians often justify the creation of immigration deterrence policies on the grounds that spontaneous arrivals are victims who must be saved. Scullion for example, a National Party senator and Minister under the Howard Government said: “It is about sending the message that we are not open for business and we are not going to be soft on border protection, because that is the message that will stop people putting families, women and children onto boats and putting them in harm’s way – in the way of very awful sorts of harm” (Scullion, N 2005, *Senate Hansard*, p.44).
construction of immigration deterrence policies, the politician’s understanding of what is best for the refugee supersedes refugees’ understandings of what is best for them. Like the qualified physician in Foucault’s *The Birth of the Clinic* (Foucault 2003b), it is only the expert politician who is able see and diagnose the ‘problem’ of spontaneous arrival; the opinions of the refugee, like those of the patient, are supplanted to those of the expert when deterrence policies are created.

Barresi’s (1999) suggestion that the legislation “will send a message” also negates any possibility that the message won’t ‘work’ (Barresi, P 1999, *House Hansard*). Therefore, while certain ideas about the audience are continuously reinforced in multiple political speeches, there is also a constant support for a direct effects understanding of communication in these speeches. The discourse repeatedly invokes an image where potential spontaneous arrivals are triggered to react to a policy message – they are said to be deterred – as if such reactions might be simply ‘switched on’ when the policy is created. As McQuail says of the stimulus response model of communication, which he describes as being synonymous with the hypodermic needle theory, “it presumes a more or less direct behavioural effect in line with the intention of the [message’s] initiator and consistent with some overt stimulus to act in a certain way which is built into the message” (McQuail 2005, p.471).

**5.4 The queue – the correct and incorrect way to seek asylum**

The speeches already quoted illustrate that the spontaneous arrival subject was constructed as a ‘knowledgeable deviant’ by Howard Government MPs. The spontaneous arrival was envisaged as an individual who has a detailed understanding of Australia’s immigration procedures and deliberately ignores deterrence messages in order to apply for asylum in
Australia in an ‘incorrect’ manner. The construction of the spontaneous arrival as a deviant therefore rests on the construction of a ‘correct’ and ‘incorrect’ way to seek refugee status. As Phillip Ruddock states, the purpose of deterrence policies: “is to send a very clear message that there is a right way and there is a wrong way.” (Ruddock, P 2001b, *House Hansard*, p.31021)\(^7^5\). However, it is not only Howard Government MPs who support these ideas about spontaneous arrival. Theophanous, a former Labor Party MP, said in relation to the Migration Amendment Bill 1992:

**Message = we will not tolerate queue jumpers (Theophanous 5 May 1992)**

> it is very important for us to send a message overseas that we will not tolerate people simply arriving here on the basis of trying to jump the refugee queues. (Theophanous, A.C 1992, *House Hansard*)

**Message = queue jumping is un-Australian, you must come through proper channels**

(Gibbs 5 Oct 2000)

Gibbs, a former Labor Party senator said similarly of the Migration Legislation Amendment (Parents and Other Measures) Bill 2000; and the Migration (Visa Application) Change Amendment Bill (2000):

> We [Labor] supported the [the Howard Government’s policy] measures because we wanted to send the message that queue jumping was wrong; it was un-Australian. We wanted to join the government in sending the message that if you want to come to Australia you must do it through the proper channels. (Gibbs, B 2000, *Senate Hansard*, p.17931)

The intelligibility of ‘the message’ in the above speeches is therefore dependent on the acceptance that there is a ‘correct’ and ‘incorrect’ way of seeking refugee status in

\(^7^5\) Ruddock reiterated this statement in 2006, when he said “they [the new legislative changes] will send a very firm message to those people who seek to come to Australia that there is a proper way of doing so” (Ruddock, P 2006, *House Hansard*, p.93).
Australia. The ‘correct’ way, according to both Liberal and Labor politicians, is for asylum seekers to approach UNHCR’s offices overseas where they might make an application for resettlement to Australia, and to wait their turn in the resettlement ‘queue’. The ‘incorrect’ way of seeking refugee status from Australia is to ‘jump’ this queue through seeking ‘illegal’ passage to Australia and applying for asylum on Australia’s shores.

Therefore, the ‘queue jumper’ idea rests on the perception that the spontaneous arrival is an individual who has knowledge of UNHCR’s resettlement procedures but deliberately ignores these procedures for the perceived advantage of direct travel to Australia – again this is a vision involving a ‘knowledgeable deviant’. Refugees, in their testimonies (see Chapters Eight and Nine) suggest that many asylum seekers do not have access to UNHCR’s resettlement ‘queue’, many do not know that UNHCR’s resettlement program exists, and the process of resettlement has been described as not like taking a number in a queue but like placing an entry in a lottery (Maley 2001, p.3). In short, the idea that spontaneous arrivals ‘jump’ the resettlement ‘queue’ is a disputed truth built on disputed truths, much like the ‘send a strong message’ statement itself.

The statement ‘it sends a strong message’ therefore has currency as truth because it is supported by other statements of truth – i.e. regarding UNHCR’s resettlement ‘queue’ – it does not exist nor produce truth in isolation. As Foucault proposed in *The Archaeology of Knowledge*, “we shall call discourse a group of statements in so far as they belong to the same discursive formation… it is made up of a limited number of statements for which a group of conditions of existence can be defined” (Foucault 2003a, p.131). From the Hansard speeches it is possible to view how the discourse on ‘illegal’ immigration is made
up of a series of statements which reinforce one another and, to a certain extent, exclude other ways of knowing the phenomenon of spontaneous arrival.

However, Gibbs (2000) not only understands spontaneous arrival and spontaneous arrivals themselves in a certain way – as manifestations of deviance – she also puts forward a particular vision of the ‘Australian’ subject. In Gibbs’ (2000) speech the ‘queue jumper’ subject is pitched against ‘the Australian’; queue-jumping is at once wrong, improper and “un-Australian” (Gibbs, B 2000, *Senate Hansard*, p.17931). The parliamentary discourse on spontaneous arrival thus constructs an Australian subject and the attributes of a ‘true’ Australian. The production of the ‘strong message’ in these speeches is therefore not only caught up with the construction of the spontaneous arrival subject; it also involves the production of ‘normal’ subjects against which all abnormal subjects might be understood. The construction of the resettlement ‘queue’ as the correct way to seek asylum from Australia is further reinforced through punishments and rewards.

### 5.5 Punishment and Reward

**Message = ‘we are not a soft touch’ ‘queue jumpers will be dealt with very harshly indeed’ (Gambaro 6 March 2000)**

Gambaro, a Liberal Party MP under the Howard Government, stated of the Migration Legislation Amendment bill (No.2) 1999, that:

> These changes send a **message** to other people considering illegal travel to Australia that we are certainly not a soft touch, and that queue jumpers will be dealt with very harshly indeed. Other changes send a **message** to people who instigate these illegal entries that trafficking simply does not pay. (Gambaro, T 2000, *House Hansard*, p.13996)
Unlike Gambaro (2000), few Howard Government MPs made such a direct link between the harshness of immigration policies and ‘the message’, possibly because of the Howard Government’s position that its immigration deterrence policies were not punishments and should therefore have not been broadcast as such\textsuperscript{76}. In Gambaro’s (2000) speech, queue jumping is not merely constructed as something that is ‘wrong’, it is something that should be punished and punished ‘harshly’. Punishment, however, for Gambaro, is not only aimed at correcting deviant behaviour, it is also about protection. Gambaro’s (2000) speech involves the contrasting of ‘softness’ – the vulnerability of Australia – with ‘harshness’ which protects Australia. For example, Gambaro (2000) says: “we are certainly not a soft touch” (Gambaro, T 2000, House Hansard, p.13996). The use of the hard/soft binary recurs throughout the Hansard speeches; hardness is typically equated with good, effective and protective policy whereas ‘softness’ leaves Australia open to exploitation from the people smuggling threat\textsuperscript{77}.

\textsuperscript{76} As former minister for immigration, Amanda Vanstone said “Australia is not seeking to punish people because they have arrived without authorisation” (Vanstone 2004a).

\textsuperscript{77} Australia is by no means the only country where politicians make use of hard/soft imagery in their discussions on immigration policies. Van Dijk, in his analysis of political debates in US, UK, France, Germany and the Netherlands, notes the use of the hard/soft metaphor in relation to immigration policy in parliamentary debates in various countries (Van Dijk 1993, p.93).
Message = you will not be rewarded with a permanent visa (Campbell 20 September 2001)

Ian Campbell, a Liberal Party Senator, stated in relation to a number of bills including the Migration Amendment (Excision from Migration Zone) Bill 200178.

The clear message of the bill is that people who abandon or bypass effective protection opportunities will not be rewarded by the grant of a permanent visa for Australia. (Campbell, I 2001, Senate Hansard, p.27497)

In Campbell’s speech the ‘unauthorised’ journey is depicted as not simply the “wrong way” of arriving in Australia but it is also said to be something which is entirely unnecessary. Spontaneous arrival is deemed to be unnecessary by some politicians because spontaneous arrivals are thought to have given up – “bypassed” – protection or a refugee place that they might have sought in the countries that they passed through en route to Australia. The intent to deter in Campbell’s (2001) speech is underpinned by the assumption that spontaneous arrivals make a deliberate, calculating and well informed choice to arrive in Australia in the ‘incorrect’ manner; they are said to deliberately “bypass effective protection” (Campbell, I 2001, Senate Hansard, p.27497). In Campbell’s speech the spontaneous arrival is once again cast as a ‘knowledgeable deviant’.

In Campbell’s (2001) speech, citizenship and permanent refugee status are created as rewards to be ‘earned’ only through coming to Australia in the correct manner. This use of reward and punishment further contributes to the normalisation of the ‘authorised’ journey and makes deviant the ‘unauthorised’ journey. As Foucault says “punishment is only one

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78 His speech also referred to the Migration Amendment (Excision from Migration Zone) (Consequential Provisions) Bill 2001 and the Border Protection (Validation and Enforcement Powers) Bill 2001 (Campbell 2001).
element in a double system: gratification-punishment” (Foucault 1991, p.180). Therefore, the creation of a system of rewards alongside a system of punishment helps to distinguish the ‘good’ from the ‘bad’ and the ‘correct’ from the ‘incorrect’ behaviour; it normalises (Foucault 1991, p.180-181). In Campbell’s (2001) speech, there is also an assumption that the proposed legislative changes will send a ‘clear’ message to potential spontaneous arrivals who will understand how these changes will affect them and their ability to seek protection in Australia. Campbell’s (2001) speech thereby supports the direct effects understanding of communication.

**Message = you won’t get a better outcome in Australia (Ruddock, 19 September 2001)**

Ruddock said in relation to the Migration Amendment (Excision from Migration Zone) (Consequential Provisions) Bill 2001

> The bill that I am addressing makes it very clear that those who are going to be resettled in Australia, if they are found to be refugees, will not get a better outcome than if they had their claims assessed in Indonesia – it will be a lesser outcome. That is the purpose for sending that very message. (Ruddock, P 2001b, *House Hansard*, p.31020)

Notions of reward and punishment also underpin the construction of policies which create a “lessor outcome” for refugees who come to Australia as spontaneous arrivals; they are effectively subjected to a penalty for incorrect behaviour (Ruddock, P 2001b, *House Hansard*, p.31020). Ruddock’s (2001b) speech (quoted above) specifically refers to the asylum seekers who were rescued by the ship *Tampa* in waters between Australia and Indonesia; these asylum seekers were taken to Nauru by the Royal Australian Navy which prevented them from arriving ‘unauthorised’ on Australia’s shores. Ruddock’s (2001b)
speech reiterates ideas expressed in many of the other speeches already quoted, chiefly that there is a ‘correct’ way to apply for refugee status (in this case through UNHCR in Indonesia). Ruddock (2001b) also assumes that ‘the message’ is ‘clear’ and that potential spontaneous arrivals will understand or already know about the correct way of seeking refugee status in Australia – an assumption that further constructs them as deliberate law breakers. The literal intent of deterrence policies – “the purpose” of sending ‘the message’ – is stated more clearly by Ruddock (2001b); the objective of this bill is said to be, to send a specific message about a ‘lesser outcome’ in Australia. This is a message about punishment.

The speeches already quoted therefore demonstrate that while Australian politicians construct a correct and incorrect way to seek asylum in Australia; supporting this construction, they create a system of punishment and rewards which are embedded into immigration deterrence policies. These speeches also illustrate that those who support immigration deterrence measures tend to have a transmission-like or indeed ‘hypodermic’ understanding of communication; they assume that ‘the message’ will have a direct effect on its audience. Such a perspective makes little room for understanding the audience’s impact on ‘the message’, as O’Shaughnessy and Stadler suggest, direct-effects models of communication assume that “the transmission of information is largely one-way, with limited audience feedback or input” (O’Shaughnessy & Stadler 2005, p.99).

In line with the effects paradigm, the politicians quoted above do not entertain the notion that multiple interpretations may be drawn from a particular message by its audience; instead, they assume that there is only one meaning which can and will be taken from ‘the message’. As O’Shaughnessy and Stadler (2005) state
the direct-effects model of media audiences assumes that media consumers accept the intended meaning encoded in media messages relatively passively, and that the relationship between media producers and consumers is both predictable and asymmetrical – producers of the media messages [are thought to] have more control over meaning. (O’Shaughnessy & Stadler 2005, p.99)

As documented throughout this thesis, such a perspective is challenged by cultural studies scholars and other audience researchers whose studies demonstrate that meaning is not fixed and audience members’ interpretations are unpredictable. Liebes and Katz’s (1990) study of *Dallas* provides one example where various audience groups interpreted the same message in dramatically different ways. As Chapters Eight and Nine of this thesis shows, the respondents of this study also exhibited varied responses and interpretations of Australia’s immigration deterrence messages; this challenges the notion that the deterrence message will be understood in a uniform and predictable way by its audience and have a direct impact on audience behaviour.

**5.6 How ‘the message’ is delivered**

How potential spontaneous arrivals come to know about changes to legislation – i.e. how the ‘strong message’ is successfully executed – is never entirely revealed in the Hansard speeches that I analysed, however Scullion, a National Party senator, gives some indication in his discussion of the Migration Amendment Regulations 2002 (No.4) below:

> The major thrust of these amendments will clearly reinforce a series of regulations that will put in place, in a business environment, some changes that will send a very clear signal. And when I say a clear signal, people need to understand very clearly the very sophisticated intelligence network that these people smugglers enjoy. They know that their clients would like to have a migration outcome in Australia, and by that I mean an outcome where they are allowed a temporary protection visa in Australia rather than a
suite of countries that may be offered to them through the UNHCR process that would be available to them in any number of countries they may have visited on their way to Indonesia and then Australia. (Scullion, N 2002, *Senate Hansard*, p.2037)

Scullion’s (2002) speech suggests certain things about the knowledge possessed by ‘the audience’, this time he refers to the knowledge possessed by people smugglers about both UNHCR’s resettlement program and Australian immigration policies. According to Scullion (2002), people smugglers acquire this knowledge through an ‘intelligence network’ and pass this information on to potential spontaneous arrivals. The people smuggler, like the spontaneous arrival is therefore constructed as a ‘knowledgeable deviant’ and the people smuggler is thought to have a strong knowledge of Australia’s immigration policies. The idea that people smugglers pass on detailed information about immigration policies to asylum seekers is disputed by refugees. Many of the refugees that were interviewed for my study said that the people smugglers they engaged to bring them to Australia told them nothing, very minimal or inaccurate information about Australia.

Scullion’s (2002) speech also shapes the image of the spontaneous arrival by constructing UNHCR’s resettlement program in a particular way. Scullion (2002) suggests that UNHCR offers refugees access to “a suite of countries”, this description is in stark contrast with the perspective that UNHCR is under-resourced, often inaccessible to asylum seekers and can ultimately provide only a small number of resettlement places in response to the large numbers of refugees who require them (Human Rights Watch 2002, pp.15-29; Crock & Saul 2002, pp.xv-20). By constructing the resettlement process in this way – as providing access to a “suite of countries” – Scullion (2002) reinforces the view that refugees give up a truly viable solution to their plight – resettlement through UNHCR – when they migrate ‘illegally’ to Australia. The ‘correct way’ of coming to Australia is therefore constructed as
the ‘easy way’ (after all, refugees are thought to have access to a “suite of countries” in Scullion’s description), and spontaneous arrivals are thought to make it harder for everybody (themselves included) by ignoring this avenue for protection. Scullion’s (2002) speech also uses the business/managerialist imagery which recurs throughout the Hansard speeches analysed for this study – e.g. through the use of terms such as ‘business environment’ and ‘clients’ – this ultimately reinforces the belief that the migration of refugees to Australia can and should be ‘managed’ efficiently (Pickering & Lambert 2002, p.78).

Like Scullion (2002), Ruddock also claims that potential spontaneous arrivals learn about ‘the message’ – Australian policy – through people smugglers who have sophisticated intelligence capabilities. Ruddock says of the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002,

> Be assured that people smugglers monitor very closely what we are doing in this parliament. They may very well interpret the actions of the opposition and minority parties [who oppose the bill] as a green light to attempt to recommence their operations and move to target areas closer to the Australian mainland. Such a signal would have disastrous consequences not only for our efforts to thwart the actions of people smugglers but for those who are being smuggled. Our information suggests that some of the boats are poorly equipped. Now that the smugglers have been given a green light to attempt to send these boats to an island closer to the Australian mainland, they may well attempt to do so. (Ruddock, P 2002b, *House Hansard*, p.4017)

In Ruddock’s speech, it is the people smuggler again, rather than the spontaneous arrival that is said to select Australia as a destination based on her/his knowledge. Ruddock, like Scullion, therefore constructs the people smuggler as a ‘knowledgeable deviant’.

Ruddock’s (2002b) speech, in addition, highlights several ideas which recur throughout the
Hansard speeches that I analysed. In particular, Ruddock frames the opposition parties’ lack of support for the Howard Government’s proposed migration legislation amendments as a ‘green light’ signal that encourages people smugglers to come to Australia. Ruddock (2002b) also suggests that the price of sending this ‘wrong’ message is disaster. This understanding of the opposition parties’ actions is examined more closely in the next chapter as it tends to reinforce the Howard Government politician’s status as the legitimate expert on spontaneous arrival.

In this speech, Ruddock (2002b) draws on war imagery through his use of military language – i.e. through his references to people smuggling ‘operations’ which ‘target’ Australia. This militaristic language positions the people smuggler as an invading force which monitors the Commonwealth Parliament and as Scullion says, possesses a “very sophisticated intelligence network” (Scullion, N 2002, Senate Hansard, p.2037). There is a sense from such descriptions that Australia is being confronted by a well-organised and well-equipped military force in its efforts to ‘combat’ people smuggling. Pickering (2001), in discussing the media’s framing of the ‘illegal immigration’ issue in militaristic terms, suggests that the understanding of this issue in such a way allows for and justifies the use of forceful means (e.g. the use of the Australian Navy) to repel the people smuggling ‘danger’ (Pickering 2001, pp174-175). Pickering suggests that the use of military terms ensures that the “debate on these matters becomes narrowed and flattened into the framework of nationhood – alternative voices become voices against the nation” (Pickering 2001, p.175). My analysis concurs with Pickering’s (2001) suggestion; the Hansard speeches of Howard Government MPs that I analysed do draw in visions of nationhood and “national interest” and combine this with a discourse on war.
My analysis also concurs with Pickering’s (2001) suggestion that those who oppose new ‘border protection’ policies are said to be “against the nation” (Pickering 2001, p.175). For example, the Labor Party, in particular, was strongly criticised by Howard Government politicians who often asserted that Labor was acting against national interest when voting against the Howard Government’s proposed policy changes. In their speeches, Howard Government MPs, in fact, repeatedly drew a link between national interest and their immigration deterrence policies; they – Howard Government MPs – claimed that it was they, and not Labor, who were protecting the nation. Howard Government MPs then, did not merely state that potential spontaneous arrivals and people smugglers receive ‘the strong message’ of Australia’s immigration deterrence policies, but they repeatedly drew on discourses of war and managerialism when discussing the deterrence message. Such discourses colour the way that ‘the problem’ of spontaneous arrival is understood – it becomes understood as a threat that must be ‘managed’.

Despite his use of a war-like rhetoric, similarly to Barresi (1999) quoted above, in this speech Ruddock (2002b) exhibits a concern for those being smuggled. Again however, the concern for the spontaneous arrival provides the Australian politician with an impetus to prevent ‘illegal immigration’ and the politician’s concern for the victim’s safety justifies the correction of the victim’s behaviour. Again in this speech the politician reinforces his position as the expert on what is best for the refugee.

If it is through the people smuggler’s monitoring of the Australian parliament that messages about policy are sent to potential spontaneous arrivals, this would beg the question: “Do people smugglers portray events in Australia in a way that suits their purposes?” (Barresi, P 2001, *House Hansard*, p.30989). The important role that people smugglers play in shaping
asylum seekers’ choices is reiterated in several studies (see Robinson and Segrott 2002, pp.19-25, for example). However, Barresi’s (2001) question about how people smugglers portray events in Australia remains unanswered.

On the one hand, the politician’s knowledge of the spontaneous arrival and the people smuggler in the above speeches appears to be particularly strong, with Howard Government MPs not merely suggesting that they ‘know’ (understand) the people smuggler but here Scullion (2002) and Ruddock (2002b) are effectively suggesting that “we know how they know us”. On the other hand, the politician’s knowledge of the people smuggler is incomplete – Barresi’s (2001) unanswered question is an example of this. The Hansard speeches are beset with such gaps in understanding which are never addressed. Perhaps, most importantly, the Hansard speeches never reveal precisely how the ‘strong message’ will be delivered to its target, instead in the great majority of speeches (save for Scullion 2002 and Ruddock’s 2002b above) it is simply asserted and assumed that policy will ‘send a strong message’. Therefore, the speeches above illustrate that Howard Government politicians as expert speakers on spontaneous arrival were granted the status to determine which questions on spontaneous arrival required an answer and which did not.

5.7 Conclusions

Through my analysis of the parliamentary speeches on spontaneous arrival, I have demonstrated that the intent to deter spontaneous arrival – the intent to send the ‘strong message’ – is caught up with the production of various subjects and audiences. The speeches analysed in this chapter construct the people smuggler and spontaneous arrival audiences specifically. The production of the deterrence message is built upon the belief that the spontaneous arrival and people smuggler audiences are comprised of
‘knowledgeable deviants’\textsuperscript{79}. However, the deterrence message does not exist purely as a result of the construction of these deviant subjects, rather the discourse produces and reinforces ideas about normality – it creates normal subjects and normalises UNHCR’s resettlement ‘queue’ as the ‘correct’ way to seek asylum in Australia. This focus on ‘normal’ subjects, and ‘the Australian’ in particular, is of central importance to the justification for immigration deterrence policies. As the next chapter illustrates, the deterrence message is very much directed at ‘normal’ subjects – the Australian people as an audience – and conveys ideas about what constitutes the ‘true’ Australian.

In this analysis I also began to examine the role of the politician as a qualified/expert/speaking subject and demonstrated that Australian politicians speak as experts on spontaneous arrival. Politicians speak as experts who assume to know what is best for the spontaneous arrival and propose to cure the spontaneous arrival’s deviance through deterrence; such understandings, as I have remarked throughout this chapter, do not always concur with the audience member’s understanding of themselves and what is best for them.

This analysis has also demonstrated that the statement ‘it sends a strong message’ does not exist nor produce ‘truth’ in isolation, rather it is given currency as truth because it is intertwined with other statements of truth which it supports. While this statement is supported by other statements which shape understandings of spontaneous arrival and the resettlement ‘queue’, the statement is also supported and supports a particular vision of...

\textsuperscript{79} This idea that spontaneous arrivals are knowledgeable deviants is maintained and constructed well beyond the Australian parliament as illustrated by a number of the international studies that were referred to in Chapter Three. Doornbos, Kuijpers & Shalmashi (2001) say for example “In public debate in Western-European countries, the idea of the ‘calculating asylum seeker’ is widespread: an asylum applicant who is well-informed about his options, rights and obligations and who, after rationally balancing the pros and cons, chooses the best strategy towards his goal of obtaining refugee status” (Doornbos, Kuijpers & Shalmashi 2001, p.1).
communication. The direct effects model is used to reinforce the idea that spontaneous arrivals are inherently deviant because they are thought to ignore the very ‘clear’ message that is supposedly sent by immigration deterrence policies. In this way the construction of ‘the message’ is very much caught up with the construction of ‘the audience’ – the construction of the message shapes the construction of the audience and vice versa.

This analysis illustrates, furthermore, that the vocabulary that politicians use in discussing ‘the message’ and its audience is important because it shapes how the spontaneous arrival ‘problem’ is understood. In drawing on discourses of war and managerialism, politicians frame the spontaneous arrival ‘problem’ as a threat to nation and order. The pre-existing power and legitimacy of these discourses – particularly the ‘naturalness’ of maintaining ‘order’, reinforces the legitimacy of the proposal that spontaneous arrival must be prevented. The vocabulary that politicians draw upon when discussing spontaneous arrival therefore supports the need for deterrence but it is also used to support power relations and to position the government politician as the legitimate expert on spontaneous arrival. For example, when Howard Government politicians framed alternative understandings of spontaneous arrival as being against the nation, they reinforced the idea that only they truly knew how to protect the nation from the people smuggling ‘threat’. This is further demonstrated in the next chapter.

This analysis therefore illustrates that the discourse in which the statement ‘it sends a strong message’ is located is interlaced with power relations. This would not have been uncovered if I had only sought to investigate audience responses to ‘the message’ rather than seeking to also understand production – that is, the simultaneous production of both the message and its audience. This analysis of the parliamentary discussion on spontaneous arrival
demonstrates that there is an accumulation of knowledge about the spontaneous arrival subject which takes place in the arena of parliament from which spontaneous arrivals themselves are excluded. As I suggested in Chapter Four and throughout this chapter, the Commonwealth Parliament is like the closed profession of medicine as Foucault described it in *The Birth of the Clinic* (2003b); though refugees may convey their opinions to politicians, it is politicians and only politicians who may directly address the parliament. Like the qualified physician, it is only the politician who may see, diagnose and understand the ‘problem’ of spontaneous arrival for the parliament and the nation.

Spontaneous arrivals do not have the same capacity as politicians to directly influence the knowledge which is created about them through the parliamentary debate. This is recognised by Van Dijk (2001, p.308) who also suggests that such unequal access to the parliament has an effect on dominance. Van Dijk (2001, p.308) points to the fact that the exclusion of non-politicians from parliamentary debates is sanctioned and ultimately limits the non-politician’s ability to influence what is said in parliamentary debates.

The politician not only has a greater ability than the refugee to influence the understanding of spontaneous arrival within the parliamentary debate, the politician has a greater ability to distribute his/her ideas on spontaneous arrival to the nation. As Van Dijk notes, political speeches are often heard and read widely (Van Dijk 2001, p.309), they are published and broadcast in the national and international media, for example; the individual refugee is unlikely to have his/her understandings of spontaneous arrival distributed to such an extent.

It is not only in the realm of policy construction that the refugee’s voice is marginalised. The institution of parliament, which excludes non politicians and potentially commands the audience of the nation, aids in the subjugation of refugees’ knowledge and helps to create a
situation where the politician’s opinions and understandings are spoken and broadcast and the refugee’s opinions and understandings are not (or at least not as widely). In sum, through this analysis I began to illustrate that refugee knowledges are subjugated to politicians’ knowledges when the deterrence message and its audiences are constructed; I will later demonstrate that this has an important influence on the refugee’s reception of deterrence information.
6. Supporting the ‘Expert’; subjugating refugee knowledges

6.1 Introduction

In this chapter I further discuss my analysis of the parliamentary speeches in which the statement ‘it sends a strong message’ exists. In Chapter Six, I examine the construction of the people smuggler subject and the construction of normal subjects in greater detail, exploring the role that these constructions play in shaping understandings of the spontaneous arrival ‘problem’. However, in Chapter Six I continue to examine the construction of the spontaneous arrival subject given that knowledge about this deviant subject is typically intertwined with the production of knowledge about other deviant subjects and normal subjects. In this chapter I also further explore the construction of speaking subjects through investigating what is said about opposition parties and what is said by them.

6.2 The people smuggler audience – the other ‘knowledgeable deviant’

As the parliamentary speeches which were quoted in the previous chapter demonstrate, ‘the message’ is not only aimed at the potential spontaneous arrival, it is also aimed at the people smuggler. Like the spontaneous arrival, the people smuggler is constructed as a ‘knowledgeable deviant’ by Australian politicians, and much is assumed about how the people smuggler’s knowledge of Australian legislation will affect the choices of smuggled refugees. It is assumed that people smugglers not only monitor the events that take place in the Commonwealth Parliament but they also observe the judgements that take place in
Australian courts which affect Australia’s migration legislation – this is the suggestion made by Ruddock (2001f) in the following speech. Also, in Ruddock’s (2001f) speech below, the people smuggler is said to be a criminal who is “trading in human beings” and traffics “unlawful entrants to Australia” (Ruddock, P 2001f, *House Hansard*, p.30990). Such a description, where Ruddock (2001f) speaks of ‘trafficking’ rather than ‘smuggling’ produces a particular understanding of the relationship between people smugglers and those who engage them.

Trafficking and smuggling, in fact, have quite different definitions, the former refers to an exploitative relationship where “the main purpose of trafficking is to place persons in situations where their labour can be exploited under conditions which often involve human rights abuses” (Salt 2000, p.34). On the other hand, though smuggling may also involve exploitation and human rights abuses, it is said that “smuggled persons always travel voluntarily” (Aronowitz 2001, p.165). The definition of trafficking offered in the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children* (2000) refers to a relationship between traffickers and their victims which involves abuse, abduction, control and exploitation (UNODC 2006). Though the refugees who were interviewed for my study said that they were exploited by the smugglers that they engaged, on the basis of the above definitions they were smuggled rather than trafficked. Ruddock’s (2001f) use of the term ‘trafficking’ thus places smugglers in the same category as traffickers, attributing to them an even greater evil than the term ‘smuggling’ implies. As this chapter will show, such monstrous constructions of the people smuggler are rarely challenged and tend to make the prevention of spontaneous arrival essential.
We must send a red light to people smugglers, the judiciary sends a green light signal

(Ruddock, 19 September 2001)

Ruddock said in responding to a question from his Liberal Party colleague Phillip Barresi:

Let me say that, in relation to the issues that the honourable member has raised, it is important that we send a very clear signal to those people who are involved in trafficking unlawful entrants to Australia. The fact is that they are criminals. They are trading in human beings and it is important to send a very clear red light to those who are involved in that activity. It is important that our message is clear and unambiguous. Let me make it very clear: it is important that it is unambiguous. I say that because we know the people smugglers are very conscientiously following debates here. When there was a single judge decision in relation to the Tampa, it was portrayed as a green light to them and the people they were seeking to traffic to Australia. (Ruddock, P 2001f, House Hansard, p.30990)

In Ruddock’s (2001f) speech, there are multiple references to ‘the message’ itself – he argues that the message must be clear, unambiguous and a ‘red light’ as opposed to a ‘green light’. The use of the green and red light metaphor fits with the politicians’ use of the term ‘signal’ interchangeably with ‘message’ in many of the speeches examined for this analysis.

The deterrence message in this way is thought to be like a sign post or an uncomplicated ‘stop’ and ‘go’ signal. Such a vision supports a direct effects understanding of communication where the ‘red light’ of deterrence messages is thought to trigger people smugglers to ‘stop’. Such a perspective makes little room for varied audience interpretations and negates the complexity that is involved in determining the exact meaning of migration legislation. As Dauvergne (2004) documents, over the past decade various court actions instigated by refugees and asylum seekers have shaped and influenced interpretations of migration and other legislation in Australia (Dauvergne 2004, pp.605-608). These court actions have opened new avenues for asylum seekers and refugees to
access refugee status or gain freedom from immigration detention (Dauvergne 2004, pp.605-608; Gelber 2004, pp.337-342).

In the process of presiding over these actions, the judiciary interpreted migration legislation in ways which were not anticipated by the Howard Government and in ways which were at odds with this administration’s own understanding of this legislation. As Gelber states in relation to the refugee related matters decided by the high court “it seems no matter how tightly a government tries to draft statutes, ambiguities will continue to arise and the judiciary will continue to be able to bring alternative priorities from those of the executive, including the rule of law and international obligations into play” (Gelber 2004, p.342). Under such circumstances, where legislation and Australia’s obligations under international law do not have a single, ‘true’ interpretation, how are people smugglers to understand how amendments to the Migration Act 1958 will affect them and asylum seekers? The interpretation of migration legislation is far from straightforward, yet it is said by Ruddock (2001f) and others that the message sent by immigration policies to people smugglers and spontaneous arrivals is ‘clear’, unambiguous and has a direct impact on its target.

**Constructing the people smuggler**

From the speeches that I analysed, I found that Howard Government MPs spoke in detail when they discussed what people smugglers know, what they are like and how they react to Australian legislation. Largely this ‘knowledge’ of the people smuggler was indisputable because there are few alternative sources of information which describe how people smugglers react to immigration deterrence policy messages. Researchers who study spontaneous arrival, for example, typically do not interview people smugglers because of the perceived dangers involved in doing so. Koser and Pinkerton say that “it might actually
be dangerous for researchers to directly interview smugglers” no matter how valuable and insightful the data gathered from such an exchange might be (Koser and Pinkerton 2002, p.40). Alternative understandings of people smugglers might be offered by refugees. The refugees who were interviewed for this study, however, supported the view that smugglers were dangerous, untrustworthy and perhaps sub-human: “they are the people who are doing the top drug trafficking or something like that, those sort of people who are doing that, not a normal person. They are not a normal person…” (Afghan respondent, interviewed 04/12/05). Such a perspective adds weight to the bogeyman-like vision of the people smuggler that is conjured up in the parliament.

The ‘knowledge’ constructed within the parliament about the people smuggler and the spontaneous arrival is given greater credibility when it is linked to the expert testimony of ‘intelligence’ reports. Some politicians, for example, refer to anonymous intelligence reports when they assert the need for tougher policy initiatives. In debating the proposed Migration Legislation Amendment (Further Border Protection Measures) Bill 2002, Baldwin, a Howard Government MP said “our intelligence indicates that there are still people smugglers active in our region who are exploring ways of continuing their trade either to Australia or to other countries” (Baldwin, R 2002, House Hansard, p.4050). Similarly, Ruddock said during the debate on the same bill, “without going into detail, we have credible information that people smugglers are still operating in Indonesia…these smugglers are still actively seeking to put together boats to travel either to Australia or through the Torres Strait to destinations in the Pacific” (Ruddock, P 2002b, House Hansard, p.4018). This ‘expert’ and anonymous knowledge, which does not appear to be accessible
to the public or to the other political parties\(^{80}\), helped to give the Howard Government considerable advantage in the creation of ‘truth’ about the people smuggler. Through its access to such privileged knowledge about the people smuggler, the Howard Government was put in a privileged position in understanding the phenomenon of spontaneous arrival itself and understanding how this ‘problem’ should be dealt with.

6.3 The message to the people smuggler and understanding the spontaneous arrival ‘problem’

**Message = ‘Australia means business’ (Prosser, 19 September 2001)**

Prosser, a Howard Government MP, said of the Migration Amendment (Excision from Migration Zone) Bill 2001 and a number of other bills which were being introduced alongside it\(^{81}\):

> These bills also excise Ashmore Reef and the Islands of Christmas and Cocos from Australia’s migration zone… Excising these islands from the migration zone will mean that people smugglers will have to use more resources, better boats and better equipment to carry their illegal queue-jumping cargo all the way to the Australian mainland. It will mean that people smugglers will no longer be able to make the relatively easy, cost-effective 350-kilometre journey to Christmas Island but will be required to travel an extra 1,000 kilometres to make it to the Australian mainland… This is a positive and practical initiative which, combined with other measures, should make a difference. It also sends a very strong message to the international criminal gangs that Australia means business. (Prosser, G 2001, *House Hansard*, p.30984)

Prosser (2001), like Ruddock (2001) (already quoted) provides a relatively detailed picture of the people smuggler, specifically proposing to understand what the people smuggler knows and how the people smuggler looks upon the smuggling route to Australia. Prosser’s (2001) speech also constructs the ‘unauthorised’ journey. The journey itself is said to be

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\(^{80}\) The source of these reports is anonymous making it difficult, if not impossible, for other parties to verify the Howard Government’s account with that source.

\(^{81}\) These bills included the Migration Amendment (Excision From Migration Zone) (Consequential Provisions) Bill 2001, and Border Protection (Validation and Enforcement Powers) bill 2001
“relatively easy” (Prosser, G 2001, *House Hansard*, p.30984) – something that spontaneous arrivals dispute, especially those who have been lost at sea for several days on smuggling boats (see for example, the case study in Chapter Eight of this thesis)\(^2\).

In this speech, people smugglers are described as “international criminal gangs” (Prosser, G 2001, *House Hansard*, p.30984) while the term ‘cargo’ is used to describe spontaneous arrivals. The two deviant subjects – the spontaneous arrival and the people smuggler – are therefore constructed side by side in Prosser’s speech (2001); the understanding of one is intertwined with understandings of the other. The cargo metaphor suggests that spontaneous arrivals are like an unwanted shipment of goods which arrives on Australia’s shores. In this sense spontaneous arrivals become a nameless, faceless mass or an unwanted parcel and in this speech are given fewer human qualities than the criminal and knowledgeable people smuggler.

The term ‘cargo’ is in fact used by a number of politicians to describe spontaneous arrivals. Perera says that the use of words such as ‘queue jumpers’ and ‘illegal immigrants’, like the use of the term ‘cargo’ itself, “place human lives in the same category as contraband drugs or other forms of deadly, forbidden cargo” (Perera 2002). The use of such terms tends to frame understandings of spontaneous arrival in such a way that the debate on spontaneous arrival becomes concerned with preventing the importation of dangerous goods rather than assisting those being smuggled. Elsewhere in Prosser’s (2001) speech, spontaneous arrivals are described as “the illegals who make a refugee claim” (Prosser, G 2001, *House Hansard*, p.30984). The individuals – ‘the illegals’ (spontaneous arrivals) – and the act of

\(^2\)Some Howard Government MPs also recognised that the ‘unauthorised’ journey to Australia was not an easy one, for example Barresi says “there will always be those who are willing to take the risk of a long and dangerous journey to a better life” (Barresi, P 1999, *House Hansard*).
spontaneous arrival thus become defined by their construction as ‘illegal’ (Prosser, G 2001, *House Hansard*, p.30984). The act of spontaneous arrival is known first for its ‘illegality’ rather than, for example, as a flight from persecution, while the individuals concerned also become known for their ‘illegality’ primarily rather than for their need for refuge. As Stevens (2002) similarly observed:

people who apply for protection at the border are regarded primarily as illegal immigrants, and only secondarily as asylum seekers, and the illegality of their entry has become the primary factor in the way they are treated by the state, rather than their need for protection. (Stevens 2002, p. 864)83

‘Soft touch’

Prosser ends the paragraph quoted above by suggesting that the strong message sent by the proposed policy changes to people smugglers is that “Australia means business”; this is a phrase repeated in many of the other speeches that I analysed for this study (Prosser, G 2001, *House Hansard*, p.30984). The use of this phrase fits with the emphasis on order and strength which is found throughout various speeches, including those which make reference to the ‘strong message’ itself. In contrast to such strength, is an emphasis within the speeches on weakness or softness. For example, both the Labor opposition and Howard Government politicians declared that Australia must not appear to be ‘soft’ to the people smuggler or spontaneous arrival audiences.

83 The above examples support the proposal, put forward by critical discourse analysts, that words and phrases enact power relations and affect how ‘reality’ and people are understood. As Fairclough says “the most obvious distinguishing features of a discourse are likely to be features of vocabulary – discourses ‘word’ or lexicalize’ the world in particular ways” (Fairclough 2003, p.129). In this analysis, individual words have proven to be important in enacting certain ways of understanding spontaneous arrivals and the phenomenon of spontaneous arrival itself. When politicians refer to spontaneous arrivals as cargo, this effects how the problem of spontaneous arrival is understood and how spontaneous arrivals are dealt with – i.e. as contraband rather than as refugees seeking asylum.
Like Howard Government MPs, Labor politicians support the idea of sending ‘tough’ messages as opposed to ‘soft’ messages to spontaneous arrivals and people smugglers.

Crosio (2001), in her speech quoted below, however, contrasts softness with seriousness. Crosio (2001), a former Labor MP, suggests in this speech that Labor is more serious than the Howard Government about ‘protecting’ Australia’s borders. This suggestion might be contrasted with Bartlett’s (2001a) approach described further below where he dismisses the emphasis on toughness altogether. Crosio (2001) takes up the ‘tough’ vocabulary evoked by Howard Government politicians rather than criticising the ‘tough’ approach as Bartlett (2001a) does. Crosio (2001) says of the Migration legislation Amendment (Immigration Detainees) Bill (No.2) 2001:

Message = Australia is serious about protecting its borders, Labor’s message (to people smugglers) is tougher than the government’s (Crosio, 23 August 2001)

No attempt to shift responsibility for this government’s failure can disguise the fact that overseas criminals involved in the lucrative and insidious people-smuggling rackets see Australia as a soft touch. It is time the [Howard] government got serious about curbing the flow of illegals. Federal Labor has promised an Australian coastguard service which would act as a maritime police force and send a message to overseas criminal gangs that Australia is serious about protecting its borders. (Crosio, J 2001, House Hansard, pp.30131-30132)

In Crosio’s (2001) speech, the construction of the people smuggler is an important component in the justification for the introduction of new policy; the suggestion that people smugglers are an “insidious” crime syndicate provides an impetus for the introduction of new deterrence initiatives (Crosio, J 2001, House Hansard, p.30131). Crosio’s (2001) description of spontaneous arrivals as a ‘flow of illegals’ also affects how the ‘problem’ of spontaneous arrival is understood and affects understandings of how this problem should be
dealt with. This description of spontaneous arrivals reduces ‘them’ to a phenomenon and negates their needs and existence as human beings. Spontaneous arrivals merely become the wastage water from a leaking tap, a ‘flow’ or a ‘flood’. Crosio is chiefly concerned with “curbing the flow” rather than finding a solution for the ‘water’ (Crosio, J 2001, House Hansard, pp.30131-30132). Pickering notes that the term “‘flood’ is repeatedly used by the press to describe influxes of ‘boat people’, refugees, ‘illegal immigrants’, ‘economic migrants’ and asylum seekers … groups who are flooding (i.e. diluting, and potentially overcoming) Australia” (Pickering 2001, p.173). The image of the flood for Pickering (2001) is linked with the ideas of invasion, war and nationalism. In Crosio’s (2001) speech “curbing the flow” is also connected with the protection of the nation and its borders.

Some Labor MPs thus reinforced the ideas, images and constructions which were evoked in the speeches of Howard Government MPs through using the same vocabulary as Howard Government politicians. For example, Crosio (2001) uses the words ‘soft’, ‘flood’, ‘protecting’, ‘illegals’, and ‘overseas criminals’. Crosio’s (2001) use of the same vocabulary as the Howard Government politicians thereby affirms the limited way in which the topic of spontaneous arrival is understood (i.e. as a threat to the nation). At times, as Crosio’s (2001) use of the hard/soft binary demonstrates, Labor simply takes up the Howard Government’s rhetoric (much of which may have originated within the Hawke/Keating Labor Governments anyway) and jumps on the ‘toughness’ bandwagon. The debate on spontaneous arrival between the Howard Government and Labor thus becomes a fight about

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84 For example, former Labor Prime Minister Bob Hawke put forward the idea that Australia should have an orderly migration queue in an interview in 1990: “we have a compassionate humanitarian policy… But we’re not here with an open-door policy saying anyone who wants to come to Australia can come… we have an orderly migration program. We’re not going to allow people just to jump the queue by saying well jump onto a boat, here we are, bugger the people who’ve been around the world” (Hawke cited in Brennan 2003 p.36). The ‘queue’ idea and the proposal that Australia should have “an orderly migration program” were then taken up by Howard Government politicians.
who can be the toughest. This is a fight in which the Howard Government – which had unique access to institutions such as intelligence agencies and their anonymous reports – seemingly always had an upper hand. However, this emphasis on toughness is not unchallenged within parliamentary debates. Bartlett (2001a) frames the strength or ‘toughness’ of immigration policy in another way.

The message isn’t working, refugees become pawns in messages about toughness

(Bartlett, 29 August 2001)

The former leader of the Australian Democrats, Andrew Bartlett, said of Australia’s mandatory detention regime during the debate on the Migration Legislation Amendment (Immigration Detainee) Bill (No.2) 2001:

Apart from the human rights concerns with that policy, it simply isn’t working. The [Howard] government has said time and time again, ‘We are doing this because we are showing that we are not a soft touch. We are doing this because we are sending a message’. This is the same way the government are keeping more than 400 men, women and children in limbo, floating around Christmas Island, in deteriorating conditions, because of some international stand-off. The government has said ‘We are doing that because we want to send a message’. Refugees and asylum seekers should not be pawns in the efforts of governments around the world to send messages to each other about who is the toughest. (Bartlett, A 2001a, Senate Hansard, p.26846)

Bartlett challenges the ‘toughness’ rhetoric and in doing so he describes the spontaneous arrival subject as “men, women and children” (Bartlett, A 2001a, Senate Hansard, p.26843). This is in stark contrast to the construction of spontaneous arrivals as “illegal, queue-jumping cargo” (Prosser, G 2001, House Hansard, p.30984) or a “flow of illegals” (Crosio, J 2001, House Hansard, p.30132) as described in the speeches of Howard Government MPs and Labor politicians. Spontaneous arrivals are furthermore constructed
by Bartlett (2001a) as victims of tough government policies. In this way, toughness is no longer about the virtues of strength as it is in the speeches of Howard Government and Labor politicians; in Bartlett’s assessment, the government becomes a bully whose tough policies harm “men, women and children” (Bartlett, A 2001a, Senate Hansard, p. 26846). The use of deterrence policies is also said by Bartlett (2001a) to be a needless exercise that “simply isn’t working” (Bartlett, A 2001a, Senate Hansard, p. 26846). ‘Tough’ deterrence policies, according to Bartlett, do not achieve their objectives, they simply make refugees and asylum seekers suffer as Western countries try to out-do each other with their display of deterrence plumage.

6.4 What will happen if we don’t send a strong message? – Labor, the inadequate ‘expert’

In the speeches of Howard Government politicians, a substantial proportion of the paragraphs which contain a reference to the ‘strong message’ also include criticism of the Labor opposition. In this way an understanding of Labor and the minor parties (who were also criticised) was shaped by the Howard Government politicians’ discussion of spontaneous arrival. Howard Government politicians often claimed that Labor and the minor parties were against the Australian people and the ‘national interest’. Some of these politicians suggested, furthermore, that when opposition politicians criticised the Howard Government’s immigration deterrence measures, they gave support to people smugglers. Patterson, a Liberal Party senator said directly to Bartlett of the Australian Democrats “you are assisting them [people smugglers]” (Patterson, 1999, Senate Hansard). Such criticism thus involves the recognition of a third audience for immigration deterrence messages: the Australian people. Through its criticism of Labor and the minor parties, the Howard
Government affirmed not only its position as the more legitimate expert on spontaneous arrival but also the more legitimate expert on the Australian populace and what it wants.

**Message (to the people smuggler) you ‘cannot ply your trade’; Message (to the Australian people) opposition parties hold the government back from delivering this message to the people smuggler (Haase 20 June 2002)**

Haase, a Liberal Party MP in the Howard Government said in relation to the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002:

> yet we listen to this whingeing and whining party on behalf of those in detention centres who have simply jumped the queue. They are greedy opportunists being represented by greedy opportunists. It is criminal that now that same party would try to deter us from passing legislation that will excise from Australia further parts offshore so as to send a clear message to people smugglers that they cannot ply their trade, they cannot deliver their cargo and, therefore, they cannot earn their ill-gotten gain. (Haase, B 2002, *House Hansard*, pp.4040-4041)

Haase (2002), in this speech constructs Labor as a defender of the ‘queue jumper’ and as such he ascribes to Labor the attributes of the ‘queue jumper’, not only through his description of both Labor and spontaneous arrivals as ‘greedy opportunists’ but also through the description of Labor’s actions as ‘criminal’. In this way Labor and its policies are constructed as being just as dangerous to the Australian people as the people smuggling threat itself. Foucault observes in *The Birth of the Clinic* (2003b) that the location of medical practice within the hospital was not only designed for the “protection of the healthy against disease… [but for the] protection of the sick against the nostrums of the ignorant” (Foucault 2003b, p.49). In this way discourse and the institutionalisation of ‘correct’ practice not only divides the normal from the abnormal (the sick from the healthy) but also draws a division between the legitimate and the illegitimate ‘experts’; it divides the
physician from the witch doctor. Through criticising Labor, Howard Government MPs positioned themselves as the only legitimate experts who can cure the spontaneous arrival problem. Labor’s incorrect and dangerous diagnosis of this problem, on the other hand, was said to threaten the welfare of the nation.

Apart from the suggestion that the ‘queue jumper’ is a “greedy opportunist”, the spontaneous arrival is described by Hasse as “cargo” (Haase, B 2002, House Hansard, p.4040). In Haase’s (2002) speech, like Prosser’s (2001) above, the cargo metaphor helps to focus the parliamentary debate on preventing the ‘crime’ of spontaneous arrival, rather than finding solutions for those being smuggled. The work of the people smuggler is described by Haase as “ill-gotten gain” and is also depicted using the terms ‘ply their trade’ (Haase, B 2002, House Hansard, p.4041). The terms ‘ply their trade’, which were used by a number of Howard Government MPs in their discussions about people smugglers, are intelligible to contemporary English speakers but cannot be said to be frequently used in everyday speech in Australia. Instead, the phrase seems to evoke the feel of a Dickens novel. The notion of ‘plying one’s trade’ perhaps evokes thoughts of a 19th century pickpocket or the tinkering of a forger conducting his work in a dingy shop at the end of a darkened alleyway. In this way perhaps, the people smuggler becomes larger than life, a character in a novel, a villain.

The minor parties challenge the criminalisation of the spontaneous arrival; Nettle (2006), a senator from the Australian Greens, says “the policies of this [Howard] government have led to a virtual criminalisation of asylum seekers… the Australian Greens lay the blame for the criminalisation of asylum seekers directly on this government” (Nettle, K 2006, Senate

85 Perhaps this is just my impression as some of those who have read this thesis have disagreed with my assessment but I cannot imagine talking to anyone about ‘plying their trade’ – this seems to me to be antiquated speech.
...Hansard, p.87). However, the construction of the people smuggler as the ultimate bogeyman remains largely unchallenged and this dastardly image is only checked by the limits of imagination. The shaping of the people smuggling ‘story’ then takes on a mythic quality with stock characters: the ‘evil villain’, the ‘innocent people’ and the heroic defenders of the nation who pledge to destroy the evil foe and turn chaos into order (through border protection policies).

According to Bird and Dardenne (1997) in their discussion of the narrative qualities of news, journalists have a “power to place people and events into existing categories of hero, villain, good and bad, and thus to invest their stories with the authority of mythical truth” (Bird & Dardenne, 1997, p.345). The ‘commonsense’ already associated with such long standing cultural myths and stereotypes tends to reinforce the truth of claims being made about new situations and events to which these narrative frameworks are applied (Bird and Dardenne 1997, p.346).

Winch (2005) demonstrates furthermore, that the commonsense connected with the use of such stereotypical frameworks as ‘good’ and ‘evil’, ‘villain’ and ‘hero’ also limits the criticism which is directed at the claims journalists make. Winch proposed that the depiction of Osama Bin Laden as an ‘evil genius’ by American news agencies “made him and his actions understandable” – they were the actions typical of an evil genius (Winch 2005, p.286). This depiction also served to deflect criticism from America’s foreign policies. This evil genius myth affirmed a ‘good’ versus ‘bad’ binary, reaffirming “that the status quo was safe and correct, and that bin Laden’s motivations were indeed irrational” (Winch 2005, p.286). Just as the journalists’ use of mythical narratives positions them as “specialists” who can interpret the ‘truth’ for their audiences (Bird and Dardenne 1997,
p.345), I would suggest that Howard Government politicians were also positioned as ‘experts’ on spontaneous arrival through their use of stock characters, such as the ‘evil’ people smuggler86. The use of such stereotypes may have, as Winch’s (2005) study suggests, limited or deflected criticism from the Howard Government’s actions; perhaps the Australian people were willing to accept almost any policy that would stop the ‘evil’ people smugglers.

The correct and incorrect signal

Our message is strong but Labor’s message is “get back into business” (Ruddock, 25 November 2003)

Ruddock said in response to a question from his Liberal Party colleague, Cameron Thompson, concerning the prosecution of smuggling boat crews:

We have sent a very strong signal to people smugglers and their customers that they will not succeed… Labor’s message is that it will unwind border protection and will send to smugglers the signal, ‘Get back into business.’ Let me say that we are not soft on border protection, and we will determine in each case the best way of ensuring that people smugglers do not think they are achieving their ends. (Ruddock, P 2003b, House Hansard, p.22709)

In his speech, Ruddock (2003b) draws a distinction between the Howard Government and Labor and their respective messages to people smugglers and potential spontaneous arrivals. The Howard Government’s message is said to be strong whereas Labor’s message is said to tell the people smugglers to “get back into business” (Ruddock, P 2003b, House Hansard, p.22709). More directly, Elson, a Liberal Party MP, says “Labor are endeavouring to send the wrong message to people smugglers and those who are deliberately planning to enter

86 A number of politicians in fact refer to people smugglers as ‘evil’. Lloyd, a former minister in the Howard Government, for example, said “the [Howard] government sent a very strong message to the Australian community that we would protect our borders and that we, not the evil people smugglers of the world, would decide who came here and how they arrived in this country” (Lloyd, J 2002, House Hansard, p.4036).
out country illegally” (Elson, K 2002, *House Hansard*, p.4419). Such a proposal supports a
direct effects understanding of communication. Instead of assuming that a given message is
open to more than one interpretation (that it is polysemic), this perspective suggests that ‘the
message’ is a singular entity with a singular meaning. It was thought that potential
spontaneous arrivals and people smugglers would read and be affected by the (singular)
incorrect message sent by Labor as clearly as they would read the (singular) correct message
sent by the Howard Government. This understanding mirrors the fears expressed by
researchers who supported the direct effects understanding of communication during the
1930s and 1940s; they feared that incorrect or negative propaganda messages could be
inserted into the minds of the masses which would then directly affect the behaviour of such
audiences (Taylor & Willis 1999, p.156).

In the last chapter, I refuted the proposal that there is a singular message sent by deterrence
policies, nor is there a singular interpretation of these policies, as Chapters Eight and Nine
will demonstrate. The direct effects understanding of communication, is in this way, used
to shape understandings of the two main speaking subjects – Labor and the Liberal/National
colalition Government. Specifically, this simplistic understanding of communication is used
to propose that Labor can and does send a wrong message while the Howard Government
can and does send a right one. The direct effects model was thereby drawn upon by the
Howard Government (though not deliberately) to propose that it was the more legitimate
specialist on the spontaneous arrival problem and is better equipped to deal with this
problem.

The colloquial phrase “back into business” used by Ruddock (2003b), was repeated by a
number of Howard Government MPs when they described the message that they claimed
was being sent by Labor to potential spontaneous arrivals. On the other hand, these MPs said that the Howard Government’s policies showed that Australia “means business” (Prosser, G 2001, *House Hansard*, p.30984). This use of business metaphors and the repeated use of words like ‘trade’, ‘client’ and ‘office’ within the speeches that were examined in this analysis, fits with the managerialist discourse which runs throughout the Hansard speeches in which the ‘send a strong message’ statement is located. This discourse supports the notion that the migration of refugees should be managed, efficient and orderly.

In his speech, Ruddock (2003b) also evokes the binary of weakness/softness versus strength/toughness which, as I have already stated, was repeatedly drawn upon by Howard Government and Labor politicians in the debate about spontaneous arrival.

Ruddock’s (2003b) suggestion that people smugglers will not achieve “their ends”, like the use of the terms ‘ply their trade’, does not seem to belong to everyday speech but perhaps further shapes the understanding that people smugglers are like a storybook villain (Ruddock, P 2003b, *House Hansard*, p.22709). The monstrous vision of the people smuggler conjured up in the debate on spontaneous arrival has important implications for how spontaneous arrivals themselves are understood because the people smuggler and spontaneous arrival subjects are elided in Ruddock’s (2003b) speech. Ruddock’s suggestion that “they will not succeed” suggests a collaborative pairing where “people smugglers and their customers” are conspiring together to achieve a common goal (Ruddock, P 2003b, *House Hansard*, p.22709). Such an example shows that the two deviant subjects of smuggler and spontaneous arrival are not merely constructed side by side, they are sometimes considered to be one and the same; the criminal attributes of the smuggler are also attributed to the spontaneous arrival. This criminalisation of the spontaneous arrival
further reinforces the need to focus on preventing the ‘crime’ of spontaneous arrival rather than providing assistance to asylum seekers who are smuggled.

Labor and Australia’s national interest

**Message** = “Labor is soft on standing up for Australia’s national interest” (Baldwin, 20 June 2002)

Baldwin, a Liberal Party MP under the Howard Government, said of the Migration Legislation Amendment, Further Border Protection Measures) Bill 2002:

> Measures in this amendment extend on the good work that this government has done on border protection, and the Labor Party should be supporting it. But the simple message is: Labor is soft on standing up for Australia’s national interest. (Baldwin, R 2002, *House Hansard*, p.4050)

According to Baldwin (2002), Labor is ‘soft’ in its protection of Australia’s national interests whereas the Howard Government has done “good work…on border protection” (Baldwin, R 2002, *House Hansard*, p.4050). In this analysis, I found that it was not uncommon for Howard Government MPs to express pride when introducing their immigration policies. While Baldwin refers to the Howard Government’s “good work” (Baldwin, R 2002, *House Hansard*, p.4050), Elson says “I am pleased to rise in support of the Migration Legislation Amendment (Procedural Fairness) Bill 2002” (Elson, K 2002, *House Hansard*, p.4418) and Prosser asserts “it is with some pride that I rise to speak on the Border Protection (Validation and Enforcement Powers) Bill 2001…” (Prosser, G 2001, *House Hansard*, p.30983). As Van Dijk observes, such self-congratulatory discourse is often caught up with ideas about nationalism in political debates on immigration and ethnic affairs. Van Dijk comments,
“Parliaments are the prime setting for nationalist rhetoric. Pride, self-glorification, positive comparisons with other countries\(^\text{87}\), and related forms of positive self-presentation are common features in the political discourse of representativeness” (Van Dijk 1993, p.72).

In the context of the debate on spontaneous arrival in the Australian parliament, nationalism and pride are also intertwined.

Though ‘the audience’ is indeterminate in Baldwin’s speech (2002), the fact that ‘the message’ is about national interest suggests that it is not purely directed at the people smuggler or the spontaneous arrival. ‘The message’ is directed to those who have a stake in the national interest – the Australian people. This reference to ‘national interest’ fits within the discourse of nationalism and fits with the self/other binary which runs throughout the parliamentary discussion on spontaneous arrival. ‘The message’, its construction and justification are firmly linked to beliefs about the Australian self/audience. ‘The message’, as Howard Government MPs describe it, is often said to be based on the need to protect the Australian self from an ‘other’ which would “abuse our generosity” (Ruddock, P 2001e, House Hansard, p.30424) or threaten our “capacity to manage the movement of people across our borders in an orderly and efficient manner” (Macdonald, S 2002, Senate Hansard, p.3707). Such a nationalist discourse demonstrates that deterrence policies are not merely designed to discipline the actions of the deviant ‘other; but they are used to correct the behaviour of the normal self, as this chapter will illustrate further below.

\(^\text{87}\) Positive comparisons with other countries were a major part of the Howard Government politicians’ speeches on spontaneous arrival, for example, Campbell says “On a per capita basis, Australia is second only to Canada in its generosity to refugees and people of humanitarian concern” (Campbell, I 2001, Senate Hansard, p.27497). Such comparisons with Canada were made in a number of other speeches as well.
6.5 Labor and the Australian people as audience

The subject position of ‘the fair dinkum Aussie’ is offered up throughout the parliamentary discussion on spontaneous arrival. This discourse thereby constructs a ‘normal’ Australian subject and a normal, correct way of being and acting as an authentic Australian. The construction of this normal subject by Liberal/National MPs supported the Howard Government politician’s status as an expert on spontaneous arrival because the true, ‘fair dinkum Aussie’ was said by Howard Government politicians to be supportive of border protection policies.

Message = “You are not going to be welcomed here; you are not going to be able to ply your trade here; and if you do get here, there will be great limitations on the areas where you can apply for a visa” (Haase 20 June 2002)

Haase, a Liberal Party MP in the Howard Government, said of the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002:

The Australian people do not want wishy-washy leaders; they certainly do not need a wishy-washy opposition. They want an opposition that will support the [Howard] government in achieving the legislative outcomes that will deter people smugglers – outcomes that will send to the people who would pay for the services of people smugglers a very strong message, a message that says, ‘You are not going to be welcomed here; you are not going to be able to ply your trade here; and if you do get here, there will be great limitations on the areas where you can apply for a visa. (Haase, B 2002, House Hansard, p.4040)

In this speech, Haase suggests that the Howard Government’s immigration policies and the messages they send are derived from “what the Australian people want” (Haase, B 2002, House Hansard, p.4040). Howard Government MPs, in their speeches, also differentiated the “fair dinkum Aussie” – the ‘true’ Australian who supports the government – from other
Australians who question the government’s policy initiatives, such as “noisy special interest groups” (Elson, K 2002, *House Hansard*, p.4419) “pseudo-intellectuals” (Kelly, D 2001, *House Hansard*, p.30971) and the judiciary. For example, in one speech, Kelly (2001), a National Party MP under the Howard administration, draws a line between the “fair dinkum Aussie” who she says supports the government’s approach to ‘border protection’ and sections of the media who oppose these policies; the latter are said to be out of touch with ‘ordinary Australia’. Kelly says “never have I seen the gulf between the self-proclaimed pseudo-intellectuals in the media and the fair dinkum Aussie so stark” (Kelly, D 2001, *House Hansard*, p.30971).

Howard Government MPs often proposed that those who supported their initiatives were ‘true’ Australians, and those who did not support such policies undermined the will of the ‘real’ Australia. Slipper (2006), for example, a Liberal Party MP in the Howard Government, suggested that the average Australian is opposed to UNHCR’s ‘interference’ in refugee matters in Australia; he said that the ‘average’ Australian is against UNHCR’s opposition to the Howard Government’s border protection policies:

if you talk to the ordinary, average Australian… you will find that that ordinary, decent Australian will tell the UNHCR: ‘Butt out. We are not remotely interested in the way that you endeavour to dictate to the sovereign parliament of this country or, indeed, to the government of this country on what ought to be the laws which allow people to enter or not enter Australia. (Slipper P 2006, *House Hansard*, p.116)

In the speeches of Howard Government MPs therefore, the subject position of the ‘real Aussie’ is constructed; the ‘real Aussie’ is said to support the Howard Government’s border protection policies.
Message was supported by the Australian people, but Labor is now weakening

(Baldwin 20 June 2002)

More directly than Haase (2002) quoted above, Baldwin (2002), a Liberal Party MP, suggests that the deterrence message is targeted at the Australian people; it is delivered directly to this audience and is designed for the Australian people’s approval. In his speech on the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002, Baldwin said:

The day before the election last year, the Minister for Immigration and Multicultural Affairs, Phillip Ruddock… visited Forster, Tuncurry and Raymond Terrace to take the message to the people who attended public meetings. People supported the government’s stand on people-smuggling. They supported the government’s introduction of legislation that would increase penalties for smugglers. (Baldwin, R 2002, *House Hansard*, p.4048)

Maley (2001, p.9), amongst others, goes so far as to suggest that the Australian people are not merely one audience for immigration deterrence messages, they are the primary audience. Similarly, Pickering and Lambert state in their analysis of the parliamentary debate on immigration deterrence policies, that “deterrence is communicated almost entirely with an internal audience” (Pickering & Lambert 2002, p.67). Certainly, my analysis indicates that the parliamentary discourse on spontaneous arrival constructs an ‘Australian’ audience; this is integral to the justification of deterrence policies. Just as ‘knowledge’ is accumulated about the people smuggler and spontaneous arrival subjects throughout the parliamentary debates on spontaneous arrival, knowledge is also accumulated about ‘the Australian’. The need to deter is thus constructed not only on the basis of what is known about the spontaneous arrival and the people smuggler but also what is known about the Australian people. The politician becomes the knower and shaper of ‘us’ too.
6.6 Opposing perspectives – the ‘counter discourse’

I not only examined how the statement ‘it sends a strong message’ was used by Howard Government MPs in their discussion of spontaneous arrival, I was also interested in understanding how this phrase is used by those who criticise the Howard Government’s ‘border protection’ initiatives. As Crosio’s (2001) speech quoted above demonstrates, in criticising the Howard Government’s immigration deterrence measures, opposition politicians at times supported the Howard Government’s understanding of the ‘problem’ of spontaneous arrival and reinforced the Howard Government’s understanding of how this problem should be addressed. Crosio (2001) is not the only Labor politician to adopt the same vocabulary as Liberal and National Party MPs when discussing the spontaneous arrival ‘problem’. Gibbs, a Labor senator, decries ‘queue jumping’ as the Howard Government politicians do and states that Labor supported the Howard Government’s border protection policies because “we wanted to join the government in sending the message that if you want to come to Australia you must do it through the proper channels” (Gibbs, B 2000, Senate Hansard, p.17931). Gibbs (2000), like Crosio (2001), thereby adopts the same language as Howard Government politicians when describing spontaneous arrivals and supports the Liberal/National politicians’ proposal that the correct way to seek asylum in Australia is to join the resettlement ‘queue’ – she describes this as “the proper channels” (Gibbs, B 2000, Senate Hansard, p.17931). It becomes important, given these examples, to further investigate what opposition politicians say about spontaneous arrival and to examine how this reinforces the need to ‘send a strong message’ to the spontaneous arrival audience.

88 Labor, in fact, often supported the Howard Government’s border protection initiatives.
However, Bartlett’s (2001a) speech, quoted above, illustrates that some politicians criticised the Howard Government’s ‘tough’ border protection policies and offered alternative understandings of the spontaneous arrival ‘problem’. In his speeches, Bartlett also offers an alternative understanding of spontaneous arrivals as an audience. These alternative understandings both support and challenge the perspectives put forward by the Howard Government politicians who are quoted in this chapter. In the remainder of this chapter I will examine these alternative views on spontaneous arrival to better understand how the spontaneous arrival audience is constructed by the parliamentary discussion.

In understanding these alternative perspectives on spontaneous arrival, I initially considered them to constitute a ‘counter discourse’ in that they directly and deliberately oppose the Howard Government’s position on spontaneous arrival. However, rather than identifying a definitive dominant discourse polarised against a counter discourse, I found that the two positions, in fact, support each other. This supports Foucault’s understanding that discourse is neither dominated nor dominant (Foucault 1998, p.100), instead there are certain ideas to which both the ‘dominant’ and ‘counter’ discourses on spontaneous arrival subscribe. Though my analysis indicates that there is not really a definitive ‘dominant discourse’ and a ‘counter discourse’ on spontaneous arrival, I have adopted these terms in the remainder of this chapter. This was done in order to draw a convenient line between those speeches which support the Howard Government’s understanding of spontaneous arrival and those which criticised the statement ‘it sends a strong message’ and the ideas on which it is based.

While Senator Bartlett is highly critical of the Howard Government’s deterrence policies and its position on spontaneous arrival, at times he supports the idea that Australia’s
migration program should be ‘managed’ and orderly. For example, Bartlett refutes the idea that his party promotes ‘unmanaged’ borders:

Minister Hill... totally misrepresented the Democrats’ view of how we deal with this issue by suggesting that the Democrats supported open borders – basically letting anybody in who wants to come and letting them stay. That is certainly not our view... We are saying that you deal with unauthorized arrivals in a managed way. (Bartlett, A 2001b, Senate Hansard, p.26882)

As has been documented in this chapter and the previous chapter, Howard Government politicians justified the creation of deterrence policies on the basis that Australia should have a managed migration program. The idea that “we must have the capacity to manage the movement of people across our borders in an orderly and efficient manner” (Macdonald, S 2002, Senate Hansard, p.3707) is a ‘truth’ evidently accepted by all sides of politics.

Bartlett’s (2001b) understanding of ‘order’ however, is subtly different to that of the Howard Government. Bartlett (2001b) does not support the notion that UNHCR’s resettlement ‘queue’ is the correct and orderly way through which to seek asylum from Australia. Bartlett (2001b) refutes the idea that the ‘queue’ functions in the efficient manner described by Howard Government politicians, acknowledging that asylum seekers may legitimately need to apply for asylum through other means – i.e. as the result of spontaneous arrival. As noted in the previous chapter, Scullion, a Howard Government MP, proposed that the UNHCR resettlement program offers refugees access to a “suite of countries” (Scullion, N 2002, House Hansard, p.2037). Bartlett, on the other hand, suggests that:

anybody who has looked at this [spontaneous arrival] issue in any depth would know, for those people who are waiting overseas for selection through the UNHCR and through the special humanitarian program it is not a nice orderly queue whereby you put in your piece of paper and weigh up
all the criteria; it has just as much arbitrariness and politics as any other process. (Bartlett, A 1999, *Senate Hansard*)

Whether refugees fleeing persecution can and should be managed in “an orderly and efficient manner” at all is debateable. Article 31 of the *Refugees Convention* states that:

> The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization. (UNHCR 1996, p.31)

The inclusion of this clause within the *Refugees Convention* acknowledges the fact that refugees cannot always arrive in ways that receiving countries may prefer – i.e. in a ‘legal’ and ‘orderly’ manner. According to Edwards, this article of the *Refugees Convention* also makes room for the fact that refugees may have good reasons for not seeking protection in countries which may border their home nations, including the “lack of protection” in such countries (Edwards 2003, p.198-199). Many of the refugees who were interviewed for this study were unable to find protection in the countries that they transited en route to Australia, and some faced continued persecution and human rights abuses in such countries. Such circumstances challenge the Australian Government’s expectation that refugees should seek asylum through UNHCR offices in order to apply for asylum in a correct and orderly manner; some refugees simply cannot stay in transit countries and wait for resettlement. These circumstances also raise questions about the appropriateness of the Australian Government’s commitment to goals such as order, efficiency and management when responding to people fleeing from persecution.

Though Bartlett may criticise the notion of order as envisaged by Howard Government politicians, specifically criticising the Howard Government’s understanding of UNHCR’s
resettlement ‘queue’, he supports the commonsense of the managerialist discourse that underpins the Howard Government’s position on spontaneous arrival. Bartlett supports ‘order’ and ‘management’ as the best way to deal with refugees. The ‘counter discourse’ therefore, is at times underpinned by the same ideals as the ‘dominant discourse’. The power and commonsense associated with the goal of management is unchallenged by Bartlett in his speech quoted above (Bartlett 2001b), instead the Howard Government’s remedy for the spontaneous arrival problem is partly supported through Bartlett’s subscription to the Howard Government’s managerialist ideals.

I found that while the ‘counter discourse’ draws upon ideas such as ‘order’ and management, which were important notions that underpinned the Howard Government’s use of deterrence mechanisms, the ‘dominant discourse’ at times draws on the humanitarian and welfare arguments which are emphasised as key ideas within the ‘counter’ discourse. Macdonald, a Liberal Party senator, says, for example, “as a nation we can be very proud of the fact that we have an unarguably unrivalled reputation and record of assisting people in great humanitarian need” (Macdonald, S 2002, Senate Hansard, p.3708). Similarly, Hill, a former Howard Government minister, said that his government sought “to ensure that Australia continues to fulfil its international refugee and humanitarian obligations to a high standard, and to reduce the levels of abuse of the [asylum] system” (Hill, R 2004, Senate Hansard, p.23283). In their speeches on spontaneous arrival, Howard Government politicians therefore aimed to demonstrate the Howard Government’s commitment to humanitarian goals – this, in fact, became a key element in their speeches.

As Van Dijk similarly observed in his analysis of parliamentary debates “especially in debates about immigration and ethnic affairs in general, it is important to show that our
party, our country, our people are humane, benevolent, hospitable, tolerant and modern” (Van Dijk 1993, p.72). The implication which can be derived from such statements, according to Van Dijk, is that “We do/are positive, but They do/are negative, as in We are very tolerant, but They abuse our tolerance” (Van Dijk 1993, p.77). This idea is certainly reflected in Hill’s (2004) speech quoted in the last paragraph; in the one sentence he speaks of ‘our’ high standards of humanitarianism and ‘their’ abuse of ‘our’ humanitarian system. The speeches of Howard Government MPs thereby construct ‘us’ as the vulnerable, the good and the victim – and the people smuggler or spontaneous arrival as ‘our’ abuser and aggressor. The counter discourse reverses these ideas – the Howard Government becomes the aggressor and the spontaneous arrival the victim. Those who criticise the Howard Government’s deterrence policies challenge the view that its approach to spontaneous arrival is indeed humanitarian.

Theophanous, a former Labor MP who became an independent, questioned the Howard Government’s commitment to humanitarian goals; he said that “gross abuses of human rights” are being carried out within Australian immigration detention centres (Theophanous, A 2001, *House Hansard*, p.30117). Similarly, Bartlett accused the Howard Government of creating a humanitarian crisis when it refused to allow the Norwegian ship, *Tampa*, to land at an Australian port and disembark the asylum seekers that its crew had rescued in waters between Australia and Indonesia. Bartlett said, “I think the actions by the Australian government should be condemned… it is generating a humanitarian catastrophe in the immediate situation and also sending out a very dangerous signal to future vessels in distress” (Bartlett, A 2001c, *Senate Hansard*, p.26994). Indeed, in the view of many who criticised the Howard Government’s border protection policies, such policies constituted an
abuse of human rights and caused immense “suffering and permanent damage” (Lawrence, C 2006, House Hansard, p.131) to those who were subjected to them.

Therefore, both those politicians who supported the Howard Government’s border protection policies and those who criticised these mechanisms, drew upon notions of humanitarianism and management to justify their positions. Though both sides differ in terms of their understanding of what management and humanitarianism entail, they concur on the parameters of the deterrence debate – they agree that this debate concerns humanitarianism and management.

As Foucault envisaged, discourses cannot be easily teased into the binaries of ‘dominant’ and ‘dominated’. Instead, Foucault is interested in “the things said and those concealed, the enunciations required and those forbidden” (Foucault 1998, p.100): how discourse limits the way in which a topic can be discussed. While it could not be claimed that politicians like Bartlett or Theophanous supported the Howard Government’s position on spontaneous arrival, they do partly agree with Howard Government politicians on how the topic of spontaneous arrival should be understood. This has the potential to limit the validity of perspectives which do not fit within these agreed discursive parameters, including those which challenge the belief that refugees should be ‘managed’ at all. Ideas such as humanitarianism and management, as this chapter will further demonstrate, also tend to reinforce the binary between ‘us’ (Australia) and ‘them’ (the alien refugees), reinforcing ‘our’ position of managing ‘them’ in a humanitarian way. The ‘counter’ discourse serves to affirm the politician’s ‘expert’ status and affirms the refugee’s position as an object of knowledge; it is the politician who understands how best to ‘manage’ the ‘refugee problem’ and not refugees themselves.
6.7 Constructing the spontaneous arrival – alternative understandings

While those politicians who criticised the Howard Government’s position on spontaneous arrival at times drew on the same discourses as it did to describe the spontaneous arrival ‘problem’, those who opposed the Howard Government’s deterrence mechanisms sometimes offered an alternative vision of the spontaneous arrival audience to that which was constructed by Howard Government politicians. Those politicians who criticised the Howard Government also understood the ‘problem’ of spontaneous arrival in a different way to Liberal/National Party MPs. Unlike the Howard Government politicians quoted in Chapters Five and Six, Irwin (2002a), a Labor MP, was not primarily concerned with preventing the ‘crime’ of spontaneous arrival. Instead Irwin, in the following speech, shifts the focus of the deterrence debate to the “individuals caught up” in this debate – the spontaneous arrivals themselves (Irwin, J 2002a, House Hansard, p.216). Rather than being described as ‘cargo’, the spontaneous arrival is described sympathetically by Irwin as “young children”, “mothers and families” (Irwin, J 2002a, House Hansard, p.217). The spontaneous arrival’s choice, rather than being based on opportunism (Haase, B 2002, House Hansard, p.4040), is said by Irwin to be based on the desire for “a better future for their children” (Irwin, J 2002a, House Hansard, p.217). Irwin thereby depicts this decision as a choice that ‘we’ could perhaps understand. In this way, Irwin breaks with the ‘us’ and ‘them’ binary of the Howard Government politicians’ speeches through considering the possibility that ‘they’ (asylum seekers) might be motivated by similar things to ‘us’ (Australians).

Irwin also recasts the roles of victim and aggressor in her speech, the spontaneous arrival is said to be a victim of the Howard Government’s political ambitions. Curiously, Irwin
(2002a) evokes a war analogy when describing these victims as “cannon fodder” (Irwin, J 2002a, *House Hansard*, p.217). This is perhaps born out of her recognition of the prevalence of war imagery in the debate on spontaneous arrival. Indeed, at times the speeches that I have classified as the ‘counter discourse’ take up, target and parody key ideas that are expressed within the Howard Government politicians’ speeches. Another example of this in Irwin’s speech is her reference to ‘the message’ itself. Irwin recognises that the Howard Government’s deterrence campaign is concerned with “sending messages” but she suggests that the deterrence message is designed more for the appeasement of the Australian people (Irwin, J 2002a, *House Hansard*, p.217). According to Irwin, the Howard Government’s message has not achieved its objective of changing the behaviour of people smugglers and spontaneous arrivals; she says:

**Message = designed more for the Australian audience, the government doesn’t care about the individual asylum seekers (Irwin 14 February 2002)**

Like the armchair generals of the First World War, this government cares nothing for the individuals caught up in this campaign. It sticks to the strategy that is yet to produce results – a policy which is more about sending messages to the Australian electorate than to people smugglers. But this is not a campaign that enlists volunteers. The cannon fodder in this campaign includes young children. It includes mothers and families. It includes people whose only mistake was to want a better future for their children. (Irwin, J 2002a, *House Hansard*, pp.216-217)

In most of the speeches that I classified as the ‘counter discourse’, spontaneous arrivals are described as victims. In addition to Irwin’s comments quoted above, Lawrence, for example, says “These are human lives that are being destroyed… I have met some of these people, and many of them will never recover their lives” (Lawrence, C 2006, *House Hansard*, p.129). This victim discourse sometimes affirms the vision of spontaneous
Barresi, a Liberal Party MP suggested that “there are… approximately 2.5 million Afghans living in countries neighbouring Afghanistan and to whom Australia represents a destination of choice. There are also 700,000 Iraqis living in neighbouring countries who feel the same way” (Barresi, P, 1999, *House Hansard*). Barresi (1999) effectively suggests that this mass of people feels the same way, wants the same thing and will act to acquire it in a similar way. Barresi (1999) proposes that there is a real possibility of this mass of people arriving spontaneously on Australia’s shores. Cooney, a Labor Party senator quoted below, who condemns the Howard Government’s immigration deterrence policies, similarly understands spontaneous arrivals as a mass where all act for the same reason – desperation.

They come out here, crushed in spirit in many cases, certainly crushed in terms of having a future. Because of that, because we do not like them coming down in their boats, we demonise them, we lock them up and we make certain that they are not going to get what I would call ‘a fair go’. They come because they want to get away from a situation of terror and horror, and so we, who do not quite like this, fix them up so that the message gets back to others who might follow them. I am not sure how the message is going to get back to Afghanistan and Iraq about what happens here. I do not think their press or their television or their media generally are noted for their freedom. (Cooney, B 2001, *Senate Hansard*, p.27708)

Cooney, in his speech, makes generalisations about the refugee experience, it would not be a stretch to suggest that Cooney is saying that “they [all] come because they [all] want to get away from a situation of terror and horror” (Cooney, B 2001, *Senate Hansard*, p.27708). While the refugees interviewed who were for this study did come to Australia in order to escape persecution in their home countries, Cooney’s generalisation masks the individuality of their decisions, their circumstances and the refugees themselves. The victim discourse maintains the distance of otherness; ‘they’ continue to be an undifferentiated mass which acts as one and for a singular reason – fear. Rajaram similarly proposed in his analysis of a
report by the humanitarian agency OXFAM that the report’s representation of refugees “as helpless victims” masked the individuality of refugee experiences, consigning refugees to “a physical mass within which individuality is subsumed” (Rajaram 2002, p.251).

This victim discourse also tends to affirm the belief that refugees must be ‘desperate’ in order to deserve Australia’s assistance. Often the deterrence debate dissolves into an argument about who are the most desperate: the “22 million genuine refugees who spend their days under blue plastic in the most horrendous conditions” in overseas camps (Haase, B 2002, *House Hansard*, p.4041), or those whose families sell everything they own “just so one member of the family can escape” and come to Australia by boat (Bartlett, A 2004, *Senate Hansard*, p.22344). The victim discourse thereby favours one type of victim – the most destitute and desperate. Hoijer suggests that “the discourse of global compassion designates some victims as ‘better’ victims than others” (Hoijer 2004, p.516). She argues that compassion is often contingent on whether the victim is regarded “as helpless and innocent” (Hoijer, B 2004, p.516). Refugees however, whether they are destitute or not, by virtue of the fact that they are refugees, are in need of protection from persecution; this is the argument put forward by the refugees whose testimonies are included in this thesis.

In Chapter Eight the perception that there is an ideal way to be a refugee is challenged; refugees themselves challenge the perception that their protection should be contingent on or linked to their destitution. Some of the speeches that I have classified as exemplifying the ‘counter discourse’ therefore maintain and support certain constructions of refugeehood to which refugees do not themselves subscribe. These speeches privilege the politician’s knowledge of the refugee over refugees’ understandings of themselves; this affirms the
politician’s position as an expert on spontaneous arrival, making the refugee’s testimony a subjugated knowledge.

While the victim discourse tends to envisage refugees as a mass where refugees are thought to have a singular ‘refugee experience’, some speeches break with this type of construction and some politicians speak about individual refugee cases. In particular, Bowen’s use of a case history in his speech – that of a refugee named Zaya Mohamed – potentially highlights the individual nature of refugee experiences. Bowen says,

There is also the young man, Zaya Mohamed, who escaped from Afghanistan and attended Holroyd High School in my electorate. He did not know whether his family was dead or alive; he escaped alone. When he arrived, he did not speak English. His schooling had been interrupted and he was hardly literate in his own language. But Zaya did the HSC last year with a view to studying information technology, and a more delightful man you could not hope to meet. It is people like this to whom the [Howard] government is trying to send a message – the message that they are not welcome. (Bowen, C 2006, *House Hansard*, p.18)

Bowen, a Labor Party MP, reshapes the image of the spontaneous arrival in his speech, rather than being a “greedy opportunist” (Haase, B 2002, *House Hansard*, p.4040) or anonymous “human cargo” (Ellison, C 2002, *Senate Hansard*, Page.2443), the spontaneous arrival in Bowen’s speech is “delightful”, has a name and personal history. However, this image of the individual Zaya Mohamed is still a product of what the politician finds valuable and worth relating about this individual – specifically the individual’s experience of triumphing over adversity. I would suggest that Bowen recounts Mohamed’s tale in keeping with the cultural mythology of the receiving country. Bowen’s depiction of Mohamed’s experience supports the myth of the ‘Aussie battler’ “who works persistently against heavy odds” (Clyne 2005, p.177); Mohamed is therefore accepted by Bowen in line
with the receiving country’s values and mythical narratives. Would Mohamed’s story have been recounted if he had failed his HSC (Higher School Certificate) exams?

Ultimately, while the ‘counter discourse’ may offer an alternative construction of the spontaneous arrival, the politicians that articulate this discourse cannot help but position themselves as experts on the spontaneous arrival ‘problem’ and experts on the spontaneous arrival audience. The institution of parliament is constructed in such a way that the refugee’s voice can only be articulated to parliament through the medium of the expert\textsuperscript{89}. In putting forward the refugee’s position, politicians construct refugees within their (the politician’s) own understandings and cultural frameworks and these do not always match how refugees understand themselves. The counter discourse therefore aids in the subjugation of refugees’ knowledge; the refugee’s story is understood through the politician’s lens and the refugee continues to be the object of the ‘expert’ politician’s discourse. As Rajaram states, “the ‘speechlessness’ of refugees reinforces the state-centric political imagination; refugees become a site where certain forms of knowledge are reproduced and justified” (Rajaram 2002, p.251). Through seeking to know the spontaneous arrival, opposition parties support the politician’s role as an expert on spontaneous arrival and support the positioning of spontaneous arrivals as objects of knowledge.

6.8 Conclusions

This chapter has highlighted a number of ways by which Howard Government politicians were positioned as experts on the spontaneous arrival ‘problem’ and experts on spontaneous arrivals as an audience. The Howard Government politicians’ practice of drawing upon

\textsuperscript{89}That is unless refugees become citizens and are then elected to parliament.
anonymous intelligence reports when introducing their policy initiatives tended to bolster the claims that they made about people smugglers in particular; in the speeches I analysed, the veracity of such claims were unchallenged. Unchallenged also was the Howard Government politician’s construction of the people smuggler as the ultimate evil. This construction made the prevention of spontaneous arrival essential and ensured that the focus of the deterrence debate was targeted towards preventing the ‘crime’ of spontaneous arrival.

Opposition parties not only offered tacit support to the Howard Government’s understanding of the spontaneous arrival ‘problem’ through accepting the construction of the people smuggler as the ultimate villain, opposition parties directly supported the Howard Government’s understanding of spontaneous arrival when they took up the same rhetoric and vocabulary as Howard Government politicians. In this chapter I have demonstrated that even when opposition parties criticised the Howard Government’s deterrence policies, they supported the Howard Government’s understanding of spontaneous arrival as a ‘problem’ that must be ‘managed’. Opposition parties agreed with the Howard Government on the correct parameters of the deterrence debate and opposition speakers affirmed the politician’s role as an expert on spontaneous arrival.

In this chapter I also demonstrated that Howard Government politicians affirmed their roles as specialists on spontaneous arrival through constantly criticising their detractors. Howard Government politicians succeeded in normalising their understanding of spontaneous arrival by proposing that those who oppose them are not ‘real’ Australians and act against the national interest. Pickering and Lambert similarly observed: “to deviate from bipartisanship [on immigration deterrence policies] is to collude with the object of deterrence… if you are not deterring refugees then you are part of the (deviant) problem” (Pickering & Lambert
2002, p.76). My analysis supports this assertion, illustrating that opposition parties were
directly aligned with criminals (Haase, B 2002, *House Hansard*, p.4040) in the speeches of
Howard Government MPs as the latter positioned themselves as the more legitimate
speakers on spontaneous arrival.

This chapter builds on the conclusions drawn in Chapter Five, further demonstrating that the
deterrence message and the audiences to whom it is directed are constructed simultaneously.
In particular, my analysis showed that the knowledge accumulated about the spontaneous
arrival, people smuggler and ‘fair dinkum Aussie’ audiences is quite specific and detailed.
Politicians on both sides of the deterrence debate propose to know what motivates these
audiences, what they are like, what they want and, in the case of people smugglers and
spontaneous arrivals, how they might be stopped.

Through this analysis I have demonstrated that audience researchers need to continue to
investigate ‘the message’s production and the power relations which shape this production.
When examining the simultaneous construction of ‘the message’ and its audience, we must
ask why some perspectives and understandings of ‘the audience’ are rendered legitimate and
‘true’ and why other perspectives are discounted or are effectively unheard. As Hartley
suggested “in no case is the audience ‘real’, or external to its discursive construction” and
such constructions serve the needs of those who produce them (Hartley 1987, p.125). My
analysis demonstrates that a complex operation of power relations underpins the discourse
on ‘illegal immigration’ which is articulated in the Commonwealth Parliament. This
discourse positions politicians as experts on spontaneous arrival and subjugates the
knowledge of refugees. As the following chapters show, the subjugation of refugees’
knowledges affects the reception of deterrence messages by their target: spontaneous

arrivals. In the following chapters, I examine refugees’ understandings of themselves and their ‘unauthorised’ journeys to Australia; their detailed accounts lie in stark contrast to the politicians’ depictions of spontaneous arrivals as either well-informed deviants or a mass of victims.
7. The Refugee’s Narrative: Neither Deviant nor Victim

7.1 Introduction

In this chapter I outline the approach that I took in examining the 27 interviews that I completed with refugees who had come to Australia as spontaneous arrivals. I begin this chapter by discussing my theoretical approach to analysing this interview data. I considered the refugee’s testimony to constitute a subjugated knowledge and therefore drew upon Foucauldian theories in order to examine and understand this interview material. Unlike some studies which investigate the effect that immigration policies have on the refugee’s choice of asylum destination, I have taken a post-positivist approach in my analysis. I have acknowledged my hand in the construction of knowledge about the refugee subject throughout this study. Therefore, in this chapter I discuss my methodological choices in detail and consider how these choices may have affected my construction of the refugee/spontaneous arrival subject and my depiction of refugee realities. In discussing my methodological choices, I pay particular attention to the problems that I encountered not only in analysing the interview material but also in undertaking the interviews themselves.

Lastly, this chapter introduces the reader to the case study of Chapter Eight. I explain my reasons for selecting this case and propose that the experience of undertaking the interview which was used as a basis for Chapter Eight, had a significant impact on how I understand ‘the refugee’ and refugee audiences. While I sought access to the subjugated knowledge of the refugee, I am forced to concede that in many ways my presentation of refugee voices in
this thesis is affected by my choices and perspectives. In this way the refugee’s knowledge continues to be dominated by the knowledge of the ‘expert’.

7.2 Subjugated knowledge

In Chapters Five and Six I demonstrated that Australian politicians have come to occupy an expert position in the construction of knowledge about the spontaneous arrival. Politicians claim to know what motivates the spontaneous arrival’s journey to Australia and claim to know how this journey might be stopped. In contrast to this expert knowledge is the refugee’s knowledge of self which enters the realm of policy construction only through the medium of the expert. In short, even if refugees’ knowledge is sought or presented by politicians to parliament it will always be done so by politicians themselves – the refugee voice itself is absent from the parliamentary debate. In contrast to the knowledge of the ‘qualified speaker’, according to Foucault, are ‘subjugated knowledges’:

Knowledges that have been disqualified as inadequate to their task or insufficiently elaborated: naïve knowledges located down on the hierarchy, beneath the required level of cognition or scientificity... low-ranking knowledges (such as that of the psychiatric patient, of the ill person... that of the delinquent etc.). (Foucault 1980a, p.82)

I have contested that the refugee’s knowledge – of the ‘unauthorised’ journey and reasons for spontaneous arrival – exists as a lesser knowledge, especially in the realm of policy creation. It is because of what politicians ‘know’ about the ‘unauthorised’ journey and by extension what politicians ‘know’ about spontaneous arrivals as an audience which leads them to create policies which they ‘know’ will send potential spontaneous arrivals a ‘strong message’. While the refugee’s knowledge is not entirely absent from the deterrence debate, it cannot compete with the expert knowledge of the politician, especially when it comes to
policy creation; refugee knowledge is always superseded by the supposedly more valid knowledge of policy makers.

Foucault sought access to subjugated knowledges, he suggested that “… it is through the reappearance of this [subjugated] knowledge, of these local popular knowledges, these disqualified knowledges, that criticism performs its work” (Foucault 1980a, p.82).

Furthermore, of genealogy, Foucault says,

what it really does is to entertain the claims to attention of local, discontinuous, disqualified, illegitimate knowledges against the claims of a unitary body of theory which would filter, hierarchise and order them in the name of some true knowledge. (Foucault 1980a, p.83)

This would suggest that genealogy involves a comparison between expert discourses and subjugated knowledges. However, Foucault does not propose to pitch these local knowledges against expert/scientific knowledge but to identify the “issue at stake in this opposition” and to ask of the power relations invested in these issues “what are their mechanisms, their effects, their relations?” (Foucault 1980a, pp.87-88). Therefore, while Foucault seeks to draw out and examine subjugated knowledges, he does not seek to pitch expert knowledge and subjugated knowledges against one another in a duel to see which is ‘the truth’. Rather, Foucault seeks to understand the mechanisms which make the expert’s statements ‘true’ and he seeks to explore the effects of these truth claims.

In order to examine the means by which the expert’s knowledge becomes ‘the truth’, Foucault undertakes a historical analysis. In his works90, Foucault demonstrates that

human beings have thought differently about certain objects of knowledge over time. Foucault’s analyses show that the ‘truth’ about how to cure the ill, insane, and the sexual/criminal deviant have changed through different epochs. In undertaking his historical analyses, Foucault is not so much making a comment about past ‘truths’ but he is critiquing present ‘truth’ and drawing attention to the fact that such truths are unstable. As a result of Foucault’s genealogical analyses then, the expert’s knowledge cannot be deemed to be the truth, it must be considered to be only one ‘truth’ amongst many. Chapters Eight and Nine draw on these ideas from Foucault and demonstrate that the refugees’ understandings of the ‘unauthorised’ journey to Australia, understandings of themselves and understandings of deterrence mechanisms at times differ considerably from what is suggested in the parliament about these things. Refugees present an alternative knowledge to that which is created in the parliamentary discussion. Refugees present alternative truths and alternative constructions of themselves as an audience and as human beings.

7.3 Why interviews?

While Foucault seeks access to subjugated knowledges, he does not suggest interview as a means by which to reach this knowledge. Foucault’s genealogical works such as *Discipline and Punish* (1991) and *The History of Sexuality Vol 1* (1998), examine how certain subjects – especially deviants – are constructed in discourse. In these works, Foucault does not seek interviews with the criminal or the sexual deviant. Instead, Foucault’s method is to examine the writings of qualified speakers and to analyse what these experts wrote about criminal/sexual deviants as objects of knowledge. However, Foucault does explore the knowledge of the ‘deviant’ through the publication of the memoirs of Herculine Barbin (Foucault 1980b) and Pierre Riviere (Foucault 1978). In the case of Barbin, a hermaphrodite, Foucault includes in the one volume not only Barbin’s confessional memoir
but also the observations/reports of ‘experts’ such as the doctor who determined her ‘true’
gender, an autopsy report and legal documents attesting to Barbin’s masculine sex. Also
included in Foucault’s dossier are several newspaper reports relating to Barbin, and a work
of fiction: *A Scandal in the Convent* which was based loosely on her life. Included then, in
the one work are multiple discourses – the subjugated knowledge of Barbin her/himself
alongside medical, media and other discourses.

Foucault’s purpose, on the one hand, by bringing together these studies of the one
individual, is to make a point about the regulation of the human subject. He suggests that
medical and legal discourses combined with administrative control led to the belief that a
person can have only one true gender (Foucault 1980b, p.viii), where the medical/legal
expert was charged with identifying that one and true gender. The individual’s experience
of her/himself conflicted with this truth. Foucault comments that at the time Barbin wrote
her memoirs “for herself, she was still without a definitive sex” (Foucault 1980b, p.xiii).
This ambiguity can be contrasted to the medical and legal authorities’ interest at the time in
establishing the ‘truth’ in absolute terms about the individual: “what he is and what
determines him” (Foucault 1980b, p.x). In this respect, an obvious link can be drawn
between Barbin’s case and that of the refugee, not only because of the Australian
legal/government authorities’ obsession with determining the refugee’s ‘true’ status but
also because politicians propose that there is a single way of being a deserving and genuine
refugee – i.e. one must ‘languish’ in the ‘queue’\(^91\) and be destitute. The refugee’s

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\(^{91}\) The term ‘languish’ is used by a number of politicians to describe the situation of the so called ‘genuine’
refugee; the use of the term ‘languish’ is typically accompanied by the proposal that only certain kinds of
refugees are truly desperate and therefore deserving of Australia’s protection. The term ‘languish’, as used by
Ruddock, for example, is used to contrast the ‘genuine’ refugee with spontaneous arrivals who are aligned
with deceit: “every protection place in Australia which is obtained through deception… represents a place
taken from the neediest refugees languishing in refugee camps around the world” (Ruddock, P 2001e, *House
understanding of self conflicts with this expert knowledge. As Chapter Eight illustrates, refugees do not agree that they must be destitute in order to ‘deserve’ Australia’s protection.

Foucault, in collecting together various documents that relate to Barbin, also demonstrates that there is a social obsession with particular individuals as objects of knowledge – these people act as a basis or “anchorage points” for the proliferation of discourses concerning correct ways of being/behaving (Foucault 1998, p.105). Foucault comments that people like Barbin, as objects of knowledge, were “relentlessly questioned about their genuine sexual identity” (Foucault 1980b, xi). In this respect parallels can be drawn again with the refugee and the relentless process of interviewing to which refugees are subjected by public servants, the judiciary, media and academics who seek to discover the ‘truth’ about ‘them’. This relentless interviewing was spoken about by one of the interviewees of my study who attempted to account for the reluctance of his countrymen/women (Afghans) to participate in this research. This Afghan refugee suggested that interviewing did not ‘fit’ with his culture and his people were sick and tired of the continuous string of interviews which had characterised their lives in Australia.

Foucault provides more commentary on the confession of the subject alongside his publication of Pierre Riviere’s memoir (Foucault 1978). In the 19th century, Riviere who

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92 In constructing the spontaneous arrival subject, Australian politicians construct correct ways of being for normal and deviant populations. It could be said, therefore, that spontaneous arrivals act as “anchorage points” as Foucault suggests (Foucault 1998, p.105).
93 Gubrium and Holstein (2001) suggest that interview is a global phenomenon but as Narayan and George (2001) demonstrate, culture impacts on the individual’s understanding of and reaction to the interview process; some cultures may be less accepting of interviewing than others (Gubrium and Holstein 2001, p.47; Narayan and George 2001).
brutally killed his mother, brother and sister wrote a detailed account of their murders during his imprisonment. There was considerable debate amongst the 19th century medical and legal experts who examined Riviere’s confession; the experts in Riviere’s case did not agree as to whether his actions were those of a criminal or a madman. Foucault says of the legal documents relating to Riviere, Riviere’s confession and the statements of the doctors who were charged with examining him that these were locked in a battle “[a] strange contest, a confrontation, a power relation, a battle among discourses and through discourses…” (Foucault 1978, p.x). A similar battle can be said to have already been identified within the Hansard data in the previous chapters. Like the doctors examining Riviere, the ‘experts’ do not agree as to how the subject should be known – is the spontaneous arrival “illegal queue jumping cargo” (Prosser, G 2001, House Hansard, p.30984) or “cannon fodder in this [government’s] campaign” (Irwin, J 2002a, House Hansard, p.217)? Indeed, the conflicting testimonies produced by the medical experts who examined Riviere’s confession reveal that there is not a single, ‘true’, objective or rational way to understand the subject or his/her actions nor is there a single, ‘true’ way to understand spontaneous arrival/s.

Foucault’s interest is squarely on the tactics of this battle between discourses. He says that his purpose in publishing the Riviere dossier was to uncover the power relations at work through these discourses, to discover how they act “as weapons of attack and defence in relations of power and knowledge” (Foucault 1978, p.xi). In other words, Foucault sought to understand how discourses act to sustain expert knowledges and certain understandings of the subject or, alternatively, act to challenge such knowledges and understandings. With the inclusion of the refugee’s narrative in this thesis, another player is identified in the battle being waged for our understanding of the spontaneous arrival subject.
The refugee’s narrative, in providing an alternative understanding of spontaneous arrival (to the understandings offered in parliament) raises questions of why, and by what means (what tactics) the refugee’s understanding of self is rendered less ‘truthful’ than the politician’s ‘knowledge’. I began to offer answers to such questions in the last two chapters. However, the refugee’s perspective further highlights the extent to which the institution of parliament aids in the rationalisation and promotes the ‘truthfulness’ of the expert politician’s discourse. Furthermore, the following two chapters challenge the will to know the refugee at all. In these chapters I propose that both the construction of the spontaneous arrival as a deviant and the construction of the spontaneous arrival as a victim, and indeed the use of the term ‘refugee’ itself, perpetuate a sense of otherness which is challenged by the refugee’s narrative and the researcher’s interaction with the refugee her/himself. In short, the refugee’s narrative – a subjugated knowledge – challenges the objectification of the spontaneous arrival and challenges the ‘truth’ associated with the expert discourse on this subject.

7.4 Interpreting refugee testimonies

Foucault does not explore expert knowledges or ‘subjugated’ knowledges in isolation from one another but in the cases of the Barbin and Riviere memoirs, he places expert and subjugated knowledges beside each other in his analyses. I also hope to place expert and subjugated knowledges alongside one another in this thesis. While in Chapters Five and Six I examined the parliamentary discussion on spontaneous arrival and investigated how the politician is positioned as an expert on this topic; in Chapters Eight and Nine I investigate what is said by the refugee who has come to Australia as a spontaneous arrival. As I have suggested, Foucault does not propose that either account – the account of the
expert or that of the subject – is ‘true’, instead he explores the tactics by which one account acquires the status of truth and examines the effects of these truth claims.

While Foucault examines the tactics by which Riviere’s memoir becomes the “discourse of either a madman or a criminal” (Foucault 1978, p. xii), he makes a deliberate effort not to interpret the memoir himself because of his belief that such an interpretation would draw him into the same power relations of representation that he sought to analyse (Foucault 1978, p.xii). In fact, Foucault’s decision not to interpret the memoir – he does not take a position as to whether Riviere was a madman or a criminal – serves to highlight the extent to which this memoir was dissected by others. In this way Foucault himself seeks to avoid ‘knowing’ Riviere. Unlike Foucault, I have sought to analyse the confessional narratives of my research ‘subjects’ – something which draws me into the ‘crisis’ of representing the ‘other’.

Interpreting interviews: the crisis of representation

The problematic nature of the researcher’s interpretative role is a recurrent and unresolved problem within cultural studies – and indeed across the social sciences – both in terms of the researcher’s interpretation of the ‘message’/text (as discussed in Chapter Four) and representation of ‘the audience’ and their accounts94 (as I discussed in Chapter Two).

Cultural studies scholars deny that it is possible for the researcher to offer an objective or ‘true’ description of ‘the audience’ or the audience’s reality. Morley, for example, says: “the ‘truths’ produced by media researchers… are necessarily relative and partial – they are always constructed from a particular position” (Morley 1992, p.190). Some scholars, as a

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94 This ‘crisis of representation’ according to Denzin and Lincoln (1998) appeared with a number of anthropological works in the 1980s which called into question previously stable notions about the objectivity, validity and reliability of research (Denzin and Lincoln 1998, p.19).
result of this realisation, interpret the interviews that they undertake with ‘the audience’ while they also recognise these interpretations to be ‘constructed’ knowledge which has a basis in the researcher’s background, preoccupations and ‘positionality’ (see for example McKinley 1997; Mankekar 1999; Seiter 1999; Hermes 1995, p.6). These scholars therefore take a reflexive approach to their research as I discussed in Chapter Two.

Some researchers not only reflect on the role that their backgrounds play in their constructions of knowledge about ‘the audience’, but they examine how the interaction between their ‘positionalities’ and those of their respondents affects the ‘reality’ produced by their research. Mankekar (1999), for example, noted that her Sikh research participants appeared to be affected by the presence of an upper-caste Hindu researcher (herself) in their homes. In Mankekar’s (1999) study, much like my own, the research process and the data it reaped were affected by the collision of backgrounds – that of the researcher and researched – along lines of violence. Mankekar reflected “I, as a Hindu woman, represented the community that had terrorised Sikhs like herself [the respondent]” (Mankekar 1999, p.36). I have similarly spoken about how my respondents perceived me to be a Christian Australian – someone who belonged to a group which was responsible for discrimination and racist violence against ‘them’: Muslim refugees.

The interview process itself therefore does not give the researcher an unadulterated access to the interviewee’s ‘reality’. Research participants are not passive vessels of knowledge from which ‘the truth’ can be unproblematically extracted; they react to what they understand about the researcher and the interview process as I demonstrated in Chapter 2.

95 Morley (1992) and Radway (1991) also both reflect retrospectively on how they understood and constructed their audiences based on their own preoccupations and concerns.

96 Most of my respondents were Muslim.
Two (Fontana and Frey 2003; Seiter 1999 p.30). Pool suggests that the very act of interviewing shapes “not only what a person dares to say but even what he [sic] thinks he [sic] chooses to say” (cited in Gubrium and Holstein 2001, p.192). Scheurich states furthermore, that in addition to the research process being affected by the researcher and respondents’ “conscious and unconscious baggage” (Scheurich 1997, p.73) “sometimes the interviewee cannot find the right words to express herself/himself and, therefore, will compromise her/his meaning for the sake of expediency” (Scheurich 1997, p.67).

Interviewees should therefore be thought of as active subjects who co-construct the ‘real’ along with the interviewer as a result of the interview process (Gubrium and Holstein 2001, pp. 22-26). Taking up this suggestion, I would not argue that my analysis of my respondents’ interviews reflects ‘the truth’ or even the refugee’s version of ‘the truth’. Instead, the interviews might be thought of as a co-construction where the researcher and interviewees came to the interview process with certain understandings and expectations as well as being positioned at a particular socio-cultural and historical juncture. This co-construction should not be thought of as an equal partnership where both parties had an equal ability or power to shape the meanings which are presented in this thesis. As I have already suggested, it is after all, the researcher who sets the interview agenda and creates the interview questionnaire and it is the researcher who interprets the information elicited from the interviews.

**Analysis**

In analysing my interview data, I have coded this data quite differently to the textual analysis that I undertook in Chapters Five and Six. For example, in analysing the interview data I have focused more so on concepts or ideas which were either repeated across the
interviews or struck me as important. This conceptual coding follows Brunsdon’s method. Brunsdon coded her interview data by drawing on previous cultural audience studies where data was organised “under what have been discovered to be, or were theorised to be significant categories” (Brunsdon 2000, p.95). For example, Morley (1999a), in discussing his methods, suggested that he sought to identify recurring themes in his analysis of *Nationwide* – initially he found recurring themes within the television program itself and then he searched for recurring ideas within his interview data (Morley 1999a, pp.138-140).

The practice of identifying repeated ideas and significant categories within interview data follows the approach taken not only by cultural studies scholars, such as Brunsdon (2000) and Morley (1999a), but also by researchers examining the role that immigration policies play in refugees’ choices about their asylum destinations. Robinson and Segrott say, for example, that their analysis “was designed to identify key themes which ran through a number of interviews” (Robinson & Segrott 2002, p.17). Various ideas did recur in my interview data and throughout the coding process I spent considerable time noting the similarities and differences between the interviews that I undertook.

While particular words and terms – including ‘cargo’, ‘ply their trade’ etc. – were found to be significant in my analysis of Hansard, I placed less importance on individual words while coding my interview data. As English was not the first language spoken by any of my interviewees I felt that I, as a fluent English speaker may understand the significance of my interviewees’ words in a way which was considerably different to the respondents’ own understanding of these words and terms. Further complicating any analysis of the respondents’ choice of vocabulary was the fact that I often received my respondents’ words through interpreters. However, this does not mean that I ignored individual words entirely,
especially when, for example, interviewees referred to themselves or their arrival in Australia as ‘illegal’ (i.e. when they understood themselves in line with the subject positions constructed by the parliamentary discourse).

My coding of the interview data for this study follows Brunsdon’s example in that she acknowledges that her selection of coding categories was based on “what seemed most significant to me in each account… understanding myself as a skilled researcher as well as a participant” (Brunsdon 2000, p.94). This idea of the ‘skilled researcher’ is also echoed in refugee studies, for example Robinson and Segrott (2002) suggest that the identification of ‘key themes’ in their analysis was “informed by reading the literature and prior knowledge of asylum seeking and refugee migration” (Robinson & Segrott 2002, p.17). Like Brunsdon (2000) I might regard myself to be a skilled researcher. I coded concepts in my interview data after I had already coded the Hansard data, read literature on spontaneous arrival and also after I had worked with refugees for a number of years. Being a ‘skilled researcher’ however, does not mean that my analysis is objective, verifiable or ‘truthful’; it simply means that I am ‘positioned’ by a number of factors to derive the conclusions that I have. Like Brunsdon (2000), I also acknowledge that my decisions about what was ‘important’ in my analyses, was affected by my role as a participant in my research – I will discuss this later in this chapter.

7.5 Other studies

The methods used to analyse the interview data that I collected differ considerably from some of the methods used by others who research similar themes to this thesis. My methods have a basis in a post-positivist research paradigm, Robinson and Segrott (2002) on the other hand, devote a section of their report to demonstrating that their research is
verifiable and they also seek to prove that their respondents told their researchers the ‘truth’ (see in particular Robinson & Segrott 2002, pp.16-17). Robinson and Segrott (2002), who interviewed asylum seekers who had been smuggled to the UK, downplay the effect that their researchers had on what information was delivered by their research respondents. Robinson and Segrott suggest that they were able to obtain a level of trust from their respondents which was evidenced by the fact that their interviewees “volunteered information that was highly sensitive” (Robinson & Segrott 2002, p.16). The authors thereby suggest that the respondents trusted the researchers enough to tell them ‘the truth’. The respondents in my study also told me things that were highly sensitive but this did not mean that they were unaffected by the research context or that they did not (intentionally or unintentionally) withhold other information.

While I have criticised Robinson and Segrott (2002) for their seemingly positivist standpoint, they at least give the reader an insight into how they undertook their analysis. Though some other studies, which examine what factors shape the refugee’s choice of asylum destination, include methods sections in their reports, very few give any insight into how the researchers analysed their interview data (for example Doornbos, Kuijpers and Shalmashi 2001; Koser and Pinkerton 2002; and Havinga and Bocker 1999). Jacobsen and Landau (2003) criticise refugee researchers’ for their tendency not to discuss their research designs nor fully explain their methods in their studies (Jacobsen & Landau 2003, p.96). Such a lack of discussion about research methods and a lack of reflection on the problems that are associated with conducting research on refugees can suggest that researching the ‘refugee experience’ is transparent and straightforward. The researchers’ failure to reveal their methodological choices can also mask the extent to which such choices affect how refugee realities are made intelligible. When researchers do not speak in adequate detail
about methodology they may also neglect to acknowledge the various ways in which refugee studies ultimately reflect the researchers’ choices and perspectives much more than the choices and perspectives of refugees. I have therefore, in the following section, sought to explain in detail my methods for recruiting interviewees, and the problems that I encountered when conducting the interviews that I undertook.

7.6 Undertaking the interviews – sampling

Country groups

I had originally hoped to interview an even number of refugees from three nationality groups – Iraqis, Iranians and Afghans. Barsky (2000) illustrated, through his interviews with asylum seekers from four different country groups, that asylum seekers from different cultural backgrounds do not access information about asylum destination countries in the same way nor with the same level of sophistication97. This, on its own, provides a challenge to the belief that all potential spontaneous arrivals are likely to react in the same way to the supposed ‘strong message’ sent by immigration deterrence policies. Drawing on the insights provided by Barsky’s (2000) study, I sought to understand how important a refugee’s national background might be to his/her reception of Australia’s immigration deterrence policy information. The three nationality groups that I selected for study represent the top three countries from which Australia has received refugees as spontaneous arrivals since the late 1990s (Human Rights Watch 2002, p.8; DIMIA 2005, p.31). I sought to interview ten individuals from each country group with an even number of male and female respondents from each nationality. I hoped to interview the same number of male

97 For example, Barsky’s (2000) Russian respondents drew on different information sources to his Pakistani respondents.
and female respondents from each country group despite the fact that I knew that men were over represented in the numbers of refugees who had come to Australia as spontaneous arrivals in recent years (DIMIA 2005, p.31). I planned to undertake 30 individual interviews in addition to six focus groups.

Reluctant interviewees

I knew, as a result of my discussions with refugees and refugee service providers prior to embarking on this study, that refugees could be an elusive population who were suspicious of researchers and were reluctant to be interviewed. I knew, in particular, that some refugees and their advocates felt ‘burnt’ by their participation in interviews with journalists and academics in recent years. Therefore, I anticipated that while refugees themselves might be reluctant interviewees, refugee service providers might also be unwilling to recommend refugees to me who may agree to be interviewed. Furthermore, some studies assert that refugees can be difficult to access. Bloch, for example, says “research with refugees often uses snowballing as a method to locate respondents because refugees are difficult to locate using other means” (Bloch 1999, p.371). Jacobsen and Landau agree that refugees can be difficult to reach and that “access problems mean that most refugee researchers rely on snowball sampling approaches” (Jacobsen & Landau 2003, p.105).

Various texts also commonly prescribe snowball sampling to recruit research participants “when a population is widely distributed or elusive” (May 2001, p.25). I hoped that a snowball method of sampling would therefore help me to overcome the refugees’ reluctance.

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98 The director of one charity, in fact, suggested that he would no longer help the academics or journalists who approached him in order to meet with refugees; he agreed to assist me purely because of the friendship that I had built up with him over several years. Some refugee service providers were reluctant to assist me with my study but I found that the years that I had spent networking with service providers definitely aided me in gaining their trust and assistance.
reluctance to be interviewed because I believed that this method would allow me to gradually become known to refugee communities and thereby gain the trust of these communities. However, snowball sampling did not help me to overcome the problems that I encountered with reluctant interviewees. In fact, I found that refugees, even those whom I had known for years, did not readily agree to be interviewed nor were they likely to recommend others to me in their communities who could be respondents.

I found snowball sampling to be an ineffective method of recruiting research participants and I only interviewed two respondents whom I met through other interviewees; the remainder (25 individuals) I met through refugee service providers. As a group, Afghans were the most reluctant to be interviewed and did not recommend others from their communities to me who could be research respondents. Iraqis, on the other hand, rarely refused to be interviewees. Gilbert and Koser (2006) also found, in conducting their study on asylum seekers in the UK, that Afghans were difficult to recruit as respondents. Gilbert and Koser (2006) initially sought to interview 100 asylum seekers across four nationality groups (25 respondents from each group). Ultimately, they interviewed 25 Colombians, 22 Kosovars, 25 Somalis and 15 Afghans (Gilbert & Koser 2006, pp.1212). In their article, Gilbert and Koser (2006) do not, unfortunately, speculate as to why they believe that the Afghans they approached were reluctant to be interviewed. Some of the Afghan respondents in my study suggested a number of reasons for why their countrymen/women might not want to be involved in my study. For example, one Afghan respondent suggested that Afghan refugees have experienced considerable turmoil and they

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99 I would add also that I came to have ethical concerns about using snowball sampling methods. When respondents knew that their friends had also been interviewed by me they wanted to speak to me about what their friends had told me; and this could potentially have led to breaches of confidence.

100 I do not know why this was the case but perhaps Iraqis were more willing to be research participants because many of those whom I interviewed were tertiary educated, perhaps, as a result, they better understood the purpose of a study like mine.
now ‘just want to get on with their lives’ without being constantly probed by questions concerning the things that made them refugees. Another Afghan respondent said that given that Afghan refugees may have been betrayed by their neighbours or close friends in Afghanistan, often with dire consequences, Afghan refugees are unlikely to trust people they do not know, like researchers.

All of the above factors explain why I ultimately interviewed 16 Iraqis (9 men and 7 women), 9 Afghans (all men) and 2 Iranians (1 man and 1 woman). I decided to deviate from my original plan to interview an equal number of refugees from the three nationality groups because of the difficulties I faced in recruiting research participants. I therefore prioritized the recruitment of Iraqi and Afghan respondents because these two nationalities dominate in the numbers of spontaneous arrivals who have come to Australia since the late 1990s (DIMIA 2005, p.31). Furthermore, the refugee service providers (whom I had relied upon to help me contact refugees) commonly suggested Iraqi individuals for interview rather than Afghans or Iranians. These factors acting together explain why my sample of respondents includes the number of individuals that it does and why I ultimately interviewed more Iraqis than any other group.

Women

Though I originally sought to interview an even number of male and female respondents, the recruitment of female interviewees was difficult for a number of reasons. First as I already mentioned, far fewer women came to Australia as spontaneous arrivals than men from the late 1990s (DIMIA 2005, p.31). Thus there were a smaller number of women in the population targeted by this study who could be potentially approached for interview. Second, the refugee service providers who recommended individuals to me for interview,
did not appear to come into contact with as many female refugees as male refugees and some service providers found it difficult to think of female refugees whom they knew who might agree to be interviewed.

Some refugee service providers also suggested that in order for me to interview some women from the targeted nationalities, I would need to obtain permission from their husbands. The only woman that I did manage to contact who was said to be in this situation (I did not speak with her husband) did not agree to be interviewed because she said that she did not want to use the services of an interpreter but did not feel that her English language skills were of a level where she could express herself to her own satisfaction. The women that I did come into contact with – those whom I interviewed and those who I met while interviewing their husbands101 – did appear to have fewer English language skills and less contact with the broader Australia community than the male respondents. This may have contributed to the difficulties I faced in accessing women in the target populations – perhaps they were simply not accessible to me through the means of recruitment I was using.

As Goodkind and Deacon (2004) quoting Zea, Reisen and Diaz (2003) argue, the inaccessibility of refugee women to researchers is connected not to the inability of refugee women to be reached in an objective sense but to the “researchers’ distance from that population” (Zea, Reisen and Diaz cited in Goodkind and Deacon 2004, p.729). Goodkind and Deacon (2004) demonstrate that researchers can undertake studies with refugee women if they are willing to break with traditional participant recruitment strategies (such as those

101Many of the respondents’ wives had not themselves come to Australia as spontaneous arrivals but had instead been resettled to Australia after their husbands were granted refugee status. These women therefore did not fit within the terms of reference for this study and I did not interview them.
that I have used) (Goodkind & Deacon 2004, pp.728-730). With the benefit of hindsight I could have applied the principles that were recommended in Goodkind and Deacon’s (2004) article and made greater use of ethnographic methods as they suggest, to perhaps ‘live in’ with refugee communities and gain their trust. However, this may still not have overcome some of the recruitment problems that I faced given that refugees whom I had known for some years were reluctant interviewees.

With such a small sample of women interviewed for this study, many of whom were from the one family, it would be foolish of me to try and make generalisations from this interview data about women refugees. The only discernable difference that I found between the male and female respondents of this study is that female interviewees were much more likely than men to refer to their children and families during their interviews. For example, women refugees sometimes said that they left their home countries in order to secure a safe life for their children. Day and White observed similarly that “personal family and friendship networks” were more important for women respondents when they chose the UK as a destination to seek asylum, whereas male asylum seekers were more likely to be motivated to select the UK as a destination based on their “social, cultural and political connections and networks” (Day and White 2001, p.21).

The female respondents of my study were also much more likely to suggest that their decisions were made in conjunction with their husbands than the male respondents were to suggest that their decisions were made with their wives. Further to this, the interviews undertaken for this study indicate that refugee women may be in a different position to men in terms of their ability to make choices about asylum destinations. For example, the female respondents said that it was their husbands and male relatives who negotiated with
smugglers on their behalf. This potentially places women in a less active role in terms of their ability to make decisions about their asylum destinations. This was also the case for Day and White’s respondents, they state: “the clear impression from the interviews is that these women respondents had much less sense of autonomy in their actions, and were more at the mercy of circumstance” (Day and White 2001, p.21). It should be noted however, that smugglers still dictated the choices of the male respondents that I interviewed; being able to negotiate with a smuggler because of one’s gender does not mean that one is empowered to select the asylum destination.

Barsky notes “females articulate [asylum] claims on different grounds from men from the same countries” (Barsky 2000, p.41). Day and White (2001) found that the female respondents in their study left their home countries for different reasons to their male counterparts. Somali men, for example, said that they were persecuted on political grounds, whereas Somali women “generally claimed not to be so politically motivated… they were more likely to have been forced to flee upon destruction of their towns or homes and under imminent threats to themselves and their families” (Day & White 2001, p.21). Women are often persecuted for different reasons to men, Ankenbrand (2002) suggests that “women are persecuted because they are women” being subjected to

special dress codes, social mores, restrictions regarding family and property law as well as access to education and the professions. Women who flee from harmful penalties for violating these rules are persecuted for transgressing religious, customary and social mores. (Ankenbrand 2002, p.46)

Women also face different kinds of harm to men when they are persecuted, “forms of persecution that are inflicted exclusively or more commonly on women include sexual

While women may flee their home countries for different reasons to men, the experience of being a refugee is also very different for women compared with men. Women living in refugee camps face different pressures to men, such as the risk of sexual assault. Bartolomei et al. reported, for example, “abduction and sale of young girls as brides, the forced marriage of widows and the physical and sexual abuse of women in mixed marriages are commonplace” in the Kukuma refugee camp in Kenya (Bartolomei et al. 2003, p.88). There are, therefore, likely to be pressures and factors which influence women’s choices about asylum and flight which are significantly different to the factors impacting on the choices of men. On the basis of these differences, I would suggest that refugee women are unlikely to react to immigration deterrence measures in the same ways as male refugees.

There is obviously a need for further investigation into the perspectives and understandings of refugee women. From the data collected through this study it would be difficult to make more concrete conclusions about how the female refugee audience may differ from men in their interaction with deterrence policy information. The need for further study also seems imperative given that audience studies have repeatedly found that there are differences between male and female audiences in terms of how they interpret and interact with the texts that are broadcast to them (Morley 1999b; Ang 1985; Lull 1990; Brown & Schulze 1990). It is a major drawback of my study that it does not offer greater insight into the perspectives of refugee women and a greater understanding of how gender impacts on the refugee’s interaction with policy information.
Interview sites

In an attempt to overcome the problems that I encountered with the recruitment of Afghan research participants, I interviewed respondents across three sites: Sydney and two towns in rural New South Wales (NSW). The majority of the interviews were undertaken in the respondents’ homes in various suburbs of Sydney but six of the Afghan refugees were interviewed in two towns in central western NSW. Unlike the interviews undertaken in Sydney, those conducted in the NSW country towns were undertaken with the attendance of trusted third parties (Australians who had befriended and were protective of the interviewees). The presence of the interviewees’ friends appeared to affect the interviewees’ level of trust; I doubt that these respondents would have agreed to be interviewed unless their friends had suggested to them that I could be trusted. It is unclear to what extent the interviewees’ responses were affected by the presence of their friends in the interview room although at some stages during the interviews the friends prompted the respondents to recall certain things that they themselves did not mention. These friends also seemed to act as an extra level of security for the interviewees and I believe that there was a perception – amongst the respondents and their friends – that the friends could potentially have intervened to stop the interview and to ‘protect’ the participants if the need arose. This indicates that non-refugees can play a role in shaping what is said during interviews with refugees.

Representativeness

The research respondents interviewed for this study are not representative of all refugees; this study did not seek a representative sample for two main reasons. First, no study has yet sought to understand how refugees interact with Australian deterrence policy information. Therefore, I felt that the insights offered by my research respondents would make a
significant statement on their own without the research having to draw conclusions about all refugees. Representativeness was also theorised to be impossible. Even if all of the refugees in Australia could be interviewed it would be impossible to conclude how representative they are of refugees in other countries who may or may not have received Australia’s deterrence policy information. Therefore, in this study I hope only to understand why deterrence did not work for the refugees that I interviewed, and to understand how these respondents interacted with immigration policy information if and when they received it. While I did not recruit the number of participants that I originally planned to, the information that I received from those I did interview adds considerably to our understanding of refugees as audiences to immigration policy messages. Indeed, as the case study of Chapter Eight illustrates, one interview on its own adds considerably to our understanding of refugee audiences and the complex ways in which refugees make sense of immigration deterrence policies.

As far as the nationality groups are concerned, these too are not representative of all Iraqis, all Iranians or all Afghans and it is important to realise the extent to which such nationality groups are themselves fragmented into various ethnic, religious and tribal groups. Marsden (1999) notes that “the people of Afghanistan are ethnically, religiously and linguistically mixed” (Marsden 1999, p.9). While Pastuns make up the largest ethnic group (around 42% of the population), the Afghan population also includes the Tajik (27%), Uzbek (9%), Hazara (9%), Turkoman /Turkmen, Baluch and Ismaili ethnic groups (Marsden 1999, pp.9-10; Rip henburg 2007, p.7). Emadi (2005) also lists the Tartars, Aimaq, Qirghiz, Qizilbash, Nooristanis, Sayyeds, Pashayis, Brahois, Farsiwan, and Kohistanis ethnic groups and adds that some of Afghanistan’s ethnic groups (such as Pashtuns) are fragmented into smaller tribal groups where each group speaks its own dialect (Emadi 2005, p.8). Afghan society is
not only split along ethnic and tribal lines but differences also exist as a result of geographical location – for example, some areas of Afghanistan are considered to be more conservative than others (Marsden 1999, p.10). According to Emadi 49 different languages are spoken in Afghanistan and “each ethnic community has its own history, culture and speaks its own language” (Emadi 2005, p.7).

Given not only this diversity but the history of violent clashes along these ethnic, religious and tribal lines, it is not possible to therefore think of the Afghan population as a homogenous group. I would argue furthermore that as a result of the extraordinarily diverse nature of Afghan society, one could not really propose that there is an ‘Afghan refugee audience’ – such a singular entity does not exist. Afghanistan’s social diversity also affects the asylum claims made by Afghan refugees. Refugees from Afghanistan articulate different asylum claims as the result of their ethnic and religious backgrounds. Riphenburg (2007) states “Hazaras are almost always ranked as one of the lowest ethnic groups” in the Afghan social hierarchy and have been the target of discrimination and mistreatment by other ethnic groups for centuries (Riphenburg 2007, p.8). Hazaras claim asylum on the basis of their ethnicity and religious background; most Hazaras are Shia Muslims whereas the majority of the Afghan population are Sunnis (Riphenburg 2007, p.8). Pashtuns, on the other hand, are more likely to apply for asylum on the basis of their political opinions rather than their ethnicity (for example see Refugee Review Tribunal 2004). However, since the fall of the Taliban, Pashtuns too have become the target of ethnic violence (Simonsen 2004, p.717). As a result of these differences, Afghans from different ethnic and tribal groups are likely to be motivated by different pressures, perspectives and understandings when interacting with Australia’s deterrence policy messages.
Given that audience studies show that individuals “negotiate meanings [within the texts they view] by confronting the text with their own tradition and their own experience” (Liebes & Katz 1990, p.11) then it is likely that Afghans will interact differently with the deterrence information they receive depending on their ethnic, tribal and religious backgrounds. Indeed, my study illustrates that there were significant differences in the amount of information that Afghan Hazaras received regarding Australia prior to their ‘unauthorised’ journeys. The Afghan Hazaras interviewed for this study had differing abilities to access information about ‘the outside world’ depending on where they lived in Afghanistan – i.e. whether they lived in an urban or rural environment. Such differences within the one ethnic group point to the highly segmented nature of Afghan refugee audiences.

The Iraqi population, like that of Afghanistan is splintered along ethnic, tribal and religious lines. The US Department of State reports that Iraq’s population is comprised of a number of ethnic groups including “Arabs, Kurds, Turkmen, Chaldeans, Assyrians, Shabak, and Armenians” (US Department of State 2007). Though the great majority of the Iraqi people are Muslim (97%), according to the UK Home Office “about 60 to 65 per cent are Shi’a Muslims, while about 32 to 37 per cent are Sunni Muslims” (UK Home Office 2008, p.141). Other religious groups of Iraq include Christian denominations such as Sabean Mandaeans; a number of the respondents who were interviewed for this study were adherents of this religion (UK Home Office 2008, p.141). According to Israeli (2004) “some 150 large tribes and 2,000 smaller clans exist in Iraqi society” (Israeli 2004, p.196).
There are significant divisions between the religious, tribal and ethnic groups of Iraq. While there have been violent clashes between the Sunni and Shi’ite populations of Iraq since the fall of Saddam Hussein, according to Dawisha (2005), the division between Arabs and Kurds “has the greater potential for undermining Iraq’s social and political unity” (Dawisha 2005, p.726). Given that the Kurds “have a fully developed sense of nationhood” (Dawisha 2005, p.726), it would not be possible to suggest that Iraqis see themselves as a singular people with a singular national identity. Indeed, Karam states “for many Iraqis I spoke to in Baghdad, the tribal affinity and kinship was of much greater importance than identifying with the state” (Karam, 2007, p.94). The concept of a singular ‘Iraqi refugee audience’ is challenged by such ethnic, religious and tribal differences, in addition to the lack of support for a unified national identity amongst segments of the Iraqi populace. One must therefore speak of ‘Iraqi refugee audiences’ in the plural and understand them to be highly segmented and fragmented entities. I would propose, therefore, that it would be very difficult to find respondents who would be truly representative of such ‘an audience’.

**Timeframe**

In planning my study, I originally hoped to interview refugees who had arrived spontaneously in Australia since 2000. However, a significant proportion of those who agreed to be interviewed for this study had arrived in Australia in 1999 (nine individuals). I had sought to interview those who came to Australia after 2000 because at the end of 1999, the Australian Government began to introduce a wave of new deterrence mechanisms (such as the TPV and other legislation) (Crock and Saul 2002, pp.91-116). Thus 2000 represents the beginning of a peak time when potential spontaneous arrivals were being targeted by deterrence policies. Though the respondents who arrived in 1999 were perhaps less likely to come into contact with deterrence policy information because there were fewer
deterrence policies then than after 2000, they were still subjected to the deterrence measures introduced at that time, such as the TPV. The respondents who had come to Australia in 1999 were therefore still able to comment on how they understood these deterrence measures and how they talked about these things to their relatives overseas who were also considering coming to Australia ‘unauthorised’.

There were clear advantages associated with interviewing refugees who had been living in Australia for a number of years, such as those who had arrived in Australia in the late 1990s and early 2000s. Interviews undertaken with such individuals revealed that their perceptions of Australia’s deterrence mechanisms had changed over time and their opinions of these policies now were significantly affected by their integration into the Australian community. This is itself significant because it suggests that refugees’ interpretations of deterrence policies are not static. In fact, the interviews that I undertook suggest that the difficulties associated with immigration detention and the TPV were less potent as deterrents when the respondents understood these difficulties alongside many of the positives associated with their lives in Australia. Such a change in the respondents’ understandings of deterrence policies affected what the respondents now told others overseas about Australia’s deterrence measures. Though I might have liked to interview more refugees who had arrived in Australia in the 2000s, the interviews that I did undertake importantly demonstrate that the refugees’ understandings of deterrence mechanisms are fluid and perhaps constantly under construction – a significant finding indeed.

**Retrospective accounts**

At various stages throughout the research process, I had considered interviewing potential spontaneous arrivals while they were still living in transit countries. When I began my
study there were still a number of Afghan nationals living in Indonesia, some of whom had sought passage to Australia on smuggling boats but had been repelled back to Indonesia as a result of Australia’s *Operation Relex*. Some of these individuals were living under the care of the International Organisation for Migration (IOM) in hostels and refugee centres and therefore such potential respondents may have been easily located for interview. There would have been a distinct advantage in interviewing this group of people as opposed to refugees who are already living in Australia. Specifically, refugees who are already in Australia can only discuss their pre-arrival impressions of Australia in a retrospective fashion. Therefore, I ultimately relied on the respondents that I interviewed to remember what they had thought about Australia some years prior to their interviews; conducting interviews in Indonesia with refugees before they had come to Australia might have eliminated this problem. By interviewing potential spontaneous arrivals in Indonesia I might have also been able to observe their interpretations of Australia’s deterrence messages as they received this information. Instead, I asked my interviewees to recall what they had heard about Australia and to remember how they responded to this information.

However, as I have already mentioned and as chapters Eight and Nine indicate, there were clear advantages associated with interviewing refugees who had been living in Australia for some time. For example, the interviewees’ analyses of their own pre-arrival ideas, show that before they came to Australia, the respondents could not have anticipated what being subjected to Australia’s deterrence measures might have actually meant for them. Some of the respondents came to Australia despite hearing negative stories about Australia’s immigration detention centres prior to their arrival. At the time of their interviews, the respondents were able to evaluate the information that they had received about Australia pre-arrival which had affected their choices; some commented that this information was
imperfect, unrealistic or could not depict the ‘true’ experience of being detained. Thus such retrospective accounts are valuable in explaining why the deterrence ‘message’ failed for these respondents. If I had interviewed refugees in Indonesia they would not have been able to make such assessments. Arguably I gained a richer understanding of how refugees understand Australia and its deterrence messages by speaking with respondents who could effectively interpret their prior interpretations. In addition, by interviewing refugees who are living in Australia I was also able to understand what messages the respondents were themselves sending to potential spontaneous arrivals in other countries. I was able to discover whether or not they hope to prevent others from coming to Australia via smuggling routes.

While the respondents of this study would no longer be considered to be part of the ‘potential spontaneous arrival audience’, they are still able to comment on what they may have known about Australia and its policies pre arrival. Such comments may be retrospective, but ideas, interpretations and opinions are never static as my study demonstrates. Even if I had interviewed refugees in Indonesia I would only gain an understanding of their interpretations of Australian policy at the time of interview. To observe how opinions and interpretations change over time is a valuable exercise as this study shows\textsuperscript{102}.

\textsuperscript{102} There are, in fact, quite a number of similar studies which also involve interviews with refugees and asylum seekers after they have arrived in asylum destination countries. These studies include Barsky’s (2000) research with asylum seekers in Canada who were asked to retrospectively describe what they knew about Canada pre arrival and to also discuss how these impressions might have shaped their ‘choice’ of Canada as an asylum destination. Other studies where this has occurred include Robinson & Segrott’s (2002) study of asylum seekers in the UK, Koser’s (1997) interviews with asylum seekers in the Netherlands, Gilbert and Koser’s (2006) interviews with asylum seekers in the UK, and Collyer’s (2004) interviews with Algerian asylum seekers in the UK.
7.7 The case study and the impact of the researcher’s participation in the research

In this chapter I have thus far sought to explain the methodological approach that I took in understanding and analysing the interviews I completed with refugees who had come to Australia as spontaneous arrivals. While all of the interviews were analysed using the same methods, one was selected and used as a basis for the case study in Chapter Eight for a number of reasons. First, the interview is loosely representative of the other interviews I undertook with refugees who had come to Australia as spontaneous arrivals. The interviewees – Baz and Bob – have much in common with the other respondents of this study. For example, Baz and Bob, like the great majority of those who were interviewed, suggested that they did not select Australia as a destination to seek refuge, instead they were channelled there by their circumstances. However, while Baz and Bob’s experiences and ideas are sometimes similar to those of the other respondents who were interviewed for this study, their interview also illustrates the extent to which they stand apart from the other research participants and each other because of the uniqueness of their individual experiences. Indeed, Baz and Bob disagree with each other at various stages of their interview, especially on what might be considered crucial ideas, such as whether they believe deterrence mechanisms will stop other refugees from coming to Australia by boat. This demonstrates one of the key findings of this research – that the uniqueness of the individual and his/her experience limits the generalisations that can be made about refugees, even those with very similar backgrounds.

This interview, in addition, stands apart from the others conducted for this study because of Baz’s high level of English language skills and engagement with the issues discussed. Baz had also worked with the researcher (myself) prior to the interview and as a result, the conversation between the researcher and the respondents is much more relaxed than the
discussions which took place during the other interviews that were undertaken for this study. The interview is dominated by a light-hearted tone, the researcher and the respondents made jokes throughout the interview; this cannot be said to be typical of the interviews overall. While humour was an element in other interviews that I undertook (despite my assumptions about the ‘seriousness’ of the research topic), this interview represents the most ‘extreme’ case where humour aids in the discussion and framing of the ‘refugee experience’. This element of humour and its dominance in this interview led me to not only question the representation of refugees as ‘queue-jumping’ deviants, but also the casting of refugees as victims. Refugees are depicted as victims by both sides of politics (see the Hansard data in Chapters Five and Six) and also by NGOs, academics, psychological studies and refugee advocacy literature.

The literature produced by NGOs and academics which is focused on refugees does not necessarily use the term ‘victim’, however, within this literature refugees are often portrayed as victims – i.e. of the Australian Government’s harsh deterrence policies (Sultan and O’Sullivan 2001; Steel et al 2006; Silove, Steel and Watters 2000; Mann 2001; Marston 2003; Pickering, Gard and Richardson 2003; Barnes 2003; UNHCR 2006; Amnesty International 2002; HREOC1998; HREOC 2004; Human Rights Watch 2002). The sheer volume of work which focuses on the harm being done to refugees by Australian deterrence mechanisms tends to ensure that ‘victimhood’ becomes a salient and defining aspect of the refugee identity. Indeed, such depictions make it difficult to understand refugees in any other way. Hardy, Phillips and Clegg (1998) note that:

NGOs engage in discursive activity to challenge the government assumptions by portraying refugees as genuine, but also needy and helpless… However, the portrayal of refugee as victim – as needy and
helpless – undermines refugee organizations that wish to take control of refugee issues. These refugee organizations have an interest in invoking refugees as autonomous and independent. (Hardy, Phillips & Clegg 1998, p.14)

Kumsa is also critical of studies on refugees which do not understand refugee experiences “holistically” and thereby support “the agency/victimization binary already entrenched in the study of refugees” (Kumsa 2006, p.233). Rajaram, in addition, condemns NGO literature which creates the impression that refugees are “helpless victims”; he suggests that such depictions ignore the individuality of refugee experiences and refugees themselves (Rajaram 2002, p.251).

My experience of interviewing refugees allowed me to view my respondents not as victims whose lives are dominated by the multiple tragedies associated with refugeehood, nor as victims broken by the harshness of the Australian ‘system’, nor even as individuals who have ‘triumphed over adversity’. Instead, the act of enjoying a joke with refugees while interviewing them challenged the ‘otherness’ which underpins the constructions of ‘deviant’ and ‘victim’ alike. Humour, for me, cut through the binaries of self and ‘other’, researcher and researched, refugee and ‘the norm’, and instead highlighted how these constructions, and those of victim and deviant, simplify human beings and their experiences. Indeed, what Baz and Bob’s interview effectively calls for is the realisation that there is a richness of human experience which is not considered when one understands refugees as simply ‘victims’ or ‘deviants’. My participation in my research permitted me to see that there is obviously much more to refugees’ personalities and experiences than the terms ‘victim’, ‘deviant’ or ‘refugee’ will allow.
7.8 Conclusions

I began this chapter by proposing that I would seek to draw out the subjugated knowledge of the refugee, I then reflected on the difficulties associated with doing this. In particular, my reflection on my methodological choices suggests that the process of interviewing refugees is not straightforward nor can the analysis of interview data be objective or value-free. Through undertaking my research I came to recognise that the refugee’s testimony represents a knowledge which is subjugated to the ‘expertise’ of academic researchers as much as it is subjugated to the ‘expertise’ of politicians. I am therefore limited in my capacity to draw out the subjugated knowledges of refugees given that in representing this knowledge, I cannot help but subjugate it to my own. Although the power inequalities associated with researching refugees cannot be eliminated, I have at least acknowledged my hand in the construction of knowledge about the refugee subject and I have made my readers aware of some of the choices that have impacted on this construction. Furthermore, I have recognised that my participation in the research itself has shaped my understanding of ‘the refugee’ and my depiction of this object of knowledge in my study. Indeed, my emotional engagement with my research respondents has challenged the use of the term ‘refugee’ itself and the attributes associated with it, including victimisation and deviance.
8. Neither Deterred nor Destroyed: refugees’ interpretations of the ‘strong message’

8.1 Introduction

In this chapter I present the case study of ‘Baz’ and ‘Bob’: two Iraqi refugees who came to Australia as spontaneous arrivals in the late 1990s. Both Baz and Bob are members of the same persecuted ethnic minority from Iraq. Both were born in Iraq but along with their families, the two men were expelled from Iraq to Iran when they were young children. Baz and Bob lived in Iran as stateless refugees until they began their journeys to Australia; at the time that they left Iran, they were unable to obtain citizenship rights from either Iraq or Iran. Both Baz and Bob say that they left Iran due to hardships that they faced as a result of their statelessness; it was on the basis of these hardships that they sought and were granted refugee status in Australia. Both men travelled to Australia in the late 1990s and it was en route to Australia that the two met and became friends. At the time that I interviewed them – September 2005 – Baz and Bob lived in an apartment together in western Sydney and both had obtained permanent residency in Australia.

One goal of this chapter is to demonstrate that refugees challenge and defy the constructions of the ‘spontaneous arrival audience’ which are articulated in the parliamentary discussion on ‘illegal immigration’. In some respects this is not a new argument, as I have stated throughout this thesis, there is a branch of literature which purports to dispel the ‘myths’ which are supposedly created about spontaneous arrivals by Australian politicians (Edmund Rice Centre 2001; Pickering & O’Kane 2002; HREOC 2003; Rural Australians for Refugees 2002). However, while this chapter shows that
refugees present alternative ‘truths’ about spontaneous arrival to those ‘truths’ which are constructed in the Commonwealth Parliament, in this chapter I am interested in much more than an argument about ‘the facts’ of spontaneous arrival. A more detailed discussion of the differences between refugee truths and the ‘knowledge’ constructed by politicians about spontaneous arrival can be found in Appendix One of this thesis. In that section I more closely examine the differences between refugees’ and politicians’ versions of ‘the facts’.

As this chapter shows, refugees do challenge ‘the facts’ about spontaneous arrival that are constructed during parliamentary debates. For example, Baz and Bob refute the idea that they came to Australia as spontaneous arrivals because they perceived Australia to be a ‘soft touch’. At times, however, Baz and Bob’s version of ‘the facts’ does not differ markedly from ‘the facts’ which are constructed about spontaneous arrivals by Howard Government politicians. For example, it is indisputable that Baz and Bob paid a people smuggler and arrived in Australia spontaneously without the required travel documentation. What is at stake with this example is not a dispute about ‘the facts’ but rather a dispute about how these ‘facts’ are interpreted – should Baz and Bob be understood as deserving of refugee status or does their capacity to pay a people smuggler make them less deserving than others, including those who have lived in refugee camps?

For Foucault, interpretation was important. Foucault found through his analyses in The Birth of the Clinic (2003b) that the institutionalisation of medical practice led to the situation where medical experience “is no longer divided between those who know and those who do not; it is made up, as one entity, of those who unmask and those before whom one unmask” (Foucault 2003b, p.135). What interested Foucault most was the mechanisms that allow certain subjects to interpret ‘the facts’ and make them intelligible –
the mechanisms that grant certain people the legitimacy to interpret and uncover the ‘truth’. It may be the case that both refugees and politicians agree on ‘the facts’ but only the latter are accorded the right to deduce the ‘truth’ about spontaneous arrival.

This chapter therefore does not merely present an alternative version of ‘the facts’ while presenting the refugees’ understanding of spontaneous arrival, I also note where there is an intersection between the politicians’ and refugees’ understandings of ‘the facts’ and examine how these ‘facts’ are interpreted by both parties. This chapter serves to highlight the various ways in which refugees’ understandings of themselves, their ‘unauthorised’ journeys to Australia, and the communication of deterrence policy information, differ from politicians’ descriptions of these things. This chapter thereby indicates various ways in which refugees’ knowledge is omitted from the parliamentary discussion on spontaneous arrival and becomes subjugated to the politicians’ understandings when the ‘spontaneous arrival audience’ is constructed.

8.2 Method
The reader will see that in this chapter I have included a substantial proportion of the transcript from the interview that I undertook with Baz and Bob. My decision to include much of this transcript follows Brunsdon’s (2000) decision to include large portions of her interview material in her study in which she reflected on how she and her interviewees (also audience research scholars) constructed the television soap audience in their studies. Brunsdon’s (2000) goal was to provide the reader with access to a considerable amount of her ‘raw data’ in order for the reader to ‘contextualise’ (or indeed disagree with) the researcher’s interpretation (Brunsdon 2000, pp.94-95). This approach, where a large amount of the interview transcript is included in the researcher’s manuscript, is also valued.
by other audience researchers, such as Tulloch (2000). Tulloch writes in relation to McKinley’s (1997) work:

the fact that I read the Princeton discussion differently from McKinley is not the point. In one sense it demonstrates the value of qualitative analysis which liberally cites respondents’ actual talk, so that the reader can come to a different opinion. (Tulloch 2000, p.207)

Like Brunsdon (2000) I do not claim that my interpretation of my respondents’ words is authoritative. Through including a large amount of the interview transcript in this chapter, I hope to enable the reader to not only view my interpretation and make a judgement about this, but in doing so readers should gain an insight into how I have constructed knowledge in this study. In order for the reader to more clearly differentiate between the interview transcript and my interpretation of this transcript, I have bolded the interview text. Therefore, in this chapter the interview data sits alongside the coding of this data, allowing the reader to see the respondents’ actual words and the researcher’s framing of these words.

I have also included a considerable proportion of the interview text in this thesis in order to respond to Rajaram’s (2002) criticism that when researchers use “poignant quotes” from refugees, they can restrict how refugees are known (Rajaram 2002, p.256). Specifically, Rajaram (2002) proposes that refugees become known in line with the researcher’s agenda. Rajaram (2002) directs criticism at aid agencies which use poignant quotations in their reports in order to elicit sympathy from the reader. While the use of such quotations – which often portray refugees as victims – may boost financial donations to these organisations, according to Rajaram such “quotations further restrict refugees to an identity characterised by helplessness and puerility, and further a de-humanising process” (Rajaram 2002, p.256).
I concur with Rajaram’s (2002) proposal that in refugee studies ‘poignant quotes’ are typically used in order to draw the reader’s attention to specific aspects of the refugee experience in which the researcher is interested. In much of the literature which is focused on Australia’s immigration deterrence mechanisms, ‘poignant quotes’ from refugees are often used to demonstrate the devastating effects that such policies have on the refugees who are subjected to them. For example, a quotation used in HREOC’s *A last resort: A summary guide to the National Inquiry into Children in Immigration Detention* (2004) states:

‘It is like a cancer. It is like a brain tumour or something – you know that you are going to die after three years. Even if you have a brain tumour, you know that you are going to die in that certain time… so you live happily. With this [the TPV], you just die every day. You don’t know what’s going to happen’. (Teenage boy quoted in HREOC 2004, p.64)

I would not wish to disregard the profoundly negative impact that deterrence policies, such as immigration detention and the TPV, have on those who are subjected to them; but as Baz and Bob’s interview reveals, the respondents in my study did not understand such policies in a singular way. For some of the respondents in my study, their experience of being detained in Australia was understood to be simultaneously devastating and liberating. There is a need then, to understand refugees and their thinking in a more holistic way. The practice of using small quotations alone does not typically allow the reader to view refugees as multifaceted human beings (perhaps only as victims) or to grasp the complexity of their thinking – to understand that they might feel simultaneously devastated and liberated.
Therefore, I have included in this chapter a substantial amount of material from the interview that I undertook with Baz and Bob in order to present the complexity of refugees and their thinking in a more holistic way. In particular, I have included sections of the interview transcript where the respondents use humour and seriousness at the same time to describe their detention and other traumatic experiences. Such quotations begin to demonstrate the complex nature of refugees’ interpretations of deterrence mechanisms and challenge the perception that refugees are only devastated victims.

**Demographic information**

To maintain the research participants’ anonymity, not all of their demographic information is provided to the reader. Pseudonyms – Baz and Bob – are used in place of the interviewees’ real names, and some specific information (for example, the length of time that the respondents spent in immigration detention) is spoken about in general terms. The pseudonyms ‘Baz’ and ‘Bob’ were chosen by the respondents themselves. This choice may reflect the respondents’ desire that they be viewed as Australians by the Australian populace/reader – the wish to be accepted as ‘Australian’ was expressed by several respondents in this study who had obtained Australian permanent residency or citizenship. A pseudonym – ‘Belmore’ – is used in place of the name of the immigration detention centre where Baz and Bob were detained. Lastly, France has been named as the European country where Baz’s brother lives when it is in fact another country in western Europe.

**8.3 Leaving Iran – the most deserving refugee**

At the beginning of the interview, I asked Baz and Bob to explain their reasons for leaving Iran. My line of questioning specifically draws on and tests the belief that refugees who arrive spontaneously in Australia by boat, leave safety and a secure life in their regions and
thus come to Australia without good reason. Such a belief was expressed by a number of Howard Government MPs, for example Campbell, a Liberal Party MP, states: “many of the people moved around the world by these smugglers have either no protection needs or have bypassed effective protection arrangements in countries closer to their home, simply so they can achieve their preferred migration outcome” (Campbell, I 2001, Senate Hansard, p.27495). Therefore, I sought to understand whether the respondents might identify with or disassociate themselves from this understanding of ‘the spontaneous arrival audience’.

R: So how did that [your situation of statelessness] affect your quality of life? For example could you work in Iran?

Baz: We could not work legally in Iran, all we could do is to do some illegal work, like they would not execute us for doing illegal work but you could not get a proper job, a job that would pay your holiday, pension or anything like that. And for any journey that you wanted to make from one city to another city you had to go and apply for movement leave so you are not allowed to move between the cities, even travel to it.

R: Because what the Australian Government might argue in that case is that you could have maintained a life in Iran, you didn’t need to come to Australia.

Baz: We wouldn’t die if we stayed in Iran but for 20 years of that kind of life, especially when the kids [referring to his nieces and nephews] do not have any identity or nationality, that wouldn’t be a maintainable life... And with that kind of life, whatever the Australian Government argue[s], the fifth thing that the Convention says about refugees is that if somebody does not have a state... he can be recognised as a refugee. And we did not have a state, and we did not have a state for 20 years.

103 In effect I found myself testing the constructions of spontaneous arrivals which arose from the parliamentary discussion on ‘illegal immigration’. I acknowledge that this is a flawed means by which to attempt to draw out the subjugated knowledge of the refugee, it is after all, a knowledge which is drawn out on the basis of my concerns, interests and analysis of Hansard. However, as I have already mentioned, throughout the interviews that I undertook for this study, the respondents often discussed topics which were of interest to them and they thereby guided the issues which are addressed in this thesis. Therefore, though refugee knowledges are subjugated to the knowledge of the academic researcher in this thesis, the knowledge produced by this study should be thought of as a co-construction – my knowledge/interests/perspectives do not simply dominate those of refugees.

104 The Refugees Convention makes specific reference to stateless refugees, however UNHCR’s Handbook on Procedures and Criteria for Determining Refugee Status says: “not all stateless persons are refugees. They must be outside the country of their former habitual residence for the reasons indicated in the definition [of a
In this section of the interview Baz revealed that his day-to-day living conditions influenced his decision to leave Iran. While Baz was able to meet his basic needs in Iran while he worked there illegally, he did not feel that he could really continue to maintain this kind of existence indefinitely. Baz also revealed in this interview that though he did not face death or physical punishment while he lived in Iran, there was a risk that the Iranian authorities would deport him back to Iraq where he would face such persecution. It might be suggested, therefore, that Baz left Iran for ‘valid/good’ reasons which challenges Campbell’s (2001) assertion above.

Baz’s case also challenges the proposal that only refugees who have lived in refugee camps – i.e. seemingly the most desperate of circumstances – deserve Australia’s protection. As Kelly, a Liberal Party MP under the Howard Government argued, “the truth is that those who are poor, destitute and seeking to flee from persecution are in fact those who languish in refugee camps around the world; they are those who have no money for people smugglers and have no option but to wait” (Kelly, D 2001, House Hansard, p.30970). Crosio, a Labor MP stated furthermore that:

People who have the means to employ people smugglers have really not had the same experiences as those who apply in the correct way to migrate to Australia… They say that they have had the same experiences as those people who have suffered the horrendous conditions of refugee camps. Time and again the truth has shown that many of these people have not had the same experience. They have not experienced or even seen the misery of those people in such camps as I have described. (Crosio, J 2001, House Hansard, p. 30130)

refugee in Article 1]. Where these reasons do not exist, the stateless person is not a refugee” (UNHCR 1992, p.24). It is unlikely therefore, that Baz was granted refugee status simply because he was stateless; he may have also been granted asylum because he was persecuted on the basis of his ethnicity.
Despite his statelessness and the difficulties that were associated with his life in Iran, Baz does not fit neatly within the politician’s vision of the ‘most deserving refugee’ – he was not, for example, ‘languishing’ in a refugee camp when he left Iran. Kelly (2001) and Crosio (2001) accept only one kind of ‘desperation’ as a prerequisite for gaining refugee status in Australia and they do not consider that life may be unbearable for refugees who are living in settings other than refugee camps. Baz’s narrative thereby highlights the extent to which Australian politicians construct a singular vision of desperation. Only certain kinds of individuals are considered to be truly ‘desperate’ by some Australian politicians and therefore deserving of refugee status; spontaneous arrivals are thought not to be desperate because they can pay people smugglers and do not wait in refugee camps for resettlement. Challenging this perception, Baz evidently believes that his ‘unauthorised’ journey to Australia was justified and that his asylum claims were valid – he was, after all, granted refugee status by the Australian authorities.

**Baz:** You know, for me, I wouldn’t have faced death in Iran but I would have definitely faced continuous discrimination and very strong discrimination if I had stayed in Iran, like a violation of basic human rights, like this is so severe… You don’t have freedom of movement, you don’t have the right to work… you are indefinite in limbo. You are living in limbo literally… not every refugee in the world would face necessarily death if he returns back to the country of his origin. Now even the definition of refugee does not require you to face death⁠¹⁰⁵ … if some of your basic rights are taken from you that would amount to persecution, if you are stateless, that amounts to persecution. If you do not have the right to very basic things, you are under persecution. And by giving us TPVs, they [the Australian authorities] affirmed what we said.

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¹⁰⁵ According to UNHCR’s *Handbook on Procedures and Criteria for Determining Refugee Status* “There is no universally accepted definition of ‘persecution’” (UNHCR 1992, p.14). However “From Article 33 of the 1951 Convention, it may be inferred that a threat to life or freedom on account of race, religion, nationality, political opinion or membership of a particular social group is always persecution. Other serious violations of human rights – for the same reasons – would also constitute persecution” (UNHCR 1992, p.14). Therefore, as Baz suggests, the *Refugees Convention* does not propose that an individual should be at risk of death or physical torture in order to be recognized as a refugee.
8.4 Why Australia? (Baz)

After asking Baz and Bob about their reasons for leaving Iran, I asked them why they ‘chose’ to come to Australia rather than seeking asylum in another ‘Western’ country. My question was based on the assumption that the interviewees had a choice in their asylum destination. The question was asked in order to test the assumption that Australia represents a destination of choice for spontaneous arrivals. This perception is articulated directly by Barresi, a Liberal Party MP under the Howard Government who said: “There are, according to recent estimates, 2.5 million Afghans living in countries neighbouring Afghanistan and to whom Australia represents a destination of choice. There are also 700,000 Iraqis living in neighbouring countries who feel the same way” (Barresi, P 1999, House Hansard).

Like many of the respondents who were interviewed for this study, Baz dismissed the notion that he selected Australia as a “destination of choice” (Barresi, P 1999, House Hansard). Baz’s case, in particular his preference for France as an asylum destination (as evidenced in the quotation below), challenges the idea that Australia represents a primary choice for all refugees who spontaneously arrive there. Baz’s reasons for ‘selecting’ Australia – his lack of funds106 and inability to find a smuggler who could take him to Europe – in fact have nothing to do with Australia at all. Australia simply fitted with Baz’s circumstances. For Baz, Australia was a destination reached by default rather than design;

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106 From the information received from the refugees interviewed for this study, it is unclear to what extent finance plays a role in dictating the asylum seeker’s choice of destination – even if Baz had the funds to travel to Europe he may not have found a smuggler who could take him there. However, like Baz, many of the respondents believed that their lack of funds gave them fewer destination choices.
Australia was also not selected because Baz believed that it had generous asylum policies or was a “soft touch”\(^\text{107}\).

Baz’s case also adds weight to the suggestion that asylum seekers are more likely to select a particular destination country when they have family based there – Baz favoured France as a destination because this is where his brother lives. Robinson and Segrott (2002) suggested that a third of their respondents chose the UK as an asylum destination based on the fact that they had relatives living there (Robinson & Segrott 2002, pp.39-42). Those politicians who support the use of Australia’s deterrence mechanisms may therefore overestimate the importance of Australian policy as a factor which contributes to the occurrence of spontaneous arrival. Indeed, there are many factors other than asylum policy (including family reunification), which affect the decisions that refugees make about their asylum destinations.

In addition, Baz’s case shows that the individual’s circumstances may override her/his ability to access their destination of choice. Baz’s case raises the possibility that, even if relevant information is received by asylum seekers about a desired destination country, there may be circumstances and events which channel refugees to other countries – in Baz’s case to Australia rather than to France. It may not matter therefore, what information refugees receive about possible destination countries if their circumstances restrict their access to their destination of choice. In short, Baz’s case concurs with Barsky’s (2000) finding that circumstance or ‘chance’ plays a key role in determining where refugees claim

\(^{107}\) While Chapters Five and Six illustrate that Australian politicians do not want Australia to appear to be a “soft touch” (Gambaro, T 2000, House Hansard, p.13996; Crosio, J 2001, House Hansard, p.30131) Ruddock claims that Australia’s generous interpretation of the Refugees Convention makes it a target for spontaneous arrival. According to Ruddock, “These generous interpretations of our obligations encourage people who are not refugees to test their claims in Australia, adding to perceptions that Australia is a soft touch” (Ruddock, P 2001e, House Hansard, p.30420).
asylum. Indeed, chance may be more important than destination countries’ asylum policies or refugees’ choices in dictating where asylum is claimed.

No choice

Baz: Me, I didn’t choose, if it was my choice I would have gone to France because I had a brother in France but there was simply no way. There was no route to go to France.

R: So why did you choose [Australia] then? [My question disregards Baz’s suggestion that he did not have a choice in his destination.]

‘Choice’ based on cost of travel

Baz: I heard that there was a way to Australia and it was on a boat and that is how much that I could afford. I couldn’t afford a plane way. Because they were saying that there were ways by aeroplane but that will cost $6000, $7000 American dollars and I couldn’t afford that kind of money.

R: So you could have gone to France if you could afford to pay for an airlight?

Baz: Yeah, because I knew that there was a land way to France as well from Europe and then they catch a boat and they took it for about some hours, or swim over there that’s an option [laughs]... So when I say that there was no way, I mean, I didn’t find a smuggler, the right person to take me over there but I heard that there were smugglers in Indonesia and Malaysia who would take me safely to Australia.

8.5 The ‘culture of refugeehood’ and the importance of ‘experience’

In discussing their ‘choices’ about asylum destinations, some respondents referred to a ‘culture of refugeehood’ which had an impact on their decisions. The concept of the ‘culture of refugeehood’ was first articulated to me by Baz in an informal conversation some months prior to this interview. The ‘culture of refugeehood’ refers to a situation where persecuted groups of people hear information (or perhaps gather it) over a period of
time, even a lifetime, about possible solutions to their situation of persecution. This
information, which appears, from the interviewees’ accounts, to be based very much on
rumour, might include descriptions of possible destinations where safety may be found.
However, the accuracy of the information provided by this network is questionable (as
examples in the next chapter illustrate). Indeed, what the interviews undertaken for this
study indicate is that despite the existence of such a network and the efforts of the
respondents to gather information about possible asylum destinations, they did not possess
a detailed nor accurate understanding of Australia prior to arriving there. This challenges
the construction of spontaneous arrivals as ‘knowledgeable deviants’.

One conclusion that might be drawn in relation to this ‘culture of refugeehood’ is that there
is a layering of information to which refugees are exposed and which they build up over a
lifetime. Australian deterrence policy messages, if they reach refugee communities in other
countries, are likely to be just one source of information among many that are received by
refugees about possible asylum destinations. Australian policy information would also
have to compete for reception within the dense rumour-mill generated by the culture of
refugeehood. Audience researchers have come to acknowledge such influences on ‘the
audience’ – the notion of ‘intertextuality’ suggests that audiences are unlikely to receive or
process messages in isolation from other texts (Barker and Galaskinski 2001, p.69).
Indeed, one of the major criticisms of the textual analyses that were undertaken by cultural
studies scholars in the past was that they failed to consider the overall “textual
environment” of reception (Couldry 2000, p.73). This challenges the belief that the
reception of deterrence information is straightforward. When politicians suggest that
deterrence information ‘will’ be received by potential spontaneous arrivals they fail to
acknowledge that other texts may influence the refugee’s reception of deterrence information.

R: …one of the other things that you were talking to me about before, when we were talking before, was that there’s kind of like a culture of refugeehood in Iran, can you tell me a bit more about that?

Baz: Yes this is what I just mentioned, like I had the information that for example, how much it would cost you to go to Canada, how much it would cost you to go to France, what are the ways to France, how much each route will cost you…

UNHCR’s resettlement program and the culture of refugeehood

As Chapters Five and Six demonstrate, Australian politicians suggest that refugees should apply for asylum through UNHCR’s resettlement program; this is said to be the correct way to seek asylum from Australia. Prior to their arrival in Australia, Baz and Bob did not know that UNHCR resettles refugees to Australia and other Western countries – this information had not filtered into the rumour-mill to which Baz and Bob were exposed. In fact, Bob had not heard of UNHCR or its resettlement program at the time that I interviewed him in 2005. This challenges the idea that all spontaneous arrivals deliberately ignore UNHCR’s resettlement program in order to achieve their “preferred migration outcome” (Campbell, I 2001, *House Hansard*, p.27495). While Baz had heard of UNHCR, he said that he had only come to know of its existence and the existence of its resettlement program since his arrival in Australia. Baz suggested that UNHCR has no physical or ‘mental’ presence in his community in Iran and he said that UNHCR’s resettlement program simply does not exist as a concept in the minds of such refugees.

What could be said of many of the respondents who were interviewed for this study was that they tended to learn from what they could see with their own eyes. UNHCR’s
resettlement program certainly does not have the ‘power of experience’ that spontaneous arrival has; Baz and Bob said that they knew no refugees who had been resettled by UNHCR but they knew many people who had sought asylum successfully as the result of spontaneous arrival. UNHCR’s resettlement program does not necessarily enter the refugee’s ‘radar’ as a viable solution to their plight or else, as some respondents suggested, they might have sought asylum through UNHCR’s offices. This indicates that spontaneous arrivals are unlikely to be as knowledgeable about the international asylum system as some Australian politicians suggest and they are likely to primarily rely upon non-textual sources of information when making decisions about seeking asylum.

The interviews undertaken for this study indicated that the respondents’ choices about asylum were heavily influenced by their experiences and what they saw or knew of the experiences of others. Such experiences may have a greater influence on refugees’ decisions than any text they read – such as the posters in the Australian Government’s Overseas Information Campaign. ‘Experience’ appears to be a powerful resource on which refugees rely when understanding Australia’s deterrence mechanisms and messages. While Australian politicians fail to comprehend the ‘total textual environment’ of reception – i.e. that refugees will not interpret Australian policy messages in isolation from other texts that they read – these politicians also fail to consider the extra textual factors which influence refugees’ choices.

Livingstone acknowledges “the many extra-textual resources on which viewers may draw when making sense of television (their beliefs, understandings, emotional concerns, social knowledge etc.; a reference to the rest of their lives, in short)” (Livingstone 1998, p.178). Michelle (2007) also suggests that a viewer’s “immediate life world experience, including
their experiences and observations of people such as extended family members, friends, neighbours, colleagues, and acquaintances” shape her/his interaction with the texts s/he views (Michelle 2007, p.200). Cultural studies scholars appear to consider such extra-textual resources when they examine the socio-cultural factors which shape the meanings that audience members take from the texts they view. However, scholars of the cultural studies tradition have been much more interested in the textual resources that affect meaning making rather than the types of influences that Livingstone (1998) lists. I agree with Miller and Philo (2001) that cultural studies has placed considerable emphasis on investigating the discursive resources (in particular the mass media sources) that audience members draw upon, at the expense of examining how experience affects interpretation/meaning making.108

For some of the interviewees of my study who were illiterate and had very little or no interaction with television and other mass media, ‘experience’ was the most important resource available to them when they interpreted Australia’s deterrence messages. I would suggest therefore that those theoretical approaches to studying audiences which overemphasise texts as a central resource on which audiences draw in meaning making, are not readily applied to some cultural groups. As Baz says of the role that ‘experience’ played in his understanding of his asylum options:

**Baz:** My brother is a refugee, I’ve got a lot of friends who are refugees, I haven’t heard [in] my whole life that one of them got over there [to an asylum country] through UNHCR… Like in our culture, we don’t have the organisation UNHCR, which is of course, to be a refugee organisation, [it] is 100 per cent absent.

108 It is important to note however, that I do not concur with the great majority of Miller and Philo’s (2001) criticisms of cultural audience studies, especially considering that my study takes up and applies a great number of the theoretical ideas that they strongly criticise.
Therefore, one of the major resources on which Baz relied when making decisions about seeking asylum and in also processing the information that he received about asylum destination countries was ‘experience’.

8.6 Pre-arrival knowledge (Baz)

I sought to discover what the respondents knew about Australia prior to their ‘unauthorised’ journeys. As Chapters Five and Six illustrate, Australian politicians construct spontaneous arrivals as ‘knowledgeable deviants’ and propose that spontaneous arrivals have a detailed understanding of Australia and its immigration policies before they arrive on Australia’s shores. Though Baz said that he knew nothing about Australia’s immigration policies before he came to Australia, he assumed that he would get citizenship from Australia eventually. This reinforces the findings of other studies which propose that permanent status is important to refugees when they make decisions about asylum destinations. For example, Barsky (2000) suggested that some of his respondents considered permanent status to be important and selected Canada as an asylum destination because they believed that they could not get permanent refugee status elsewhere (Barsky 2000, p.232). This may lend weight to the proposal that the denial of permanent status to refugees will stop spontaneous arrival; this was the rationale behind the creation of the TPV\(^{109}\).

However, Baz’s assumption that he would be granted Australian citizenship was not based upon information that he had received about Australia. Instead, Baz assumed that all

\(^{109}\) The DIMIA fact sheet on the Temporary Protection Visa states that the TPV was introduced to curb the “large numbers of people [who]… were travelling to Australia unlawfully to try to gain residence in Australia… the regulations removed the additional benefits [i.e. permanent protection and access to citizenship] which had been encouraging misuse of the protection process by unauthorised arrivals” (DIMA 2000b).
Western nations grant citizenship to refugees. This suggests that refugees will make assumptions about Australian policies based on their beliefs about the asylum systems operating in other (‘Western’) nations. Similarly, prior to his arrival in Australia, Bob said that he believed that he would ultimately be detained in an Australian immigration detention centre. Bob assumed this because he understood that asylum seekers were detained in all Western countries. It would be incorrect to suggest then that refugees do not think about the reception conditions which may exist in their prospective asylum destination countries. However, as Baz and Bob’s interview reveals, refugees may not have the ability to accurately assess the reception conditions which exist in specific countries.

When potential asylum seekers consider what Australia may be like, they evidently rely on their general assumptions about the conditions which exist in various Western countries. This example again challenges the assumption that the reception of deterrence information is straightforward and predictable. This example also indicates yet another resource on which potential spontaneous arrivals may draw when interpreting Australian deterrence policy information – i.e. they will rely on their understanding of the deterrence mechanisms which operate in other Western countries. As chapters Five and Six illustrate, Australian politicians do not consider this factor as an influence on the decisions that potential spontaneous arrivals make yet a number of the respondents who were interviewed for this study said that their understanding of Australia was influenced by their perception of Western countries in general.

It is also important to note that the significance of citizenship to Baz related to his position of statelessness. Unlike Baz, the other respondents who were interviewed for this study did
not mention citizenship specifically though some of them said that they did come to Australia in order to find a permanent solution to their plight.

R: And you knew about how much you would have to pay if you wanted to go to different countries but did that extend, then, to knowing a bit about what those countries might offer you?...

Baz: No ...but I knew one thing, that wherever you go, whatever Western country you get into, they are different, and you’ve got to wait differently, different period[s] of times but eventually you will become a citizen. I knew that. Like one day, probably three years, probably five years, probably ten years but one day you will become a citizen of that country. And that was really what concerned me most, that one day I will become a permanent citizen.

R: because you were stateless?

Baz: yes

8.7 Why Australia? (Bob)

Like Baz, Bob said that he did not really ‘choose’ Australia as his destination. Like Baz, Bob had first considered seeking asylum in a Western European country but the personal experience of his family – the fact that his uncle got ‘stuck’ in Russia for four years – demonstrated to him that European countries were not accessible to refugees. Like others interviewed for this study, Bob’s individual experience – or rather his knowledge of his uncle’s experience – tainted Bob’s understanding of alternative destination countries to Australia. Bob, like Baz ‘chose’ Australia by default – it was assumed to be the only asylum destination country which was accessible to him. In Bob’s case, like Baz’s, Australia was not selected because of its ‘generous’ immigration policies.

R: And Bob, what about you, what made you choose Australia, rather than going to Canada or going to the US?

Bob: yeah, it is just I see Australia, it was the way to go.
R: The only way open to you?

Bob: Yeah, open that I can go because I was thinking about Europe I go but no I couldn’t. My uncle went to Russia, four years he was there and he want to see the way to open and he go to Europe but he didn’t, he couldn’t go and he came back to Iran.

Bob also mentioned that he ‘chose’ to come to Australia because he did not have a valid passport – he did not have a passport because he was not a citizen of any country. Other respondents also said that they did not need a genuine passport in order to travel to Australia because transit countries like Malaysia, allow asylum seekers to transit their territory on forged documents\(^\text{110}\). Like Bob, some of the other respondents were unable to obtain legal passports because they were being persecuted by the authorities of their home countries – they could not therefore, have approached these authorities in order to apply for such documentation. Therefore, rather than Australia representing a destination of choice for these spontaneous arrivals, the respondents were channelled to Australia for various other reasons – i.e. because Australia was accessible to them.

8.8 Pre-arrival knowledge (Bob) – the importance of people as a medium for information

In contrast to the proposal that spontaneous arrivals are highly knowledgeable about Australia before they arrive there, like Baz, Bob’s knowledge of Australia prior to his arrival there was minimal, he said only “\textbf{Just I know that it is good country, they have... there is a lot of refugee, a lot. They are happy}”. Bob gleaned this information about Australia from those who had obtained refugee status in Western countries and who had temporarily returned to Iran in order to visit their families. In fact, both Baz and Bob

\(^{110}\text{A number of the respondents said that Malaysian authorities ‘turn a blind eye’ to asylum seekers who transit Malaysia with forged documentation.}\)
suggested that they had received information about Australia and other Western nations from refugees who had returned ‘home’ from such countries. Only a small number of the respondents who were interviewed for this study suggested that they received information directly from such sources, however, this information was often dispersed throughout entire communities of persecuted people (for example amongst communities of Sabean Mandaeans). In fact, the interviews conducted with refugees for this study suggest that returnees and the social networks which exist amongst persecuted people may have a stronger impact than any other form of message on the asylum seeker’s understanding of Western countries.

As I have already mentioned, many of the respondents who were interviewed for this study suggested that their knowledge of other asylum seekers’ experiences influenced their own decisions about seeking asylum. This finding is echoed in various other studies, for example, Doornbos, Kuijpers and Shalmashi said of their interviewees “Most of the respondents derive their ideas about life in Western countries from stories from acquaintances, friends, or family in these places or from stories by other people with family abroad” (Doornbos, Kuijpers & Shalmashi 2001, p.20). Koser and Pinkerton say furthermore that, “social networks are almost invariably the most trusted of sources. They are perceived by potential asylum seekers to provide the most relevant information and unlike other sources, are trusted not to distort information” (Koser & Pinkerton 2002, p.1).

Therefore, Baz and Bob’s testimony demonstrates that Australian politicians can greatly overestimate the power of the deterrence policy message and its ability to directly influence refugees’ decisions. The Australian politicians who support deterrence messages as a means of dealing with the spontaneous arrival ‘problem’, underestimate the importance of
information sources other than policy messages to refugees who are making decisions about seeking asylum. In short, politicians underestimate or fail to realise that the key influences on the decisions asylum seekers make are likely to be personal ‘experience’ (as discussed above) or the information received from friends, relatives and acquaintances. As Baz suggests:

\[
\text{Baz: You know Roslyn, one of the things that get[s] the word spread is this. Like when I got my permanent residency, what was the first thing [I did]? I will go back to Iran to see my family. So we had a lot of these Iraqi people like us who went to France, who went to Canada, to Europe, to Australia. They got their permanent residency, what was the first move that they do? They come back to Iran. And one in a town is enough to get the word spread around the whole town…}
\]

\[8.9\] Immigration detention – humour and hardship

In asking the respondents what they knew about Australia prior to their spontaneous arrival, I asked them directly what they knew about Australia’s immigration deterrence policies, such as the mandatory detention regime. Like some of the other respondents who were interviewed for this study, Bob said that before he arrived in Australia he knew that he might be detained in an Australian immigration detention centre. However, Bob said that he did not anticipate what it would actually be like to be detained and he had thought that he would only be detained for a short period of time.

\[ R: \ldots \text{Did you know about detention before you came to Australia?} \]

\[ \text{Bob: Detention yes, I know about but not about [more than six] months I thought forty days [laughs]… Forty days, one month, not [over six] months…} \]

Senator Hill, a former Howard Government minister, argued that “Mandatory detention helps ensure that Australia is seen as a less attractive destination for organised people
smuggling activities.” (Hill, R 2001, Senate Hansard, p.24602). Similarly, former Minister for Immigration, Phillip Ruddock stated,

To abolish mandatory detention and to replace it with some early release of people into the community without proper assessment of claims and without holding people available for removal if they have come to Australia unlawfully would send exactly the wrong signal in relation to unlawful entry. (Ruddock, P 1999, House Hansard)

Given that the mandatory detention regime is thought to deter spontaneous arrival, I sought to understand more about why Bob had continued with his journey to Australia when he knew that there was a strong possibility that he would be detained upon his arrival. Ultimately, as Bob describes below, he understood his prospective detention against the backdrop of the hardships that he had experienced in Iran and did not fear the prospect of being detained in Australia because he assumed that his detention would be short. There is no guarantee then, that potential spontaneous arrivals who hear about Australia’s mandatory detention regime will be deterred by this information. Instead, they will interpret such a message in line with their own experiences, assumptions and needs. The deterrence message sent by Australia is therefore far from straightforward and does not have a direct effect on its target; instead it is processed by its receiver as Bob’s case illustrates. This challenges the hypodermic understanding of communication which underpins the use of deterrence mechanisms.

In responding to my questions about immigration detention, both Bob and Baz used a mixture of humour and seriousness when they described the experiences of being detained. Baz and Bob’s description of the time that they spent in immigration detention differs dramatically from the descriptions of detention which are typically published. For
example, in her book *Asylum: Voices behind the razor wire*, Tyler (2003) collects together a number of refugee testimonies. In these testimonies are harrowing descriptions of what it is like to live inside Australia’s immigration detention centres:

> officers in riot gear came to our rooms in the single men’s block, bashing on the walls and doors, yelling ‘Wake up!’ We had to kneel with our hands behind our heads, and then they put boots into our backs to make us fall to the floor… they used batons to poke at our buttocks if we moved. (refugee quoted in Tyler 2003, p.62)

Baz and Bob’s description of immigration detention, rather than being the psychologically destructive nightmare which is described in other texts, might be likened to the depiction of the German POW camp in the television program *Hogan’s Heroes*. At one point in the interview Baz even described his detention as “our best days” because as a detainee, he was finally “safe” and there was a possibility that his life would improve. This does not mean that Baz and Bob did not face extreme hardship and cruelty whilst they were detained or that they did not view their detention as difficult and traumatic, rather, it means that they do not understand detention as only a destructive force in their lives.

Malkki found in her study that the refugees who lived in the Mishamo refugee camp “tended to see their refugee status… as a positive, productive status and a profoundly meaningful historical identity” (Malkki 1996, p.381). Although Malkki’s (1996) respondents experienced difficulties and hardships while they lived in the refugee camp, they did not understand these difficulties in a purely negative way. As Malkki says,

> many in the refugee camp were of the opinion that embracing instead of escaping hardships was wise as the knowledge of difficulties would teach and empower people, making them worthier and more able to reclaim the homeland. (Malkki 1996, p.381)
It is important to realise then, that refugees do not understand their experiences or even their hardships in a singular – tragic – way.

Though refugee studies often focus on the difficulties which are associated with the immigration detention experience, clearly refugees view themselves as much more than simply ‘victims’ who are destroyed by the mandatory detention regime. Confronted with the contradictory nature of Baz and Bob’s understandings of immigration detention, I was unable to understand Baz and Bob as victims. Following their lead, I began to joke with the respondents about the difficulties that they had faced as immigration detainees. At this point in the interview I also dropped the strict ‘question and answer’ interviewing format which had created a firm line of demarcation between the ‘researcher’ and the ‘researched’. My decision to share a joke with Baz and Bob, and their decision to joke about their experiences, broke down many barriers which may have existed between us; it cut through the binaries of ‘self’ and ‘other’, researcher and researched, victim and non-victim. In short, it highlighted the extent to which ‘tragic’ constructions of refugees reduce and simplify ‘them’, their thinking and understandings.

R: So what did you expect it [immigration detention] to be like?... how was it different to how you expected?

Bob: I didn’t know like this camp, ‘Belmore’. I thought camp, like this unit [where I am living now] [interviewees laugh]... I was on the boat 10, 9 days, all my body dirty, I was sitting on the vomit, dirt things and when, because when I arrived, we arrived to Darwin. And just we had a few hours there and then we have to move us to Belmore and when I was thinking on the aeroplane, “wow I gonna go to this, Belmore is a [inaudible], jacouzi, I wash my body” [all laugh]. And then I went to Belmore and I saw everywhere tent.

R: And then you went “hey hang on”
Bob: “what happened?” [all laugh] And then when I was in the aeroplane, I see down and I think “where is lights?”. No lights, no city, no nothing. When it become morning I see that we are in the desert, not the city, not any lights, nothing. But when I arrived, we were three in one dunga, just it is 2 meters, 2 by 2...

R: Two meters by two meters, too bad if you’ve got two guys who are six foot tall.

Baz: And guess how many people were sleeping in that dunga?

Bob: 14!

Baz: 14 people, because the others were in tents and this guy, thank you very much Bob for helping out, [Bob laughs], wanted to help us out because they didn’t give an air-conditioned dunga to us, they said “okay, go in tent”. And it was hot, like really, really hot, like it would really, really dehydrate you and so we were sleeping 14 people in one dunga.

R: Come on you guys are from the Middle East, you can handle it [referring to the climate in the Middle East.] [all laugh]

Baz: we did, we did

Bob: how can we sleep like that? [all laughing]... we lived in 2 meters by 2 metres dunga

Baz: God have mercy on you when someone wanted to go to the toilet, he would literally walk on you before he can go out [laughing]

Bob: Before I came to this dunga, I was thinking I going to go to the unit and wash my body in the jacouzi [laughs]

Baz: And you know how it was, we had a two story bedroom, one on the other and one on the floor. So two people would sleep here and one on the floor and three people slept in one bed so that would make six people and eight others... And three people sleep on that one and they are very happy because they slept on the bed and not on the floor. And we would take turns, like one day it was your turn to go and sleep there and then the next day another.

R: It’s interesting how you had that camaraderie. It’s interesting through all this you were negotiating “hey, we’re all in a bad situation but we can make the best of this” in a way.

Baz: It wasn’t really a bad situation Roslyn, we were laughing at this, this was probably our best days you can say? In detention but we knew
that we were safe at least, we knew that we had made the journey because we attempted three times [to come to Australia by boat] so we were really happy.

Bob: we had a really such a hard life so this for us is like normal

Baz: And we were waiting for something [the prospect of asylum/permanent status]

Bob: yeah we were waiting

R: So was it just the length of time because I spoken to some people and they’ve said that detention was nothing, I mean how do you guys feel about it? [In fact one respondent interviewed for this study remarked positively on his detention experience; he had spent only one month in immigration detention.]

Baz: [In a serious tone] It was difficult for me. We went on hunger strike, I became skinny and handsome [all laugh]. For 10 days.

As this excerpt from the interview reveals, the respondents shifted between a serious and humorous tone when describing the experience of being detained. At times Baz and Bob used exaggeration for comic effect – for example, I doubt that Bob really did expect to find a jacouzi in the immigration detention centre. At other times the respondents used humour in order to play down the difficulties that they had faced as detainees. For example, for Baz, being a detainee really was a difficult experience yet he makes light of his very serious decision to go on a hunger strike. In a similar way, though he has spoken in a ‘serious’ tone about his right to asylum, Baz later makes light of this serious topic when he reveals that Bob invited him to share his air-conditioned dunga at the detention centre: “Yes, he [Bob] was the lucky one [who did not have to sleep in a tent]. I sought asylum, I became a refugee in his dunga the next day [laughing]…”. Baz’s understanding of the ‘serious’ topics of both the detention experience and seeking asylum is not simplistic, he understands the same things within multiple and contradictory frames simultaneously.
Baz and Bob were not simply destroyed by their experiences of immigration detention nor was Bob simply deterred by the prospect of being detained in Australia – this deterrence policy did not have a singular or simple effect on those at whom it was targeted. Instead, Baz and Bob’s testimony reveals the extent to which Australia’s immigration detention policy was and continues to be interpreted and processed by those who were detainees. This interview therefore demonstrates that refugees are not the simplistic thinkers that the constructions of ‘knowledgeable deviant’ and ‘victim’ might suggest. This multifaceted and developing understanding of detention becomes especially important (from a deterrence perspective) when refugees in Australia tell others about their detention experience – this is explored later in this chapter. In a similar way, using both humour and seriousness, Baz and Bob described their boat journey to Australia.

**Humour and Hardship: the boat journey**

Baz and Bob revealed that they made three attempts to reach Australia by boat. During one of the unsuccessful attempts, the boat on which Baz and Bob were travelling was caught in a cyclone and almost sank. The story of Baz and Bob’s unsuccessful boat journey to Australia was recounted during this interview with laughter from both the respondents and the researcher. Like their description of their detention, Baz and Bob’s account of their boat journey was all at once funny, incredible and a story of extreme hardship. To a certain extent we – the respondents and I – found ourselves laughing during the interview because we were astounded by the fact that they had survived such difficult experiences. In this way laughter was used by the interview participants, and especially by me, to help us grasp the enormity of the hardships that the respondents had faced.
At this point in the interview I was struck by the contrast between Baz and Bob’s account and the descriptions of the ‘unauthorised’ boat journey in the Hansard transcripts. While Australian politicians may describe this journey as dangerous or difficult, they describe an experience from which they are eternally detached. For example, Gillard, the current deputy leader of the Labor party, said:

To make such movements, people put themselves in the hands of people smugglers and engage in dangerous journeys. As a nation, with the tragedy of SIEV X, we know what that can mean. (Gillard, J 2002, House Hansard, p.7985)

For Gillard, the boat journey is both dangerous and distant and it is ‘commonsense’ to take these dangers seriously: “we know what that can mean” (Gillard, J 2002, House Hansard, p.7985). Gillard and other politicians certainly do not use humour in their descriptions of the boat journey, nor do they speak about it using the detail that Baz and Bob use. For example, in the excerpt taken from Baz and Bob’s interview below, the respondents described how they bailed water from their sinking boat as they attempted to cross the Indian Ocean. Whilst bailing water, Baz was hit in the head with a bucket and could no longer continue to assist Bob and the other passengers to save the boat and themselves; this incident was recounted with laughter during the interview (especially from Bob).

**Bob:** Just three hours, four hours like a chain, we give [the buckets] to each other and someone put it [the water] on the sea and after three hours I want to rest, I want to sleep. Because there is all water under ship there is water, they put, I don’t know what for, just make it.

**R:** To have some ballast in a way?

**Bob:** yeah and one shake, because when the ship stop the shaking become really huge, too much and all the water from the ship come on the floor. Oil, really dirty and everywhere was oil and I was sleeping, I wanted to rest after three hours.
R: How do you sleep in those conditions, is it just exhaustion?

Baz: I think we don’t want to sleep, it’s just lying down out of exhaustion.

Bob: Lying down and just have a rest and I wanted to have a rest and just I closed my eyes and someone said “we sinking, we die”. [the interviewees laugh] And then I come because he didn’t say “we going to die”

R: [he didn’t say] “we will die” he was saying “we are sinking”

Bob: Yeah, and then I get up and, then just 3 minutes I rest, and then I come back and then again three hours more because nobody, everyone they cannot, one vomit, one sick, someone hit him with a bucket [all laugh]. It was just a few people who could work.

In contrast to Baz and Bob’s account above, Gillard’s description of the boat journey is almost clinical. Similarly, one of the most striking things that may be gleaned by the reader of Foucault’s (1980b) *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth-Century French Hermaphrodite*, is the massive difference between Barbin’s memoir and her autopsy report. Though the medical examiner who conducted Barbin’s autopsy determined once and for all her ‘true’ gender – thereby declaring the ‘truth’ about the subject under study – he appears to grasp nothing of the enormity of who she was and what she had experienced. Likewise, the political debate on spontaneous arrival fails to understand the refugee or his/her experience in a holistic way; refugees are eternally distant from the experts who understand them as objects of knowledge.

The politician’s, and indeed the researcher’s, detachment from the individual refugee’s experience means that the ‘experts’ fail to appreciate the depth of determination which is possessed by Baz, Bob and others who have made multiple attempts to reach Australia by boat. These asylum seekers have continued to make such attempts despite seeing others die en route to Australia and having their own near death experiences. Baz and Bob’s narrative
therefore highlights that there is a gap in understanding between refugees and those who seek to ‘know’ them, which may never truly be bridged.

8.10 Life in Australia – the good life?

The respondents were asked several questions about how they perceived their lives in Australia now. I asked these questions for a number of reasons. First, I sought to understand whether Australia had met the respondents’ pre-arrival expectations. Bob’s response to these questions challenges the assumption that refugees come to Australia seeking a “land of milk and honey” (Barresi, 21 October 1999, House Hansard). As Barresi states “the news about our land being one of ‘milk and honey’ has spread beyond our shores to countries that do not share our way of life and the obvious benefits that flow from it…” (Barresi, 21 October 1999, House Hansard). For Bob, however, having a good life in Australia is an individual choice and he did not merely equate Australia with ‘the good life’. Bob considers the influence that his personal choice has on the type of life he leads in Australia, he says,

Bob: Yeah we’re having a good time now. We can do, we can have a good time anyway but up to you, up to you, you can do nice life in here, you can do the worst life in here…

Bob’s response demonstrates that Barresi’s understanding of spontaneous arrivals does not involve crediting them with very complex thinking; they are thought to only make a choice between ‘good’ and ‘bad’ options and are believed to be almost mindlessly drawn to the ‘good’. Bob, however, knows that he plays an active role in determining how ‘good’ his life is in Australia – he did not just expect Australia to be a ‘land of milk and honey’. This demonstrates again that the politician’s construction of spontaneous arrivals and
understanding of the asylum seeker’s motives for spontaneous arrival are simplistic and based on a stimulus-response understanding of human behaviour. It is thought that spontaneous arrival is brought about when asylum seekers simply ‘respond’ to the ‘good’ stimulus presented by Australia.

8.11 Sending messages back home

I asked the respondents what they told their friends and relatives in Iran about their lives in Australia. I asked this question in order to discover whether the respondents spoke to their relatives about the immigration deterrence measures that they had been subjected to and I also sought to understand if they were conveying the Australian Government’s deterrence message overseas. For example, I wondered whether Baz and Bob would tell their friends and relatives not to come ‘illegally’ to Australia because they (the friends and relatives) would be subjected to immigration detention or other measures. Like some of the other respondents who were interviewed for this study, Baz suggested that, in a way, he ‘packaged’ the information that he gave his relatives about Australia. Specifically, Baz said that he would talk about Australia in such a way that it did not seem like he was boasting about his current life circumstances. For example, Baz said that when he spoke to his relatives he would keep his discussion of Australia “really, really short” so as not to draw attention to his own good fortune while his family continued to suffer in Iran.

In responding to my questions concerning the information that he gave his friends and relatives in Iran, Baz also suggested that “if there was a way that they could come to Australia, I would definitely encourage them to come, definitely… despite detention, boat [journey] and everything”. This response indicates a number of things about the deterrence message. First, it suggests that refugees do not necessarily consider the
mandatory detention regime and the TPV as reasons not to come to Australia ‘illegally’. Even the boat journey itself, which nearly all the respondents described as horrific, is not a deterrent for some – Baz and Bob for example, made three attempts to come to Australia by boat despite the fact that they almost died during their second attempt. Second, when such deterrence measures are discussed by refugees with their relatives, the information that refugees give will be ‘packaged’ for the listener. Rather than being a strong and direct message, deterrence information is filtered and deliberately prepared by those who transmit it to prospective spontaneous arrivals overseas. Third, however, Baz evidently did transmit a deterrence message – he suggests that the smuggling route to Australia is not currently ‘open’ to other asylum seekers. While the deterrent ‘value’ of immigration detention and the TPV cannot be guaranteed because refugees will interpret these policies in various ways, physically preventing spontaneous arrival through the interdiction of smuggling boats may have some potency as a deterrent as Baz’s comment suggests.

Like many of the other respondents, Baz said that he would tell his relatives ‘everything’ about Australia. What constitutes ‘everything’ is obviously subjective but both Baz and Bob said that they would tell their relatives about their experiences of being detained. However, considering that Baz and Bob had joked about their detention experience with me, I wondered how they would describe this experience to their friends and relatives. Baz said that he would not talk about his detention experience in a serious way to his relatives because if he did they would not take him seriously anyway. Baz suggested that his audience would interpret his words through the lens of their current experiences – how could anything he experienced in Australia possibly be worse than their lives in Iran?
Baz: Oh whatever we say, we say it as a joke like how we are talking about this [now] and they will take it as a joke as well, no matter how serious we are... You know if I went back to Iran and said “don’t come, there is a detention centre”, you know what they’d think about me? They’d say “look at this cheap, mean animal, he went over there, he got the passport and now he is sweating and crying and he wants to prevent us from having what he has”. And the first thing they’ll tell you “you are unhappy, why don’t you come back and live in Iran and see how it is like”, so they would never take it like seriously.

Baz also suggests that his audience might be suspicious of his motives if he tried to talk to them seriously about the hardships that he faced in Australia. From Baz’s example, it is clear that there is no guarantee that the hardships which refugees suffer as immigration detainees and TPV holders will be translated as such when this information is transmitted to other potential spontaneous arrivals. Baz’s example illustrates that the transmission of information about Australia’s deterrence measures by refugees in Australia is far from straightforward and is obviously sifted through multiple filters as it makes its way to its target – potential spontaneous arrivals.

8.12 ‘Will mandatory detention or the TPV stop spontaneous arrival’?

I asked the respondents directly whether they felt that the mandatory detention regime or the TPV would stop other asylum seekers from coming to Australia by boat. In answering this question, the respondents disagreed, while Baz believed that immigration detention and the TPV did not stop spontaneous arrival, Bob said:

Bob: Yes, [Baz translates the question into Arabic / Farsi, perhaps to ensure that Bob has understood it] yes, of course. It is when people see, now how many years we’ve got [to wait to get] permanent visa, [over five years], if any people over there, if he has family over there, when he hears that he has to wait for [over five years] to get visa and he can’t bring his wife. Of course, he will not come here and there is detention centre, hard life and yeah of course.
Like Bob, some of the other respondents believed that the TPV and immigration detention have the potential to have a deterrent effect. Overall, the respondents’ opinions on the deterrent value of these policies were related to the individual’s ability to tolerate the policies’ negative impacts. Some respondents appeared to be less traumatised/harmed by the detention/TPV experience than others and therefore believed that these policies would not deter future spontaneous arrivals. Such differences in perspective highlight that to a certain extent the refugee’s interpretation of deterrence policies is individual.

Though the next chapter reveals that the respondents’ social and ethnic backgrounds appear to have a significant impact on their decisions about seeking asylum, it is important to realise that such factors do not determine the individual’s choices or interpretation of deterrence messages. As Morley (1999a) found in his Nationwide study, audience members with similar demographic backgrounds do not necessarily produce identical ‘readings’ of the same message and one’s socio-demographic background cannot govern the ‘reading’ that one makes. While Baz and Bob agree with each other at various points during this interview possibly because of their similar life experiences and backgrounds, their similarities cannot override their individual personalities, thoughts, perspectives and feelings. As Baz also suggested in relation to the deterrence ‘value’ of the TPV and immigration detention – the refugee’s interpretation of these measures will depend upon their individual circumstances.

Baz: …It’s not like it [the deterrence policies] doesn’t make any difference, if I want to put it in terms of percentage, probably 10 per cent, 15 per cent [of refugees may be deterred]. It would make a difference more to rich people, like people with US$12,000, it will make a difference to those people because people with $10,000 would have the power to choose. They can choose the way, they can choose which country but with people less than five grand, I don’t think it will make
any difference. Yes, with people with family probably, probably they decide “instead of me alone, I’m going to take all of my family”.

Baz suggests therefore, that refugees do not all face the same pressures nor have identical life circumstances, thus the impact that deterrence messages have is unlikely to be the same for all refugees. The respondents in this study who had children certainly did appear to face different pressures to those without children and this affected the decisions they made.

For example, when asked why she did not stay and settle in Indonesia, one respondent said that the need to provide for her children and allow them to attend school had prompted her and her husband to abandon Indonesia as an asylum option – her children were not permitted by the Indonesian authorities to attend school in Indonesia.

8.13 ‘Where would you live if you could live anywhere’?

At the end of the interview, I asked the respondents a two-part question: “If you could live anywhere in the world right now, where would you live and what would your life be like?”. This question was asked for two reasons. First, I assumed that the respondents may become upset by speaking about their detention or other experiences during their interviews; this question was asked in order to allow the respondents to possibly discuss more positive things. Second, I sought to understand how the respondents viewed Australia and its deterrence policies now. Bob answered this question by stating that he hoped to remain living in Australia “Because I see it is nice country, it is good laws, law and I can see a lot of people come from all the world, just want to live to Australia. You can see from England, from France, a lot of people they like to live in Australia because it is nice country and nice weather and nice…”. Other respondents who were interviewed for this study also suggested that people from all over the world come to live in Australia and for the respondents, this fact demonstrated that Australia is a ‘good’ country.
Baz’s response to this question was less clear-cut, in answering the question he considered multiple options including staying in Australia, seeking Iraqi citizenship (which since the fall of Saddam Hussein might now be a possibility for him) and even returning to Iran.

**Baz:** I would live in [his current address] [all laugh] and my life would be exactly as it is now [all laugh]. No it would be here really, like given the situation with the Middle East where I would say – Iraq? Well of course if it was safe, Iraq, no, you know I never felt any connection to Iraq, honestly, it’s just the language that I am speaking but Iran yes I’ve got a lot of connections. But probably if it was safe and a good place and lawful place, you know I would have chosen Iran probably, it is where my family is which is so important to me but with the current situation, honestly I see this [Australia] as a good place.

While Baz suggests that he likes his life in Australia, he has much stronger connections to Iran where he has lived for most of his life. Iraq on the other hand, his ‘home’ nation, has little significance to him. In fact, Baz says that he has a kind of spiritual connection with Iran and despite the harshness of his life there, it is still a very significant place to him: “it’s the place, you know every building has got a meaning, like I feel a connection, a stronger connection, a deeper connection you know. Here is a good life but over there is like, as it is mysterious type of thing, like it is something supernatural”. A few of those who were interviewed for this study also expressed a desire to return ‘home’ if it were possible. This challenges the perception that refugees are simply attracted to the ‘good life’ in Australia. Obviously for Baz, the connection of family and a sense of place in Iran is stronger than any advantage offered by the supposed ‘sugar’ to be found in Australia.111

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111 According to Ruddock, spontaneous arrivals are attracted to the ‘sugar’ that may be found in Australia: “What has happened in relation to these movements [of spontaneous arrivals] is that these people understand how the refugee convention is operating; they understand its liberal interpretation here. They understand the extent to which benefits are more generously paid. As the Indonesians have said to me over and over again, it is the sugar” (Ruddock, P 2001b, *House Hansard*, p.31021).
8.14 Conclusions

The methodological literature on the case study approach typically warns researchers against making generalisations from a single case (Stake 1998 p.91; Yin 1994, p.10; Bryman 2001, p.50). This would be prudent advice in relation to Baz and Bob’s interview. One could not conclude, for example, that Baz and Bob’s experiences and ideas are ‘typical’ of all refugees, in fact, their interview suggests that one cannot even generalise about refugees who have very similar backgrounds – they disagree and differ from each other. Stake (1995), while he cautions against over-generalising from the findings of a single case, suggests that individual cases can challenge “grand generalisations” and Baz and Bob’s interview certainly serves this purpose (Stake 1995, p.8). The interview challenges the grand generalisation and firmly held belief that Australia’s immigration deterrence policies ‘send a strong message’ to prospective spontaneous arrivals overseas. Despite the fact that Baz was tertiary educated, spent many years arranging to leave the Middle East and interacted within a ‘culture of refugeehood’, he did not receive any message about Australian policy at all while he lived in Iran. Neither Baz nor Bob, nor anyone else interviewed for this study, had a detailed understanding of Australian immigration policies before they came to Australia; some respondents did not even know of the existence of a country called ‘Australia’ prior to their arrival.

Baz and Bob’s interview also challenges the notion that refugees only understand and experience Australia’s immigration deterrence policies within one frame of reference – trauma\textsuperscript{112}. Baz and Bob’s simultaneous use of humour and seriousness when speaking

\textsuperscript{112} The psychological literature reporting on the effect of immigration detention on refugees focuses its attention on the damaging mental health implications of the detention experience (Steel et al 2006; Silove,
about their detention experience suggests that they do not have a singular or uncomplicated perception of this experience and its impact on their lives. That refugees can and do understand their detention experiences in more than one way is an optimistic finding – trauma as a dominating force in refugees’ lives is not universal, guaranteed nor eternal. Importantly, Baz and Bob’s case highlights that deterrence policies can be interpreted in multiple (and even contradictory) ways by the one individual at the one time – this potentially affects how such individuals describe the detention or TPV experience to other potential asylum seekers. As this chapter has shown, this is just one way in which the transference of deterrence information from refugees to other potential spontaneous arrivals is far from straightforward.

The fact that Baz and Bob do understand their detention, and also their boat journey to Australia, in more than one way reveals a level of sophistication in their thinking which is not envisaged by Australian politicians. It is evidently too simplistic to claim that refugees in other countries will hear about Australia’s mandatory detention regime and be discouraged from coming to Australia ‘illegally’ for fear of being detained. As the next chapter will further illustrate, refugees do not necessarily view the prospect of being detained as a reason not to come to Australia; nor do those who have experienced hardship as detainees believe that this is a reason to warn others against coming to Australia ‘illegally’.

Steel & Watters 2000; Sultan & O’Sullivan 2001). My study in no way disputes the findings of these studies, especially considering that my own respondents attested to having experienced or were still experiencing trauma as a result of their detention, I would simply make the point that such a perspective does not take into account the multiple frames of reference or ways in which detention can be understood by refugees.
Baz and Bob’s interview also highlights the extent to which their understandings of themselves differ from the description of the spontaneous arrival audience which is constructed by Howard Government MPs during the parliamentary debate on spontaneous arrival. For example, Baz and Bob deny that they ‘chose’ Australia as an asylum destination – they suggested that they came to Australia by default rather than by design. Further to this, Baz and Bob’s testimony draws into question the idea that Australia is important at all to the asylum seekers who spontaneously arrive there. As a destination to seek refuge, Australia may only be as important as any other Western country to potential spontaneous arrivals. Baz and Bob were certainly not attracted to Australia because of its generosity or ‘soft touch’ immigration policies. In fact, Baz and Bob understood Australia to be no different to any other Western nation and they assumed that the asylum policies operating in all Western countries were almost identical.

In addition, Baz and Bob refute the notion that they had access to alternatives to ‘illegal immigration’. They could not find lasting safety in their region (indeed the situation for their families in Iran has worsened since Baz and Bob left Iran), they could not settle in transit countries and they did not know about UNHCR’s resettlement program. Furthermore, Baz and Bob challenge the notion that spontaneous arrivals are ‘queue jumpers’, suggesting that most refugees do not have access to UNHCR’s resettlement ‘queue’ and many refugees do not know of the existence of UNHCR. Baz and Bob’s interview demonstrates that there is a massive gap in understanding between politicians and refugees. As a result of this gap in understanding, politicians evidently fail to understand refugee experiences holistically: they overestimate the deterrence power of immigration.
policies and/or overestimate the destructive power of these policies in refugee lives. Refugees are not destroyed absolutely nor are they simply deterred by Australia’s immigration deterrence policies. This chapter, and indeed this thesis, demonstrates that there is a complex process taking place when refugees understand Australia’s deterrence policies and messages – not a singular nor predictable reaction, feeling or effect.

Lawrence, a Labor Party MP, says of the effect of immigration detention on refugees “it simply destroys them” (Lawrence, C 2006, House Hansard, p.129); such a perspective fails to consider the multiple ways in which refugees interpret deterrence policies at once. For some of the refugees who were interviewed for this study, detention was indeed very destructive to them but it would be wrong to suggest that such destruction was infinite or unmitigated by other feelings and understandings.
9. Spontaneous Arrivals: Active Audiences

9.1 Introduction

According to audience researcher Andy Ruddock, human beings as social objects do not respond to clear laws. If we drop an object out of a window, we can be sure it will fall to the ground. But if we expose people to the media, we cannot be sure that they will react in the same way, since these reactions are not governed by any universal law such as the law of gravity. (Ruddock 2001, p.60)

Abercrombie and Longhurst state furthermore that “individuals in the real social world do not simply respond to messages, as if to an injection or stimulus” (Abercrombie & Longhurst 1998, p.5). A fundamental idea which underpins contemporary studies of audiences within the cultural studies tradition (and beyond) is that audiences are ‘active’ – it is an irrefutable notion within this tradition that audiences do not passively absorb the messages that they view.

In opposition to the ‘hypodermic needle’ understanding of communication, which proposed that ideas might be inserted directly into the minds of audience members, cultural studies scholars and other audience researchers have demonstrated that different audience members are capable of interpreting the one message in a variety of ways (Ang 1985; Morley 1999a; Brown & Schulze 1990; Real 1996). Far from passively absorbing the ideologies that scholars theorised were embedded within the messages that such audiences viewed, the individuals who participated in these audience studies, interpreted the texts to which they
were exposed in ways which corresponded to their gender, cultural and ethnic backgrounds (Ang 1985; Morley 1999a; Brown & Schulze 1990; Real 1996). These individuals therefore did not interpret such messages in a singular or universal way, demonstrating that the meaning embedded within a message cannot be fixed by its producers/senders.

In the 21st century, audience researchers have begun to move beyond examining the ‘active’ audience to focus their attention and their studies on the ‘interactive’ audiences of ‘new media’. In the ‘new media’ age, according to such scholars, the audience-text relationship has changed. New media forms, such as electronic games and reality TV are said to allow audiences to not only ‘actively’ interpret the messages that they view, but these forms grant audiences the ability to effectively ‘re-write’ the narratives to which they are exposed (Coutas 2006; Cover 2004; Holmes 2004). Within such studies the ‘active/passive’ debate has almost become redundant as scholars grapple with understanding an audience-text relationship where the categories of ‘audience’ and ‘producer’ are no longer clearly defined. These studies have settled the active/passive debate firmly on the side of audience activity given that “audiences and users of new media are increasingly active – selective, self-directed, producers as well as receivers of texts” (Livingstone 2004, p.4).

While ‘new media’ studies illustrate that audience researchers have begun to move beyond merely demonstrating the active nature of audiences, debates concerning the ‘active/passive’ binary are far from resolved outside of the academic arena as this thesis has demonstrated. The Howard Government’s staunch adherence to a ‘hypodermic needle’ understanding of communication as a basis for its immigration deterrence policies has had profound consequences for Australia, its region and the spontaneous arrivals who are subjected to such policies. However, as Chapters Five and Six of this thesis attest, the
belief that Australia’s deterrence mechanisms will change the behaviour of their target is unwavering amongst those politicians who create and support such policies.

In Chapter Eight I began to challenge the direct effects understanding of communication which underpins the creation of Australia’s immigration deterrence policies. In this chapter I refuted the proposal that the messages sent by such policies to potential spontaneous arrivals, are ‘clear’ and their ‘transmission’ straightforward. Chapter Eight, in addition, challenged the constructions of the ‘spontaneous arrival audience’ which are created throughout the parliamentary debates on ‘illegal immigration’; Baz and Bob’s testimony demonstrated that there are significant differences between politicians’ and refugees’ understandings of spontaneous arrival/s.

Building on these insights from Chapter Eight, in Chapter Nine I continue to propose that: (1) refugees understand themselves and their actions in a very different way to the way in which politicians understand these things; (2) that refugees’ interpretations of deterrence information and understandings of Australia’s deterrence policies are complex; (3) and refugees draw on various resources when interpreting deterrence policy information including other texts and extra-textual resources. In short, this chapter further demonstrates that refugees do not simply ignore Australia’s deterrence messages because they are ‘deviants’ or because they are ‘victims’ fleeing persecution; this chapter will show that refugees interpret deterrence policy information in complex ways when they receive it and they are active processors of meaning.

In Chapter Nine I seek to understand why Australia’s immigration deterrence policies did not stop the respondents of this study from coming to Australia as spontaneous arrivals.
begin this chapter by investigating what the respondents knew about Australia prior to their spontaneous arrival and I examine some of the barriers which prevent potential spontaneous arrivals from receiving information about Australia while they are living in their home regions and in transit countries. In Chapter Nine, I also draw attention to the differences that exist between the respondents, demonstrating that an asylum seeker’s national and ethnic background in particular, will affect his/her access to sources which might provide information about asylum destination countries. I then investigate how the respondents interpreted Australia’s deterrence policy information when they received it. After this, I analyse the role that refugees and migrants play in ‘transmitting’ the Australian Government’s deterrence message and influencing the choices of potential spontaneous arrivals. Specifically, I examine the many factors which influence what ‘messages’ refugees pass on to others about Australia’s deterrence mechanisms.

9.2 ‘Knowledgeable deviant’? What do refugees know about Australia pre-arrival?

As chapters Five and Six demonstrated, the politicians who create immigration deterrence policies construct spontaneous arrivals as ‘knowledgeable deviants’. These deviants are said to have a detailed understanding of Australia and Australia’s immigration policies before they arrive spontaneously on Australia’s shores. In contrast to the understanding that spontaneous arrivals are ‘knowledgeable deviants’, the respondents who were interviewed for this study had a very limited understanding of Australia prior to their spontaneous arrival. Clearly the interviewees from Afghanistan had considerably less knowledge of Australia pre-arrival, than the Iraqi or Iranian respondents did. Unlike the Iraqi and Iranian interviewees, some Afghan respondents reported that they had not even heard of a place called Australia prior to arriving on Australia’s shores. All of the Iranian
and Iraqi respondents, though they did not have a detailed understanding of Australia pre arrival, had at least heard of Australia or seen a map of it at some point in their lives.

Rather than possessing a detailed understanding of Australia’s immigration policies prior to their arrival in Australia, Iraqis and Iranians tended to know an odd mix of facts about this country. One respondent spoke of knowing a random list of things about Australia before he arrived there. For example, he said that he knew that there had been a census undertaken in Australia in the 1950s which counted the number of sheep in Australia and he had heard of the central western NSW town of Wagga Wagga because it was featured in a story included in the fictional series *1001 Arabian Nights*. Despite being highly educated – this respondent had some post graduate qualifications – the interviewee’s knowledge of Australian policy and culture prior to his spontaneous arrival was limited. Similarly, another interviewee, an Iranian man, who was also tertiary educated, said that he knew only a few random facts about Australia before he arrived there. This respondent specifically mentioned that the Australian television program *Skippy* had affected his understanding of Australia while he lived in Iran. Like a number of the other respondents, this respondent also said that most of what he had learned about Australia while he lived in his home country, was gleaned during his school geography lessons.

Honest with you, I knew about Australia, just I knew about Canberra, it was the capital because we studied in geography and it really like to be honest with you I didn’t know at all what they have. I knew they have a kangaroo because of ‘Skippy’. When I was a baby, when I was very, very young it was ‘Skippy’ on TV and I loved it, I always watched it, ‘Skippy’. I knew just like that, nothing more, really because it wasn’t really that important. (Iranian respondent, interviewed 08/08/05)
As these examples suggest, Iraqi and Iranian refugees, and to a lesser extent Afghans, learn a handful of random things about Australia throughout their lives; the apparent lack of importance of Australia to refugees prior to their arrival in Australia is worth noting. Australia to the respondents, pre arrival, was perhaps only as important to them as any other country which was outside of their region and with which they had little contact. Considering that the majority of the respondents in this study suggested that they did not select Australia as their asylum destination, they evidently did not ‘study up’ on Australia before arriving there. While this challenges the construction of spontaneous arrivals as ‘knowledgeable deviants’, it also highlights one way in which the parliamentary discourse on spontaneous arrival is ethnocentric – politicians assume that Australia is of central importance to the spontaneous arrivals who land there. While the respondents did not ‘study up’ on Australia, as discussed further below, there are also many barriers which prevent refugees from accessing information about prospective asylum destination countries if they have the inclination to do so.

9.3 When refugees ask for information about Australia’s policies

As occurred in Barsky’s (2000) study, there was at least one respondent in my study who had some more developed ideas about Australia than the other interviewees, his knowledge about Australia’s asylum procedures, however, was still lacking in fine detail. This interviewee, who had a background in journalism, said that this background had influenced his knowledge of Australia before he arrived there. The respondent stated that he knew prior to his arrival in Australia, for example, that the Howard Government had introduced

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114 In the great majority of cases Australia was chosen as a destination by the smugglers that the respondents engaged rather than by the respondents themselves (see Appendix One).

115 In Barsky’s study, while a considerable proportion of his respondents had very little or no information about Canada’s asylum procedures before they sought asylum there, one of Barsky’s Russian respondents had accessed a document on claiming refugee status in Canada (Barsky 2000, p.118).

116 Perhaps he had greater access to media sources than his countrymen.
the GST and he therefore had some knowledge of Australian politics and policies prior to his spontaneous arrival in the early 2000s. When I asked him how he had come to know this information, the respondent said that he had learnt of such things through the Iraqi media and also through a friend of his who lived in Australia, he said,

So through the media and through the questions that I use[d] to ask because I have friends here. I spoke to a friend of mine who is a resident in Australia and he’s an interpreter and I asked him about the legislation regarding refugees and he said that once they come here, they assess them and then they give them, if they are legitimate, then they give them a visa. (Iraqi respondent, interviewed 30/06/05)

As the quotation above indicates, this respondent had directly asked his friend for information about Australia’s migration legislation, importantly however, the Australian-based friend did not tell the respondent that he might be detained as a result of Australia’s mandatory detention regime. Koser and Pinkerton suggest that over time migrants in the asylum country “can lose their intuition for what might constitute relevant information for potential asylum seekers from their country of destination” (Koser & Pinkerton 2002, p.1). While their friends and relatives who live in Australia might be an important source of information for potential spontaneous arrivals, as my study suggests, these friends and relatives will not necessarily have an understanding of what information is actually needed by these asylum seekers. As Baz and Bob’s interview demonstrated, refugees who live in Australia may also be selective in what they tell potential asylum seekers about Australia. Building on the findings from the previous chapter, this example again demonstrates that migrants and refugees who live in Australia will not necessarily talk about Australia’s deterrence policies with potential spontaneous arrivals from their countries of origin. The ‘transmission’ of deterrence information from such sources, therefore, is not ‘clear’, straightforward or guaranteed.
9.4 Pre-arrival knowledge – the importance of culture and background

As I have already mentioned, there were considerable differences between the Afghan respondents and the Iranian and Iraqi interviewees in terms of what they knew about Australia prior to their spontaneous arrival. One Afghan respondent said, for example:

That’s a bit funny when the Government think that we are coming for a better life or looking for money or something like that. When I arrived in Australia, before that I never heard about Australia. I didn’t know where I am going and what I am doing. When I came for the first two or three weeks it was pretty hard to pronounce ‘Australia’. And I wasn’t knowing about it, what language they were speaking and what sort of people are they. (Afghan respondent, interviewed 04/12/05)

The audience researchers whose work I have drawn upon as a theoretical basis for this thesis propose that individuals are likely to interpret the messages that they view in line with their cultural backgrounds. Lull (1990) sought “to show that families from all over the world watch television distinctively within their own cultures” (Lull 1990, p.24) and this was precisely what he found through his studies on television audiences in various countries. Liebes and Katz’s (1990) cross cultural research on Dallas also demonstrated that a viewer’s cultural background has a bearing on how s/he interprets the messages that s/he views – the Japanese, American, and Israeli respondents of Liebes and Katz’s (1990) study interpreted Dallas in different ways, depending on their cultural and ethnic traditions. The cultural, ethnic, religious and national backgrounds of my respondents affected what they knew about Australia before they arrived on Australia’s shores and these background factors affected the resources that respondents drew upon when making decisions about seeking asylum. These differences, importantly, further challenge the direct effects understanding of communication which underpins Australia’s immigration deterrence
policies. As a result of their cultural and other differences, asylum seekers are unlikely to react in a uniform manner to the deterrence messages that they hear/view because they draw on different resources when they interpret such information.

Afghans

Like the Afghan respondent quoted above, some of the other Afghan respondents did not know of the existence of a country called ‘Australia’ before they arrived there and, as I have mentioned, prior to their spontaneous arrival, the Afghan respondents knew much less about Australia than the Iraqi or Iranian interviewees. While this challenges the proposal that spontaneous arrivals are ‘knowledgeable deviants’, it also demonstrates that asylum seekers will have differing abilities to access information about asylum destinations depending on their national backgrounds. My study concurs with Barsky’s (2000) findings – he also found that there were differences between the nationality groups that he studied in terms of the information that they possessed about Canada prior to seeking asylum there. It appears likely that in my study, the Afghan respondents’ level of education also affected the amount of knowledge that they had about Australia prior to their spontaneous arrival.

Those Afghan respondents who literally knew nothing about Australia were the least educated amongst the Afghan sample. These interviewees (a man in his forties and a man in his twenties) who did not know of the existence of Australia prior to arriving there, had no formal schooling, while the other Afghan respondents had at least learned at school of a country called ‘Australia’. The Afghan interviewees’ limited access to information and, in particular, impaired access to schooling in some cases, related directly to their membership of a persecuted minority – all of the Afghan respondents were from the Hazara ethnic group. The Afghan respondents commonly suggested that because they were Hazara, the
Taliban had prevented them from attending school. Thus, for reasons connected to their refugeehood, refugees may be less likely than the general populations in their countries to access information relating to prospective asylum destinations. A refugee’s ethnicity and position as a persecuted individual can therefore affect the amount of information that they are able to access about asylum destination countries.

I also found, on the other hand, that education may have very little impact on the decisions that asylum seekers make or the information to which they have access. As Baz’s case in Chapter Eight demonstrates, refugees who are tertiary educated will not necessarily have access to more information about asylum destination countries than less educated refugees. Barsky (2000) also found that although his Peruvian sample were the most educated of the four nationality groups that he studied, his Peruvian interviewees had much less knowledge about seeking asylum in Canada than his Russian and Israeli respondents (Barsky 2000, p.196, p.218). Furthermore, if refugees perceive that there are no ‘legal’ avenues open for migration, then the educated and uneducated alike will resort to using smugglers in order to find safety. This was definitely true of the most educated respondent who was interviewed for my study (a man with post graduate degrees) who, after exhausting several ‘legal’ channels – specifically after applying to UNHCR and an Australian embassy for refugee status – used smugglers to come to Australia where he was finally granted asylum.

Sources of information for Iraqis – the difficulties of generalising about refugees

While some Iraqi interviewees stated that they received little information about Australia whilst they were still living in Iraq, others suggested that they had access to a range of
media sources (TV and radio) from which they learnt information about Australia.\textsuperscript{117} It is, therefore, difficult to make a generalisation about what the Iraqi refugees knew about Australia before coming to this country given these individual differences. One Iraqi respondent said:

Iraq is like a closed box you know, you didn’t know anything outside… we have no TV from the outside world, no satellites, no contact with the world… Our life from school, went to the military and from that we came to Australia. (Iraqi respondent, interviewed 29/07/05)

At the other extreme, another Iraqi respondent reported that she had accessed multiple sources of information about Western countries, this included Australian citizens themselves with whom she had worked at the UN in Iraq.

so he [the Australian aid worker] use to talk to us about Australia and he use to tell us how Australia is a free country. I listen to the radio like ‘voice of England’ and ‘voice of America’, ‘voice of Canada’ or ‘voice of Monte Carlo’ and I use[d] to hear and they use[d] to put programs [on] where they talk about Australia. And even the United Nations they were talking about how Australia was the first country to protect human rights. So I heard on the radio about this. So I thought that if I leave and I get to Australia then Australia’s hand would be wide open for me. (Iraqi respondent, interviewed 28/07/05)

Importantly, therefore, as Chapter Eight indicated, while similarities exist amongst refugees of the same nationality, there are still stark differences between individuals who are from the same country of origin. Rather than refugees constituting a single, homogenised audience, refugees as ‘audiences’ of Australian policy messages, are highly diversified and fragmented, and have very different understandings of Australia as an asylum destination country based on their differing abilities to access information sources which might provide

\textsuperscript{117} I am referring here to general information about Australia rather than information about its asylum procedures or immigration policies.
such knowledge. Such individuals are likely therefore, to not only draw on different resources when interpreting Australia’s deterrence policy information, they are also likely to have differing abilities to access the types of information channels which were utilised by Australia’s *Overseas Information Campaign* – DIAC’s website, television and print advertisements.

**Sources of information for Afghans**

One Afghan respondent described contact with the ‘outside world’ for Afghans as beginning only after the terrorist attacks in the US of September 11, 2001, after which America and their allies invaded Afghanistan. Unlike the Iraqi and Iranian respondents, the Afghan interviewees reported that they did not have access to television broadcasts before the Taliban was ousted by the American forces because television was banned under the Taliban’s regime. The Afghan respondents suggested that when they lived in Afghanistan, they had access to radio but that this access was, in turn, affected by their access to electricity; some of the interviewees originated from remote areas in Afghanistan and could only listen to the radio when they could afford to run their electricity generators.

However, similarly to the experiences of the Iraqi respondents, the Afghan interviewees’ access to information about the ‘outside world’ differed considerably from individual to individual. One Afghan respondent, for example, reported that while he lived in Afghanistan he had learned that Australia was a multicultural country; he said that he discovered this either by reading a UN magazine or through listening to the radio on a daily basis. On the other hand, some Afghan respondents stated that while they lived in Afghanistan, they received no information about the countries outside of Afghanistan other than its neighbours: Pakistan and Iran. The Afghan respondents who knew the least about
Australia before they arrived there, originated from more remote areas of Afghanistan while those who were the most educated and who had the most knowledge about Australia pre arrival, originated from Afghanistan’s capital – Kabul.

There are significant barriers then, which prevented some respondents from receiving any information about Australia while they lived in their home countries. These barriers included the individual’s geographical location in their country of origin, financial resources, education and disadvantages relating directly to her/his position as a persecuted individual. The policies adopted by the totalitarian regimes operating in the respondents’ home countries also affected the interviewees’ capacity to access information about Australia prior to their spontaneous arrival there. The respondents suggested that these governments restricted the flow of information to their people about Western countries; this was both through directly restricting access to information sources – such as through the Taliban’s banning of television – and through creating propaganda about ‘the West’. For all of these reasons, none of the respondents who were interviewed for this study arrived in Australia with a detailed understanding of Australia’s immigration policies. Challenging the direct effects understanding of communication which underpins the production of Australia’s immigration deterrence measures, my research indicates that there are significant impediments which prevent the ‘strong message’ from reaching its target audience overseas.

9.5 Active audiences

The ideas thus far presented in this chapter challenge the understanding that potential spontaneous arrivals are a passive and homogenous mass audience which will act in a uniform way when presented with deterrence policy information. Not only does the
individual asylum seeker’s national, ethnic and religious background\textsuperscript{118} affect what information he or she is likely to receive about prospective asylum destinations, but evidently factors such as the individual’s geographical location within their country of origin also influence the information to which they will have access. Furthermore, challenging the notion that spontaneous arrivals are a passive audience, the respondents who were interviewed for this study suggested that when they received multiple messages about Western countries, they filtered this information, rejecting ideas which do not fit with their understandings or desired image of these asylum destination countries. Clearly, some respondents in this study also reshaped the messages that they received about Australia’s mandatory detention regime, interpreting these messages in such a way so that this information would fit with the respondents’ desired image of Australia (this is discussed further, later in this chapter).

**Roslyn:** Did you ever hear bad things about Australia?

**Interviewee:** Actually no, there was no bad things about Australia or if there was, we didn’t hear of them or we didn’t get that information maybe because we didn’t want to. (Iranian respondent, interviewed 28/06/05)

This study therefore demonstrates that refugees constitute ‘active’ audiences – the respondents certainly did not react in a passive or unthinking way when they received information about Australia and its deterrence policies.

\textsuperscript{118}The Sabean Mandaean respondents for example, said that they shared information about prospective asylum destinations amongst their community. One respondent, in particular, received information from the Sabean Mandaean community in Australia which led her to believe that Australia was a satisfactory place to seek asylum. The existence of a Sabean Mandaean community in Australia therefore meant that some of the adherents to this religion had more information about Australia than their Muslim countrymen/women.
9.6 Pre-arrival impressions: not always the ‘land of milk and honey’

Given that some of the respondents did not know of the existence of a country called ‘Australia’ before they arrived on Australia’s shores, many respondents reported that prior to their spontaneous arrival they had no expectations about what Australia would be like. In the cases of those who had pre-conceived ideas about Australia prior to their arrival, these beliefs were not always positive – this is in stark contrast to the perception that Australia represents a “land of milk and honey” to potential spontaneous arrivals (Barresi, 21 October 1999, House Hansard). One Afghan refugee suggested that amongst his clan group in Afghanistan, people had “romantic” ideas about Australia but at the same time they were highly critical about what ‘freedom’ in Australia might entail.

R: … Did you have any idea [of] what Australia might be like?
I: No, we didn’t have any idea, but in general we knew what was going on there, what is the type of living over there, how freedom over there is… especially freedom of the woman here [Australia] [was]… very hated by the [Afghan people]… They [the Afghan people] can never tolerate it, that the woman never wear a head scarf and they wear a skirt you know, and they choose to marry [whomever they want], this is intolerable for the Afghan people… All the Afghan people when they talk about the European countries regarding the social freedoms, it’s really hated for them. (Afghan respondent, interviewed 17/10/05)

Another Afghan refugee said that prior to his spontaneous arrival, he did not hold high hopes of what life in Australia might be like but since living in Australia, it had exceeded his expectations.

R: …and then when you came here, it was different or is it exactly what you thought it might be?
I: It’s much different because I didn’t know that living in Australia might be like this before. At the time I thought that maybe Australia is a little bit better than Afghanistan or Pakistan because I didn’t have very much
information about Australia. When I arrived in Australia and I started living between the people, then I understand what is the meaning of living, before I didn’t understand. (Afghan respondent, interviewed 09/10/05)

For some Iraqis too, their expectations of life in Australia prior to their arrival there were quite low. One respondent said that he had the opportunity to come and teach in Australia in the early 1990s but his negative opinion of what life might be like there, led him to dismiss this opportunity. It was only when his circumstances changed and he needed to flee his region that he came to Australia.

I didn’t want to come at that time because I’d heard about certain things that happened to individuals overseas and I didn’t want to come to the Western world. And I am satisfied with my own life [in Iraq]. I had my own house, I was a manager in a company, I used to teach all my own lessons… Well in 1999 the Syrian intelligence arrested me. (Iraqi respondent, interviewed 30/06/05)

These examples illustrate that persecuted people do not necessarily understand the ‘freedom’ in Australia to be a good thing prior to their spontaneous arrival, they do not necessarily hold high expectations of what Australia might be like nor even expect that living there will be better than remaining in their home countries. The examples above challenge the notion that those who come to Australia always come with a good impression of what life in a Western country might be like. These examples also challenge the idea that asylum seekers are drawn to Australia because of the perceived ‘benefits’ of the Australian lifestyle. Further to this, some of the respondents reported that they simply could not have imagined what ‘benefits’ like ‘freedom’ and democracy might mean or be like to experience. This is significant in so far as it suggests that asylum seekers do not necessarily work from a ‘realistic’ perspective when understanding Australia, nor perhaps can they, before they arrive there. Refugees’ understandings of ‘the benefits’ which might
be found in Australia are therefore complex and they are not simply drawn to the ‘sugar’ (Ruddock, P 2001b, *House Hansard*, p.31021) that may be found there.

### 9.7 Processing the ‘strong message’

While a significant proportion of those who were interviewed for this study did not know about Australia’s mandatory detention regime until they were subjected to it, of perhaps greater significance is the fact that some respondents *did* know prior to their arrival, that Australia detains asylum seekers. These refugees chose to continue with their journeys to Australia despite knowing that they would be detained upon their arrival there. Having already discussed some of the barriers which impede refugees’ access to information about Australia and Australian legislation prior to their spontaneous arrival, I will now discuss the cases of those respondents who did receive information about Australian immigration policies pre arrival. In the following section I will specifically examine how this information was received and interpreted by these refugees.

**Immigration Detention**

Prior to their arrival in Australia, some of the respondents who were interviewed for this study had heard that they might be detained for a period of time in an Australian immigration detention centre; the respondents’ knowledge of Australia’s immigration detention policy, however, was far from detailed nor was it accurate. For example, a number of the respondents believed that they would only be detained for a short period of time\(^{119}\); others assumed that the detention system in Australia would operate like the immigration detention arrangements in other Western countries.

\(^{119}\) Many of the respondents were immigration detainees for over six months and one had spent over four years in immigration detention.
All that they said was just when we came from Indonesia on the boat, they said ‘as soon as you get to Australia they will put you in detention for some time and then you will be released’. (Iraqi respondent, interviewed 15/07/05)

R: and did he tell you anything about detention?
I: ‘You know you can eat and drink and after that you can go for a walk and return back to sleep’. In Europe like that.

R: Like the detention centres in Europe?
I: Yes. (Iraqi respondent, interviewed 12/07/05)

Detention not a deterrent when compared with remaining in Iraq/Afghanistan/Iran

While some respondents could be said to have had an inaccurate understanding of Australia’s immigration detention system before they were subjected to it, other respondents were simply not deterred by the prospect of being detained in Australia. For some respondents, the prospect of being detained in a Western country seemed preferable to remaining in their situations in Iraq, Afghanistan or Iran – situations which made them refugees. For example, one respondent said that he had heard that he would be detained for a short period in Australia but for him, any amount of time that he spent in immigration detention was no deterrent when he compared the prospect of being detained to his life in Afghanistan.

R: So you knew a bit about detention before you came here?
I: Yes

R: Why didn’t that stop you from coming to Australia?
I: That could never stop me and could stop no one. If I flee for my life I know that I will be detained for some time. I welcome the detention.
R: Why is that? Why wouldn’t you be afraid of detention? I’d be afraid to be detained in Australia but how would you say that your situation was different?

I: As I told you, because this was a decision for life, for if you are sure that you will be killed and you will 100 per cent prefer to be detained. And of course I knew that I will be detained for maybe a month or years – I don’t know. But I won’t be killed, they won’t kill me, Australia will not kill me. (Afghan respondent, interviewed 17/10/05)

Similarly, an Iraqi respondent suggested that the prospect of being detained in Australia seemed to him to be much better than remaining in his home country.

R: So you heard about detention but that didn’t stop you from coming to Australia?

I: Because what we saw in Iraq, we can stay in detention [laughs] one year, two years that not a problem [laughing]

R: So life in Iraq was so bad that…?

I: Yeah, detention it was more better. (Iraqi respondent, interviewed 02/08/05)

Like Baz and Bob therefore, some of the other respondents understood their detention in Australia, in part at least, as a liberating experience; they viewed it as a step towards freedom from persecution and, as such, the prospect of being detained in Australia was not a deterrent.

Detention has a purpose but the violence associated with it does not

While the majority of the respondents were highly critical of the treatment that they received as immigration detainees, many believed that the Australian Government has a right to detain spontaneous arrivals. For these respondents, the concept, if not the often violent reality, of immigration detention was reasonable. In the cases of those who knew
prior to their arrival that they might be detained in Australia, many understood their detention to be a necessary and tolerable step towards their eventual acceptance in Australia. Detention was not viewed as a deterrent by these respondents because they believed that it served legitimate purposes, such as allowing the Australian authorities to perform health and identity checks – as such, immigration detention was acceptable to these respondents when they heard of it. For example, one of the Afghan interviewees, though he felt that the violence associated with his detention experience could not be justified, believed that his detention had a dual purpose: it enabled the Australian authorities to determine his identity and right to refugee status. Like Bob, this respondent was not deterred by the prospect of being detained in Australia, not only because detention in Australia appeared to him to be better than his life in Afghanistan, but because he understood that there were detention centres in all Western countries and detention, was therefore, unavoidable.

This respondent was also undeterred by the prospect of being detained in Australia because he had an inherent faith that Western countries deal with refugees in a humanitarian manner – he now sees this as an overly optimistic expectation. As a result of this belief, the respondent could not, therefore, have anticipated that violence would be part of his experience of being detained in Australia. For other respondents too, the information that they received about Australia’s mandatory detention regime could not overpower the perception that they would be dealt with by a humanitarian country. Sultan and O’Sullivan also similarly point to the inherent faith that asylum seekers have in Australia as a ‘just’ society: “on arrival in Australia, most asylum seekers hold strongly to the belief that their applications for protection are legitimate and most are confident that a just society such as Australia will accept the veracity of their claims for refugee status” (Sultan & O’Sullivan
This belief, that Australia is a humanitarian country, evidently skews the asylum seekers’ understandings of what to expect from the Australian ‘system’.

**R:** You knew about detention so why did you come to Australia? Isn’t detention a pretty scary thing? It seems like a scary thing to me.

**I:** Yes, it’s scary for you but for the people who want to flee, the people who, whose life is in danger... So that’s not scary for them, this is why, the worse thing is that the detention centre is scary for the people who live in Australia. But this detention centre is not scary for the people who come from the country like Afghanistan. The other thing about this is that detention is for, to recognise you.

**R:** So you knew that it had a purpose in a way, is that what you’re saying?

**I:** Yeah to recognise you because you are going illegally, that the detention centre is, even in Europe they have detention centres, even everywhere they have them, but different. In Australia they block you there, they make an inquiry about you but in some countries not doing like that. But I know that every country that you should go, they have such a thing, but they exactly that I saw, I didn’t know like that.

**R:** So you didn’t know what it would be like?

**I:** No, the only thing I know was there is detention centre, we call detention centre [word in Dari] in our language, that they give you everything, there is no torture, there is no hitting, beating, and they put you there for the needed time.

**R:** So it’s like a camp?

**I:** A camp yes. All we heard like that... We saw that it was totally different, because you know when you are on outside, your expectation is really, really high, it’s exaggerated. [They / I] said that European people and Australia are like NGO, they dealing with you really friendly, really polite and really friendly, they look at you as a human, they, what I said, such a things. Whatever the humanitarian right, you know them, correct?... But me and you coming in the detention centre they treat you worse than an animal, it’s a prison. (Afghan respondent, interviewed 11/11/05)

Other respondents also said that despite knowing that they might be detained in Australia, they could not have anticipated how bad the detention experience would be:
So I was expecting to be detained when I first came, in a camp for six months to one year but not more than this. I never thought that the camp would be that much hurting. And my daughter suffered a lot in the camp as well. (Iraqi respondent, interviewed 01/08/05)

However, some respondents suggested that despite the difficulties and violence that are associated with Australia’s immigration detention centres, detention in Australia was still preferable to certain death at home:

**R**: So the first that you found out about detention was when you were detained?

All respondents: that’s right.

**R**: And if you’d known about detention before you came here, would you have still come to Australia…?

**Interviewee 3**: Coming to Australia is better than dying in Afghanistan.

**Interviewee 1**: That’s right.

**R**: So even though it was hard?

**Interviewee 2**: Yeah, but it’s still better, we will be alive. (Afghan respondents, interviewed 5/11/05)

The excerpts above, therefore, indicate a number of things about how refugees interpret Australia’s deterrence policy information when they receive it. First, refugees do not interpret the information that they receive in a universal or singular way. Though I have proposed that a number of the respondents had common understandings of the prospect of being detained in Australia, clearly the respondents overall did not exhibit the same response to this idea. Second, refugees as receivers of information about Australia’s deterrence policies are ‘active’ and process the information that they receive. For example, they evaluate this information with reference to their existing assumptions and experiences. In particular, refugees assess the information that they receive about Australia’s deterrence
policies with reference to their experiences of living in their home countries – experiences which made them refugees. Third, because refugees constitute active audiences, they have the capacity to interpret the information that they receive about Australian policy in multiple ways and in ways which may be unanticipated by policy makers. For example, they do not necessarily believe that being detained in Australia will be a negative thing.

In contrast to the proposals that (1) refugees reject deterrence policy information because they seek a ‘preferred migration outcome’ or (2) they ignore it because they are fleeing persecution and are driven by fear; refugees are undeterred by such information for reasons seemingly unanticipated by Australian politicians from both sides of the deterrence debate. For example, some refugees are not deterred by the prospect of being detained in Australia because they view immigration detention to be reasonable, unavoidable and because they expect that Australia will treat them humanely. Clearly, refugee audiences do much more with the information that they receive about Australia’s immigration deterrence policies than Australian politicians envision.

9.8 Knowledge of the TPV pre arrival

While a number of the respondents said that they knew prior to their spontaneous arrival, that they might be detained in an Australian detention centre, only one of the respondents said that before he came to Australia, he knew that he might be subjected to the temporary protection visa. This respondent said that he could not have anticipated the profoundly negative impact that both the TPV and his immigration detention experience would have on him. The respondent came to Australia alone in the early 2000s leaving his wife and children back in his home region; he was detained for a period of time on arrival in Australia but was ultimately granted refugee status and given a temporary protection visa.
Under the restrictions imposed by the visa, the respondent was unable to resettle his family in Australia and he could not leave Australia in order to visit them because the TPV does not entitle the bearers of this visa to re-enter Australia once they leave\textsuperscript{120}. For this respondent, the separation from his family led his marriage to break down and his relationship with his children to deteriorate. Though he said that he had ‘prepared’ himself for life under the TPV, he could not have anticipated what this experience would do to him or his family. Even if refugees receive information about Australia’s immigration deterrence policies before they arrive in Australia, how are they to understand what being subjected to deterrence measures will really mean for them? Therefore, even if the ‘horrors’ of detention or the TPV are explained to them, potential asylum seekers will not necessarily be deterred from spontaneous arrival because they simply cannot anticipate what the experience of such ‘horrors’ will mean.

So I said ‘this is a country where I respect its laws and they have a right to readjust refugee laws’. I have prepared myself to be away from my children for three years, it was rather for me to be away [and] alive, not close [and] dead. So when I came and saw them, it’s not that they don’t respect humanity and that was a shock for me that they use to hit children and detain people like as if we were in Iraq… In the middle of the desert, the isolated desert, so they put more fences up around us and they divided us into small groups so we won’t be able to unite, it’s like segregations. That was a shock to me, it’s not just a shock, it’s that they don’t respect their own laws as well. (Iraqi respondent, interviewed 30/06/05)

Some of the respondents said that if they had known about the hardships that they would face as TPV holders and immigration detainees then they would not have come to Australia.

\textsuperscript{120} According to a DIMA fact sheet on the TPV from 2000 “compared with the permanent protection visa, the TPV provides no rights for unauthorized arrivals to: bring their families to Australia; [or to] return if they leave Australia” (DIMA 2000b)
R: If you had known about detention or the temporary protection visa, would you still have come?

I: I’m talking on my own behalf only, as for me, no I wouldn’t because I had gone through so many problems and difficulties in my own society… in Iran, that I would not be ready or afford to have any more problems or worries or difficulties. And that detention centre over here caused me many problems, so no, I wouldn’t. (Iranian respondent, interviewed 28/06/05)

During their interviews, the respondents spoke about not only the difficulties that they had faced as TPV holders but they also told of the problems experienced by their friends who were also subjected to the TPV’s restrictions. One respondent suggested that the TPV had been effective as a deterrent; he said that his two former roommates had returned to their home regions in order to be with their families because they could no longer bear the separation from their loved ones that was imposed on them by the TPV. While the actions of these refugees might provoke questions about the ethics of maintaining a policy that makes refugees suffer so much that they are compelled to give up safety in Australia and return to a precarious existence in their home regions, the deterrent ‘effect’ of the TPV is also not straightforward.

While the refugees who were the subject of this anecdote had given up their safety in Australia, the great majority of TPV holders have not, again this is perhaps because the policy appears to affect each TPV holder differently. The respondents who were interviewed for this study did not exhibit a singular response to the TPV and, for some, their perspective on the TPV had changed over time. One respondent, in particular, said that he was initially very distressed by the restrictions imposed on him by the TPV but as other aspects of his life increasingly improved, he was better able to tolerate these restrictions. Like their understandings of their immigration detention experiences, the respondents’ understandings and experiences of the TPV, were to a certain extent,
individual. Even the Iraqi respondent (interviewed 30/06/05) quoted above, whose wife had divorced him as a result of their prolonged separation, spoke of being satisfied with his life in Australia and said that he would remain living there if he had the choice to live anywhere in the world.

This study shows that refugees understand their experiences of the TPV and immigration detention with reference to their overall experiences of life in Australia. This is particularly important when refugees in Australia tell their friends and relatives overseas about Australia’s deterrence policies. Having discussed some of the issues which shape refugees’ interpretations and reception of Australian policy information prior to their arrival in Australia, this chapter will now examine what information refugees give to their relatives and friends who may also be considering ‘illegal’ travel to Australia.

9.9 Receiving the ‘strong message’ from friends and family

According to Koser and Pinkerton “it is widely recognised that social networks are the most important source of information about destination countries for potential migrants, including asylum seekers, and these networks are likely to continue to be so” (Koser & Pinkerton 2002, p.5). The Howard Government also recognised the important role that such sources play in providing information to potential spontaneous arrivals. As part of its Overseas Information Campaign, the Howard Government has targeted individuals in Australia who may have contact with potential spontaneous arrivals who are living in other countries. In her letter to me of 1 May 2004, a delegate writing on behalf of the Minister for Immigration wrote:
In December 1999 further materials were released [as part of the Overseas Information Campaign]: a poster, a postcard and a detailed information brochure educating people about the dangers and pitfalls of using smugglers… The poster was designed for distribution at airports and Australian government offices overseas, while the postcard was designed for persons in Australia to send overseas. (DIMIA 2004, pers comm., 1 May)

Documents entitled Overseas Information Campaign – Why You Must Help Stop Illegal Entrants (2004c) and Overseas Information Campaign – What You Can Do to Help Stop Illegal Migration (2004b) were also published on DIMIA’s website in 2004 – both documents appeared to be targeted at people who are based in Australia and who have contact with potential spontaneous arrivals. The latter of these documents proposed that:

**You can help to get the message out.** The Government is confident that all sections of the Australian community do not agree with illegal migration. To help you can write to your family, friends and business contacts in your former country and tell them… Australia does not want illegal entrants… you do not support their actions… you do not want them to believe the lies told by people smugglers… (DIMIA 2004b) (emphasis in original)

The Australian authorities, therefore, directly sought to ‘transmit’ their deterrence message to potential spontaneous arrivals via the Australian-based relatives, friends and contacts of those potential asylum seekers.

Some of the respondents who were interviewed for my study did receive information from sources based in Australia at the time that they were considering fleeing their home countries and regions. One respondent, for example, spoke of receiving this information indirectly – she heard about Australia from people in her community in Iran whose relatives lived in Australia. What this respondent learned about Australia from this source, in addition to what she had learned from other sources (books, media, TV), led her to select Australia as her asylum destination. Other respondents also said that before they left their
home regions they received information about Australia from their friends and relatives who were based there.

It is important to note, however, that the respondents’ decision to come to Australia were not based solely on the information that they received from their contacts in Australia. Also, importantly, in the majority of cases, Australia was selected as a destination by the people smugglers that the respondents engaged and not by the respondents themselves. Indeed, even when the respondents were the ones who selected Australia as their asylum destination, smugglers played a key role in their decisions. For example, one of the two respondents in this study who suggested that it was his choice to come to Australia (rather than the smuggler’s choice), chose Australia as his asylum destination based on a number of factors. These factors included the information that he received about Australia from his Australian-based relatives and the information that he gleaned from other sources (books, TV and other media); he was also encouraged to select Australia as a destination by the smuggler that he had engaged. The respondents, therefore, did not rely solely upon the information that they received from their Australian-based contacts when making decisions about seeking asylum.

While some of the respondents did receive information from their Australian-based friends and relatives and did draw on this information when making decisions about seeking asylum; many more of the respondents, however, relied upon the social networks which existed in their own countries for information about prospective asylum destinations. A number of the respondents also said that they received information whilst they were in transit countries from other refugees who were en route to Australia. Such sources influenced the respondents at crucial moments in their journeys and, as such, may have
played an even more significant role in influencing the decisions of these spontaneous arrivals than their Australian-based contacts.

While their family and friends who have successfully sought asylum in Australia could be considered an important source of information for potential spontaneous arrivals, there are major impediments which prevent information from being received from these sources. One of the respondents who were interviewed for this study, for example, reported that before she left her home region, she had family living in Australia but was not aware of this fact at that time. The respondent said that when she made contact with her Australian-based family she was already in Indonesia en route to Australia; it was only then that her Australian-based relatives told her that she might be detained upon her arrival in Australia. In fact, many of the respondents who were interviewed for this study reported that they had lost contact with their friends and relatives overseas – this creates an obvious barrier which prevents deterrence information (such as that from the Overseas Information Campaign) from being transferred by refugees and migrants who are living in Australia.

I: So basically I didn’t know that she was in Australia because we had no connection whatsoever. So when she had left Iraq, us [her family], even her family didn’t know that she had left because their house stayed in the same condition.

R: So why didn’t they tell you?

I: They couldn’t, they were frightened at that time so they had to just flee away.

R: And so… somebody had told you that you might go into camps [immigration detention in Australia]. Did you know, what other things… might happen to you?...

I: I didn’t know anything about the camp, even when my sister called [when I was] in Indonesia, she said the situation in the camps is very bad here…
She didn’t tell me in details but she told me that the situation is not that good. (Iraqi respondent, interviewed 28/07/05)

As this example illustrates, refugees appear to be uniquely disadvantaged when it comes to receiving information from trusted sources such as friends and relatives. Factors relating to their position as persecuted individuals can result in refugees losing contact with their friends and relatives, who, like them, may need to flee suddenly in order to escape persecution. Robinson and Segrott also noted that some of their respondents had lost contact with their relatives and friends as a direct result of the situations that made them refugees (Robinson & Segrott 2002, p.41). The example above, in addition, perhaps demonstrates how the experience of deterrence mechanisms, such as immigration detention, cannot really be conveyed to potential spontaneous arrivals by their Australian-based contacts. In this case, the respondent was told that immigration detention would be ‘very bad’ but, according to the respondent, this description was lacking in detail and it was ultimately a description that did not stop her from attempting to come to Australia as a spontaneous arrival.

Other respondents also reported that the information that they received from their friends and relatives who were living in Australia, was less than perfect. As the examples cited throughout this chapter demonstrate, the information that the respondents received from their Australian-based friends and relatives was necessarily condensed, lacking in detail and perhaps as a result, such information was unable to convey a realistic indication of the ‘true’ situation that awaited the respondents in Australia. In their study, Robinson and Segrott similarly stated that “where family or friends in the UK supplied information to respondents before they left home it was often generalized in nature and very scant” (Robinson & Segrott 2002, p.41). Koser and Pinkerton suggested also that family and
friends who are located in destination countries do not necessarily supply potential asylum seekers with up-to-date or accurate information on these countries (Koser and Pinkerton 2002, pp.14-17). For all of these reasons, though their Australian-based contacts may be an important source of information for potential spontaneous arrivals, these sources cannot be relied upon to supply potential asylum seekers with the information that they require when they make decisions about seeking asylum. The ‘transmission’ of Australia’s deterrence messages from such sources is not direct, detailed or guaranteed.

9.10 ‘Transmitting’ the ‘strong message’

The respondents were asked what they now say about Australia to their relatives and friends who live overseas; they were also asked what they would tell people who want to make an ‘illegal’ journey to Australia similarly to themselves. I asked these questions in order to understand what information, if any, that the respondents might be providing potential spontaneous arrivals about Australia’s deterrence mechanisms. As already noted, many of the respondents stated that they had lost contact with their relatives who were based in other countries. For the Iraqi interviewees this situation was made significantly worse since the American invasion of Iraq, as one respondent said,

So the [telephone] connection [to Iraq] was very little and scarce, like hardly any. If I wanted to talk to my family it would be fast, very quick call and most of the time it will cut off… For three months I haven’t spoken to my family and I know nothing of them. (Iraqi respondent, interviewed 28/07/05)

Other respondents, however, did make regular contact with their relatives overseas and some of the interviewees, like Baz, had returned back to their home regions in order to visit their families. The respondents who did have contact with their friends and relatives who live overseas suggested that they told these relatives and friends ‘the truth’ about their
experiences in Australia; they spoke about the hardships that they faced en route to
Australia and as immigration detainees and TPV holders. Clearly, however, despite having
experienced these hardships, some respondents still wanted their families to join them in
Australia, even if these relatives would then be subjected to the same difficulties that the
respondents had themselves faced. For example, one respondent said that she told her
brother, who was en route to Australia, what life would be like as a TPV holder. This
respondent spoke at length to me about the hardships that she faced as a result of the TPV’s
restrictions – she still held a temporary protection visa at the time of her interview.
However, she and her brother shared the hope that he would come and join her in Australia;
this was despite the fact that her brother would be subjected to the TPV if he came to
Australia ‘illegally’. For some respondents, therefore, even the immense difficulties that
they faced as TPV holders and immigration detainees could not overpower their desire to
be reunited with their loved ones even if being reunited would mean exposing their families
to the same suffering that they themselves had experienced.

I: Frankly what I told him [my brother] was that ‘you will be shocked when
you come here, it is so difficult’. So if he came here on temporary
[protection] visa, as a man it would be very difficult for him. But I still
want him to come here so I feel more relieved and I can support him.

R: And he still wants to come?

I: Yes, because he’s got no one there. (Iraqi respondent, interviewed
28/07/05)

As this case demonstrates, even those refugees who have experienced extreme hardships as
a result of being subjected to the TPV or immigration detention do not necessarily send a
deterrence message to potential spontaneous arrivals.
Packaged information

While some of the respondents were adamant that they told the ‘truth’ about Australia to their families and friends who are located in other countries, as the previous chapter demonstrated, this ‘truth’ was sometimes ‘packaged’/framed/filtered by the respondents. For example, one respondent, paraphrasing what she had told her family, said,

‘look don’t worry about us, we’re comfortable here, nobody’s harassing us because of our religion. Of course it was hard to reach here but just like trying to reach a paradise, like going through two different hells and having a rough time, but at the end there was a paradise for us’. So that’s why now my parents are resting assured that we are happy and comfortable and nobody’s harraressing us anymore. (Iranian respondent, interviewed 28/06/05)

This respondent’s objective then, in relaying this information to her family, was to reassure them that she was safe and happy. In order to achieve this objective, the respondent, to a certain extent, used a positive ‘spin’ to describe the hardships that she had faced in Australia. Koser and Pinkerton also suggest that “there can be a tendency for migrants already in a country of potential asylum to focus only on the positive aspects of their experiences, or to misrepresent their experiences” (Koser and Pinkerton 2002, p.1).

The respondents of my study did not always make a deliberate effort to represent their experiences in a positive way when talking to their friends and relatives; often the respondents had simply come to focus on the positive aspects of their lives in Australia and therefore it did not occur to them that they should talk with others about the hardships that they had faced. Despite the harshness of their experiences of immigration detention and the TPV, the respondents generally appeared to be relieved and satisfied with their lives in Australia and it is this which often shines through in what they now tell others about Australia now. For example, for one respondent, though his detention experience had had a
profoundly negative impact on him, this experience did not overshadow the many positive experiences he had encountered since his release from detention. In fact, this respondent seemed to have almost forgotten the difficulties that he had faced as an immigration detainee when he described his experiences of life in Australia to his family:

‘Nothing bad happened to me actually when I get out of the camps, that was the bad thing that happened to me’, so that’s what I told them also that nothing bad happens. (Afghan respondent, interviewed 5/11/05)

When refugees do send a deterrence message

The respondent quoted above, like a number of others who were interviewed for this study, viewed his detention in Australia as a bad experience which ended; it could not overpower the relief of having escaped persecution nor the many positive experiences that he had encountered in Australia since his release into the Australian community. As these examples indicate, refugees who live in Australia do transfer back to their home regions information about Australia’s immigration deterrence policies, yet this does not guarantee that the hardships associated with these policies will feature in such discussions. On the other hand, however, and importantly from the Australian Government’s perspective, some respondents suggested that they would tell their friends and relatives overseas that the passage to Australia was not ‘open’ now that the Australian Navy was turning boats back to Indonesia:

R: And what would you tell someone who is back in Iraq who wanted to come to Australia now and try and be a refugee?

I: So I would tell them that you don’t have a chance of coming to Australia unless you go and apply through United Nations or to the Australian Embassy. (Iraqi respondent, interviewed 15/07/05)
This finding is compelling from the Australian Government’s point of view because arguably this demonstrates that the message: ‘you cannot come to Australia unauthorised by boat’ is being ‘transmitted’ overseas to those who might be considering making an ‘illegal’ journey to Australia. Only one respondent said that he would tell others not to come to Australia because of its immigration detention policy and only one respondent said that he would tell others not to come to Australia because of the TPV\textsuperscript{121}. Many more respondents said that they would tell others not to come to Australia because of its interdiction policy. However, the finding that at least some refugees are telling potential spontaneous arrivals that they cannot come to Australia by boat should not overshadow the more important finding of this chapter: that refugees actively process the messages that they receive and reject deterrence information which does not fit with their desired image of Australia\textsuperscript{122}.

\textbf{9.11 Interpreting the ‘strong message’ while living in the Australian community}

As I have already indicated in this chapter, when talking to their friends and relatives overseas about Australia’s deterrence policies, the respondents also talk about their experiences of life in Australia in general. While the great majority of the respondents said that their experiences of detention and the TPV had a negative impact on their lives, the same respondents drew a distinction between their dealings with the Australian authorities and the treatment they received from the broader Australian community. Some

\textsuperscript{121} In fact, many of the respondents would not be drawn on what advice they would give others who wanted to make an ‘illegal’ journey to Australia. These respondents often said that others would have to make the decision that suited their circumstances. The respondents commonly answered the question – ‘what would you tell others who wanted to come to Australia by boat?’ – by saying that they would advise others against making such a dangerous journey – this led me to wonder about the deterrent ‘effect’ of the boat journey itself.

\textsuperscript{122} More research is needed on this point. Interviews should be conducted with potential asylum seekers while they are still in transit countries, in order to better understand what is ultimately happening to such messages when asylum seekers receive this information from Australia.
respondents, one in particular who had undergone cancer treatment in Australia and another who had undergone heart surgery, praised the care that they received in Australian hospitals; one said, for example,

> The assistance there, the staff... before I was admitted to the hospital I said ‘what about my family?’, they said ‘don’t worry about your family, we will take care of them’. What I have seen from them, even your family won’t do it for you, which means very good treatment. This is the difference between [the wider community and] Woomera [where I was detained]. So what’s in Australia and what’s in Woomera is so much conflicting. (Iraqi respondent, interviewed 29/07/05)

Other respondents also similarly proposed that there is a difference between the Australian Government and the Australian people. One respondent said for example, of the Howard Government:

> Because the life of Howard is not forever and we saw good people here [in Australia]. (Iraqi respondent, interviewed 30/06/05)

When reflecting on the massive differences between their lives in their home countries and the lives they now lived in Australia, the respondents commonly suggested that they felt that they were “human” since living in Australia:

> When I came to Australia I felt like I think I am human, I can live with the other people like them. (Afghan respondent, interviewed 09/10/05).

Many of the respondents, particularly those who had been persecuted as members of minority groups in their home countries, championed the virtues of Australian multiculturalism.
Australia is a very good country, it contains, I hear about 175 minority communities, they are all living together. In Iraq, we are only three or four and everybody fight, it’s good your country… (Iraqi respondent, interviewed 12/07/05).

I think it’s good for every human, for everybody to live in the world just like Australian people because there are different nationalities and different kinds of people, different kinds of language living in one community. There’s not racism and the people are the same. (Afghan respondent, interviewed 09/10/05)

The respondents then, do not understand their experiences of Australia’s deterrence measures in isolation from all of the other things that they have experienced since living in Australia. Even those respondents who had been detained for a number of years in Australian immigration detention centres and who said that they were mentally scarred by such experiences, understood their overall experience of living in Australia as overwhelmingly positive.

### 9.12 The boat journey – the ‘real’ deterrent?

Of those who were interviewed for this research, some were rescued after the boats on which they were sailing to Australia had sunk and one had the good fortune of disembarking from the Sieve X\(^{123}\) before it was set out on its fatal journey. The respondents who came to Australia by boat often talked about this boat journey as being the most fearful and dangerous aspect of their entire experience of coming to Australia. As a result of this experience, some of the respondents suggested that it was a good thing that the Howard Government had decided to intercept and turn back smuggling boats which are carrying asylum seekers and attempting to enter Australia’s waters. Quite a number of the

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\(^{123}\) According to Marr and Wilkinson, the name ‘SIEV X’ was coined by the Australia media and attributed to the smuggling boat which sank in October 2001 in waters between Indonesia and Australia resulting in the deaths of over 350 of its passengers (Marr and Wilkinson 2003, p.227, p.236). ‘SIEV’, a term used by the Australian Navy, stands for ‘Suspected Illegal Entry Vessel’ (Marr and Wilkinson 2003, p.326).
respondents were also adamant that other refugees should not try to come to Australia by boat.

I: No, no if someone decide to come by boat I really prevent them, because I have experience of that way when I was coming to Australia and it’s really dangerous. It’s really dangerous, it’s not good to come by [boat]

R: It’s not a good idea?

I: It’s not a good idea. (Afghan respondent, interviewed 09/10/05)

R: Have you told people back home in Iraq or relatives overseas about what life is like in Australia?

I: Yeah I told my family back in Iraq that life is beautiful but I told them about the dangerous boat trip

R: And what would you tell somebody who wanted to make the same journey as you to Australia?

I: No I don’t advise them to come the same way because we faced death. (Iraqi respondent, interviewed 06/10/05)

R: So you told him [your brother] not to come to Australia?

I: I told him, if you come to Australia you will die.

R: On the boat?

I: On the boat. (Iraqi respondent, interviewed 01/08/05)

While a number of the respondents supported the Australian Government’s interdiction of smuggling boats, this support was not without qualification. Some refugees felt that it was better that the Australian Government stopped people from coming to Australia ‘illegally’ rather than to force asylum seekers who have arrived spontaneously in Australia to face immigration detention and the TPV.
**R:** My next question was... what do you think about the Australian Government trying to stop people like you from coming to Australia, refugees like you?

**I:** Yes, it is better, better. It is better. When you miss five or six years I spent in Australia, I thought sometimes that if they would arrest us and return us back, better than torturing us six years here, waiting, waiting. (Iraqi respondent, interviewed 12/07/05)

This then should not be taken as an unqualified endorsement of Australia’s interdiction policy; perhaps instead it is an indictment of the treatment that refugees receive as immigration detainees and as TPV holders. Other respondents, however, quite directly said that the Australian Government’s practice of turning back asylum boats will send a message to potential spontaneous arrivals:

if you send one group, 100, 150 people [back] to Indonesia they will like a radio, like a TV, they will publish it to all of them. The Iraqi people, the Iranians, “no way we went ...to reach Australia but they send us back here... they turned us back safely to Indonesia and we came to tell you it’s no use. (Iraqi respondent, interviewed 30/06/05)

**The boat journey – no deterrent**

While quite a number of respondents said that they would advise others not to come to Australia by boat, some of these same respondents said that they felt that they were compelled by their circumstances to come to Australia by such means. As the previous chapter demonstrated, when refugees perceive that they have no other way of finding lasting safety from persecution, even the risk of death posed to them by a boat journey to Australia will not stop them from using smuggling routes.

I mean coming to [Australia]. There we are dying and here we are dying but staying in Jordan it means it’s a long process and it’s a very risky process... Even in our country we were facing death so we came here with no hope.
So it’s either you live or you survive but in most cases we were just having death ahead of us. (Iraqi respondent, interviewed 28/07/05)

I mean staying there it means death, leaving it means death but we have a hope of staying alive. (Iraqi respondent, interviewed 13/07/05)

For those refugees who understand the boat journey to Australia in such terms, it is questionable whether they could be deterred by any policy that Australia could create. Some refugees are prepared to face any obstacle or hardship in order to reach countries which will provide them with lasting safety.

9.13 The Pacific Solution

Seven of the respondents who were interviewed for this study were subjected to the ‘Pacific Solution’, six of these were from the same family and these six were interviewed as a group; the other individual was a woman who had travelled to Australia with her husband and their children – her husband and children were not interviewed. All seven respondents, along with other members of their families (who were not respondents in this study), were detained on the Island of Nauru after the smuggling boats on which they were travelling were intercepted by the Australian authorities. Those respondents who were from the family group of six, in fact, travelled from Indonesia on several different boats and were therefore intercepted at different times by the Australian authorities. None of these respondents knew about the ‘Pacific Solution’ until they found themselves targeted by the policy. All of the respondents said that they faced various hardships as a result of their detention on Nauru:

Life was very difficult at the detention, like the water we use to drink was hot water because of the area that we lived, there was no electricity, we used it just at certain times. We use to live in tents before and then they have
timber rooms with air-conditioners but they never put in the air-conditioners until the minister came, they put it on for 10 days when he left. (Iraqi respondent, interviewed 06/10/05)

Despite these hardships, all of the seven respondents spoke positively about their experiences of life in Australia since being released from detention. The family of six expressed a desire to settle in Australia permanently – they were TPV holders at the time of their interview. For these respondents, the difficulties which they experienced as detainees on Nauru did not overshadow the positives associated with finding safety in Australia. The respondents said, for example,

**Iraqi woman 1:** I mean, you don’t fear for your children in this country.

**Iraqi woman 2:** …I mean even for my son, I use to fear so much for my son when he use to go out in Iraq, like when it gets dark, when it gets close to being dark, I know that I can’t really leave him outside, he has to be inside or I fear that they might have captured him, they might have executed him or done something wrong…. (Iraqi respondents, interviewed 13/07/05)

Therefore, despite the sometimes profound hardships that the respondents faced as immigration detainees, TPV holders and as subjects to Australia’s ‘Pacific Solution’, they spoke in overwhelmingly positive terms about their experiences of life in Australia. They spoke in such terms both to me during their interviews and in their conversations with their friends and relatives who lived in other countries. Rather than Australia’s deterrence

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124 As none of the respondents knew about the Pacific Solution before the boats on which they were travelling were intercepted at sea by the Australian authorities, it is not possible from the interview data collected for this study, to understand how refugees interpret information about this policy when they receive it. Again, it appears necessary to undertake further research, involving interviews with potential asylum seekers while they are still in transit countries in order to better understand how refugees interpret information about Australia’s immigration deterrence policies when they receive them. Further research seems imperative given that audience researchers of the cultural studies tradition recommend that researchers should observe audiences while they are in the ‘natural’ environment in which they receive and interpret the texts that they view (Morley 1999b, p.40).
message being directly relayed to others overseas, this information was often wrapped up with the positive messages about Australia that the respondents passed on.

9.14 Conclusions

This chapter, building on the findings from Chapter Eight, has offered an insight into the complex nature of refugee audiences. Audience researchers within the cultural studies tradition have long proposed that audience behaviour is unpredictable. Such studies, according to Turner (1997), caused a major shift… in academic understandings of the media audience. No longer was the audience thought of as monolithic, but rather as many diverse audiences… [and] as active and creative participants in the cultural production of meaning. (Turner 1997, p.382)

Drawing on these insights, this chapter has shown that refugee audiences, like other audiences, are diverse, active and creative in processing and interpreting the information that they receive concerning Australia and its immigration deterrence measures.

This chapter has demonstrated that refugee audiences differ in terms of the resources that they are able to access for information about potential asylum destinations. Refugees therefore draw upon differing resources when interpreting information about Australia’s immigration deterrence policies – this offers a partial explanation for why refugees do not interpret such information in a universal/singular way. In this chapter I have shown that refugees have differing abilities to access information resources depending on their national, ethnic, religious, educational and financial backgrounds, in addition to where they have lived in their countries of origin. I have also demonstrated that refugees are uniquely
disadvantaged in receiving information about prospective asylum destinations for reasons related to their position as persecuted individuals.

In addition, it has been shown that refugees process deterrence policy information in unpredictable ways – some perceive immigration detention to be acceptable, unavoidable and to a certain extent, liberating. All of these findings challenge the understanding that refugees are a mass audience which will, acting as one, hear and heed the Australian Government’s deterrence messages. In fact, to a certain extent, refugees react to deterrence messages and mechanisms in individual ways; this chapter has shown that individual refugees react differently both to the experience of being subjected to immigration deterrence mechanisms and when interpreting information about these policies.

Just as refugees engage in a complex process when they interpret deterrence policy information, refugees, as ‘transmitters’ of deterrence messages, are involved in a complex process when they relay information about Australia to potential spontaneous arrivals. They ‘package’ such information and represent Australia from their own perspectives; they discuss the things that are of importance to them about Australia and their positive experiences in Australia affect their discussions of their negative experiences. However, I also demonstrated in this chapter that the message ‘you cannot come to Australia by boat’ is being sent by some refugees to potential spontaneous arrivals overseas. Further study needs to be undertaken in order to better understand what is happening to this message when it is received. It is highly likely, given the insights offered in this chapter and the previous one, that the audiences to such messages will interpret them in multiple and differing ways. Certainly messages are being sent to potential spontaneous arrivals in other
countries about Australia’s deterrence policies but neither their ‘transmission’ nor reception are straightforward.
10. Conclusions

These changes send a message to other people considering illegal travel to Australia that we are certainly not a soft touch, and that queue jumpers will be dealt with very harshly indeed. (Gambaro, T 2000, House Hansard, p.13996)

Queue jumper? I’ve heard of [it on] TV sometimes, some people riding a bike, they can do the ‘queue jumper’, is it like this? (Afghan refugee, interviewed 9/10/05)

The two quotations above, read together, illustrate one of the impressions that I gained after reading a large volume of parliamentary speeches on ‘illegal immigration’ and having interviewed 27 refugees who had come to Australia as spontaneous arrivals. That is, I came to believe that, at times, there is a deep chasm between refugees and politicians in terms of their understandings of spontaneous arrival. The Afghan man quoted above certainly was not alone in his bewilderment when I introduced him to the concept of the ‘queue jumper’; a considerable proportion of the respondents and interpreters who participated in this study had never heard of the term ‘queue jumper’ nor understood the idea of the ‘refugee queue’. In stark contrast, the ‘queue’ idea was fundamental to the Howard Government’s use of immigration deterrence measures and, as Chapters Five and Six demonstrated, many Labor politicians also supported Howard’s proposal that the ‘queue’ is the correct way through which to seek asylum from Australia. However, my study does more than merely draw attention to the differences that exist between refugees and politicians’ understandings of spontaneous arrival.
This study explodes the idea that potential spontaneous arrivals constitute a passive, unthinking mass audience. On the one hand, I challenge the notion that potential spontaneous arrivals are the inert and unsophisticated consumers of Australia’s immigration deterrence policy information. I refute the proposal that potential asylum seekers will uncritically hear and obey Australia’s deterrence messages. As my study shows spontaneous arrivals evidently engage in a creative process when they interpret the messages that they receive about Australian policy, they draw upon multiple textual and non-textual resources in their interpretations and their responses to such messages are complex, unpredictable and multifaceted. On the other hand, I also refute the proposal that asylum seekers simply ignore Australia’s immigration deterrence policies because “of what they are fleeing” (Bartlett 2001b, Senate Hansard, p.26846)\(^\text{125}\); when asylum seekers reject Australia’s policy messages they are involved in a creative process of interpretation, as Chapters Eight and Nine illustrate.

While the refugees who were interviewed for this study did interpret the information that they received about Australia against the backdrop of violence that they faced in their home countries, they also processed this information by drawing on a variety of textual and non-textual resources as well. The respondents’ actions and rejection of Australia’s deterrence messages were not purely driven by fear or desperation. Though their fears certainly shaped their decisions, fear did not render them unthinking, passive or uncritical when they came into contact with information concerning Australia’s deterrence policies. In this chapter I remind the reader of the key arguments that were outlined in each of the chapters.

\(^{125}\)Bartlett says “this government has been saying that for some years now it has been sending messages about how tough we are. It is clearly not stopping people coming here, and that is because of the reality of what they are fleeing” (Bartlett 2001b, Senate Hansard, p.26846).
of this thesis, and I evaluate these assertions in light of the information that I have presented in this thesis as a whole.

In Chapter Two I described the outcome of the focus group exercise that I undertook for this study. I stated that my respondents’ failure to engage with the Australian Government’s *Overseas Information Campaign* in the way that I had predicted, caused me to revise my approach to studying the reception of Australia’s deterrence policy information. Specifically, I was forced to move beyond the proposal that an audience member’s background – their ethnicity, gender and culture – shapes his/her interaction with the messages s/he views. While Chapter Nine demonstrates that background factors, such as nationality, culture and religion do affect how spontaneous arrivals interact with Australia’s immigration deterrence policy messages; another explanation was needed which could account for the common rejection of deterrence policy information by refugees of various ethnic, national, cultural and religious backgrounds. The difficulties that I experienced in conducting my focus group study therefore led to my central hypothesis: that refugees of various backgrounds reject Australia’s immigration deterrence messages because they are commonly positioned as inadequate ‘knowers’ of spontaneous arrival/s. In effect, I argued that spontaneous arrivals reject deterrence messages because these messages are based on a vision of spontaneous arrival which does not concur with the spontaneous arrival’s reality.

I proposed that it is politicians and not spontaneous arrivals themselves who are positioned as experts on spontaneous arrival and it is the politician’s knowledge of spontaneous arrival that therefore ‘counts’ when policy messages and their audiences are constructed. Thus, at this point in my thesis I sought to draw the reader’s attention to the constructed nature of
‘the audience’, arguing that rather than it being an objective entity, ‘the audience’ is constructed against a backdrop of power relations and certain understandings of ‘the audience’ are privileged over others. In relation to this notion, I not only criticised the Australian politicians’ construction of ‘the audience’ but I also sought to critique my own construction of knowledge about spontaneous arrivals and refugees. I recognised that my own understanding of ‘the audience’ is not ‘objective’, is itself shaped by relationships of power and produces relations of power/knowledge where the refugee’s understanding of spontaneous arrival is ultimately subjugated to the academic researcher’s account. I acknowledged that no amount of reflexivity or any other action on the part of the researcher can ultimately resolve this power imbalance. Therefore, in this chapter and throughout this thesis I sought to give the reader an insight into how various factors shaped my understanding of my research topic and affected the knowledge produced by this study. These factors included my emotional engagement with my research respondents and their reactions to the research process.

In Chapter Two I supported Jaggar’s (1992) and Oakley’s (1981) claims about the value of emotion as an element in the research process. I argued that no one who conducts research or interviews with traumatised refugees can be emotionally unscathed by such an experience. Furthermore, especially as a result of the social dimension of emotion, emotion arguably plays a role in all research projects as Jaggar (1992) and Alvesson and Skoldberg (2000) assert and no research project can be truly ‘objective’ or value free. Therefore, I argued that my emotional engagement with my research participants did shape how I understand refugees as an audience for Australia’s immigration deterrence messages. This had at least two important influences on my study. First, my emotional engagement with my research participants allowed me to view them as much more than ‘objects of
knowledge’; I could see that they defied the categorisations that were applied to them: refugee, audience, deviant and victim. All of these categories tend to envisage human beings as an homogenised mass rather than recognising the individual experiences, personalities and complexities of those to whom such categories are applied. I argued that such complexities affect these individuals when they interact with immigration deterrence policies; this was an idea that I further supported in Chapter Eight. Chapter Eight demonstrated that ultimately there is an individual nature to the refugee’s interpretation of deterrence messages – even refugees with very similar backgrounds do not produce identical readings/understandings of deterrence policy information.

Second, my observations of my respondent’s trauma and my own experiences of vicarious traumatisation led me to question literature and perspectives which position refugees as predominately traumatised victims. I came to believe that such literature tends to create the impression that refugees have a singular – traumatic – understanding of Australia’s immigration deterrence policies when in contrast, I observed that refugees’ understandings were much more complex than this. While a significant proportion of my respondents said that they had experienced trauma or other problems as a result of being immigration detainees and TPV holders, this did not mean that they understood these deterrence mechanisms in a singular way. In fact some, like Baz and Bob, understood such things within two contradictory frames simultaneously – as immigration detainees they felt simultaneously traumatised and liberated. My experience and observation of trauma therefore allowed me to begin to glimpse the multifaceted and complex nature of refugees’ understandings and interpretations of Australia’s immigration deterrence policies; such understandings are not static, singular or straightforward. Given that these insights were born out of my reflection on my emotional engagement with my research respondents, I
support Stanko’s (1997) proposal that the emotions that arise during the research process are a valuable “resource” on which researchers can draw.

In Chapter Three I proposed that although debates concerning Australia’s immigration deterrence policies have had a massive impact on Australia’s national politics and international relations, no study has yet examined how refugees interact with information concerning these policies. Instead, studies which examine Australia’s immigration deterrence policies tend to focus on the harm that these deterrence mechanisms cause to the refugees who are subjected to them. In this chapter I also noted that many commentators/researchers argue that Australia’s deterrence policies can do little to stop desperate refugees who have no other choice but to attempt to seek asylum ‘illegally’ in Western nations. However, various international studies challenge the idea that refugees’ actions are entirely governed by fear/desperation. Instead, these studies position the asylum seeker as, to a certain extent, an active agent and demonstrate that rather than being wholly driven by desperation and fear, some potential asylum seekers do consider the conditions that exist in asylum destination countries; for example, they consider whether these countries are ‘accessible’. These studies also show that refugees actively negotiate and sift through the images that they receive of such destination countries, and that various factors shape the refugee’s choice of asylum destination.

However, these studies commonly point to the important role that ‘chance’ and smugglers play in influencing, and at times dictating, where asylum seekers claim refuge. On the one hand, my research concurs with the proposal that refugees are active agents126 whose

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126 According to Bevir, Foucault rejected the idea that subjects could act outside of their social context; the subject’s actions, experiences, understandings of these things and themselves are all shaped by “regimes of
choices are affected by many of the factors that the international studies mention – their national backgrounds, desire for family reunification and their perceptions about the accessibility of asylum destinations. On the other hand, my research also supports the proposal that while refugees are not inert, unthinking or simply “propelled around the world by external forces” (Robinson & Segrott 2002, p.7); they are significantly constrained and affected by ‘chance’, smugglers, their finances and other resources when they seek to exercise their choices.

It should be recalled that of the 27 refugees who were interviewed for this study only two said that they chose Australia as their asylum destination and even those two were still influenced by their circumstances and smugglers when making that ‘choice’. It should also be noted that a proportion of those who were interviewed for this study did not know that Australia was their destination until they found themselves on smuggling boats in waters between Indonesia and Australia and some had never heard of Australia before landing there. Two valuable insights arising from these studies and my own, are that (1) refugees are active agents but (2) their experiences are diverse. The differences that exist amongst refugees, in terms of their experiences, access to information sources and access to other resources which affect their decisions about seeking asylum, mean that as potential spontaneous arrivals they do not act in a singular way when confronted with information concerning Australia’s immigration deterrence policies.

power/knowledge” (Bevir 1999, p.67). While subjects cannot act independently of such social factors, Bevir still proposes that “agents are creative beings; it is just that their creativity occurs in a given social context that influences it” (Bevir 1999, p.67). It is in this respect that I understand refugees to be active agents, their thoughts and experiences are shaped by their social backgrounds but they still have the capacity to think and act creatively.
The literature outlined in Chapter Three also provided the basis for several other ideas that I explored in the chapters that followed it. Drawing on criminological literature, I proposed that one cannot study the deterrence message without considering the power/knowledge which positions spontaneous arrival as a deviant act and deterrence as its cure. Further to this idea, I drew on various studies within the cultural studies tradition which propose that the construction of ‘the audience’ along with the production and reception of ‘the message’ are shaped by social power relations. These ideas, in addition to the insights that I gained from undertaking my focus groups, provided me with a foundation for my proposal: that there is a need to examine the power relations which underpin the production of ‘the message’ and its audience in order to understand ‘the message’s’ reception. Also in Chapter Three, I drew on the audience research which has been undertaken by cultural studies scholars, to argue that the spontaneous arrival audience is likely to be ‘active’ in its interpretation of deterrence policy information, that individuals will interpret deterrence policy information in line with their own experiences and backgrounds and in ways that the ‘sender’ (politicians) cannot predict. Ultimately, my research supports all of these ideas.

In Chapter Four I outlined one of the main methods that I used to answer the thesis question: do Australia’s immigration deterrence policies send a strong message? Drawing on Hall’s proposal that ‘the message’s’ construction and reception are structured by social power relations, I recognised that there was a need to reformulate my thesis question in order to investigate how such power relations underpin the production of the immigration deterrence message. Therefore, rather than continuing to ask if Australia’s deterrence policies ‘send a strong message’, I proposed that the phrase ‘it sends a strong message’ is a statement which shapes and is shaped by power relations. I argued that this statement, which is used to justify the need for immigration deterrence policies, functions within the
discourse on ‘illegal immigration’ in the Commonwealth Parliament to problematise spontaneous arrival and to produce knowledge concerning the spontaneous arrival subject/audience. I argued that this statement supports and is supported by a discourse which positions Australian politicians as experts who can speak the truth about ‘illegal immigration’ while it acts to subjugate refugee knowledges concerning spontaneous arrival. I stated therefore, that I would undertake a textual analysis of the Commonwealth Parliament’s Hansards with the statement ‘it sends a strong message’ as the focus of my analysis.

In Chapter Four I described some of the flaws that were associated with the textual analyses that were undertaken in the wake of Hall’s Encoding/Decoding thesis. I also revealed that, in part, it was these flaws that led some audience researchers to abandon textual analysis in favour of other research methods which did not focus intensely on ‘the message’ and its production. However, as I argued in Chapter Four and at various other times throughout this thesis, audience researchers should continue to examine the power relations that shape the production of ‘the message’ and ‘the audience’ in order to understand ‘the message’s’ reception. To some extent I am not alone in this contention, as Alasuutari says of what he labelled ‘the third generation’ of cultural audience studies “the third generation resumes an interest in programmes and programming… [and] brings the media back to media studies” (Alasuutari 1999, pp.7).

Therefore, rather than being predominately concerned with examining ‘the audience’ and the contexts of reception as the ‘second generation’ had been, this third wave of researchers revives reception studies’ interest in ‘the message’ itself (Alasuutari 1999, pp.7). This third generation of researchers also take an interest in the power relations which surround the
production of ‘the audience’. As Bratich says “the third generation, constructivist, breaks with the emphasis on empirical audiences altogether and examines media culture and its discourses (especially as these discourses produce and require a conception of the audience)” (Bratich 2005, p.243).

In Chapter Four I therefore proposed that textual analysis still provides audience researchers with a means by which to investigate the power relations which shape the production and reception of the text. However, while the researchers of the ‘first generation’ of reception studies sought to investigate the ideological meanings that they believed were embedded within texts, my textual analysis – essentially a critical discourse analysis – involved an examination of the discourse and relations of power/knowledge which produce both ‘the message’ and its audience. Bratich suggests that “to study audiences is to study the discourses that take audiences as their object” (Bratich 2005, p.243); I examined such a discourse when I analysed the parliamentary speeches in which the statement ‘it sends a strong message’ is located. I found through my analysis of the parliamentary debates on ‘illegal immigration’ that this discourse simultaneously constructs the deterrence message, ‘the audience’ and produces knowledge about both.

Throughout my analysis I was interested in not only how such discourses are shaped by power relations but I also sought to investigate how they, in turn, produce/affect such power relations. One of the main objectives of my analysis, therefore, was to investigate how this discourse aids in the subjugation of refugees’ knowledges. My analysis of the parliamentary discussion on spontaneous arrival ultimately demonstrates that this discourse, and the institutional site from which it emanates, grants Australian politicians a privileged position in the construction of knowledge about spontaneous arrival.
Consequently, Australian politicians hold a privileged position in the construction of knowledge concerning the immigration deterrence message and its audience. Through examining the results of my textual analysis alongside the results of the analysis that I undertook on my interview data; I demonstrated that the spontaneous arrivals’ reduced capacity to affect the production of the deterrence message and its audience affects how spontaneous arrivals interact with deterrence policy information. I effectively demonstrated that my hypothesis is well founded: potential asylum seekers do reject deterrence policy messages because such messages are based on a vision of spontaneous arrival which is not amenable to the spontaneous arrival’s reality. My study, therefore, illustrates that textual analysis continues to be a valuable tool which still provides audience researchers with a means through which to investigate ‘the message’s’ production, reception, the power relations that shape these things and the construction of ‘the audience’.

Having put the method that I described in Chapter Four into practice, in Chapters Five and Six I discussed the results of my analysis of the parliamentary debates in which the statement ‘it sends a strong message’ is located. My analysis demonstrates that the production of knowledge about ‘the audience’ and the production of the immigration deterrence message are shaped by various factors. Specifically, I found that the need for the deterrence message does not rest merely on the creation of a single deviant subject /audience – the potential ‘illegal immigrant’. Instead, the production of the deterrence message is underpinned by the knowledge that the parliamentary discourse produces about various subjects and the knowledge that is produced within this discourse about the communication process itself.
My analysis of the parliamentary discussion on ‘illegal immigration’ – the discourse in which the statement ‘it sends a strong message’ is embedded – demonstrated that this discourse constructs two kinds of subject: those who can speak ‘the truth’ about ‘the audience’ and those about whom ‘the truth’ is spoken. I identified a struggle amongst the speaking subjects where Howard Government politicians were positioned as the more legitimate experts on spontaneous arrival for a number of reasons. For example, the Howard Government politicians’ use of anonymous intelligence reports allowed them to appear to have better access to “credible information” (Ruddock, P 2002, *House Hansard*, p.4018) on people smuggling than other political parties. I concluded, however, that the operation of power in relation to the construction of spontaneous arrival does not occur in a top-down fashion – the Howard Government did not simply impose its vision of spontaneous arrival on the Australian Parliament/people. Instead, I found that in many ways opposition parties supported the Howard Government’s understanding of spontaneous arrival. While some Labor MPs adopted the same vocabulary as Howard Government politicians, and thereby directly supported the Howard Government’s vision of spontaneous arrival, I found that the ‘counter discourse’ on ‘illegal immigration’ supports the politician’s right to ‘know’ ‘the audience’ and to make them an object of knowledge.

Throughout my analysis I also found that those who opposed Howard’s immigration deterrence policies at times affirmed ideas which were central to the Howard Government’s justification of these policies. For example, opposition parties at times agreed with the understanding that refugees must be desperate or destitute in order to be deserving of Australia’s protection. Opposition parties also supported the managerialist ethos at the heart of Howard’s immigration deterrence policies, supporting the proposal that the ‘problem’ of spontaneous arrival can and should be ‘managed’.
Opposition parties, in addition, failed to really critique the Howard Government’s monstrous construction of the people smuggler; in this way they lent some support to the Howard Government’s perspective that the villainous people smuggler must be stopped at all costs. Furthermore, I proposed that there appeared to be a consensus amongst all politicians as to the parameters of the deterrence debate – politicians on all sides of the deterrence debate discuss spontaneous arrival by drawing on managerialist and humanitarian discourses. I therefore demonstrated that the subjugation of refugees’ knowledge is complex and occurs in part because there is a consensus amongst all politicians as to how spontaneous arrival can be reasonably spoken about. The institution of parliament, from which refugees are effectively excluded, ensures that spontaneous arrival is always ‘known’ from the politician’s perspective; refugees, therefore, have little ability to shape the production of the deterrence message and its audience as they are constructed in the Commonwealth Parliament.

My analysis also demonstrated that the parliamentary discussion on spontaneous arrival does not simply produce knowledge about one audience (the ‘illegal immigrant’) but produces knowledge about several audiences at once – these constructions support the problematisation of spontaneous arrival and support the need for the deterrence message. For example, the construction of the people smuggler as a ‘knowledgeable deviant’ and the shaping of this subject into a kind of bogeyman make the deterrence of people smuggling essential. Deterrence mechanisms are justified on the basis that these policies will protect Australia/refugees from the evil people smuggler.
The construction of knowledge about an Australian audience to immigration deterrence policies also makes the deterrence of spontaneous arrival necessary. Howard Government politicians often argued that their immigration deterrence policies were what the Australian people wanted. These politicians proposed that it was the ‘real’ Australia – the ‘fair dinkum Aussie’ – the majority, that supported Howard’s border protection policies. As Elson, a Liberal Party MP in the Howard Government claimed “the Australian people wanted a government prepared to listen to the majority and to put the national interest first” (Elson 2002, House Hansard, p.4419); it was therefore argued that in enacting border protection policies, Howard stood up for the rights of the majority and protected the national interest. My analysis, therefore, demonstrates that it is the knowledge that is accumulated through the parliamentary discourse about all subjects – speaking subjects and objects of knowledge alike – which supports immigration deterrence policies. It is not merely the knowledge that is accumulated about the spontaneous arrival audience that makes immigration deterrence mechanisms necessary.

Others have argued that the Australian audience to immigration deterrence policies plays an important role in the justification for these policies, for example, Maley (2001) and Pickering and Lambert (2002) argue that immigration deterrence mechanisms are designed primarily to satisfy the Australian people/electorate. Other studies, therefore, recognise that there are various audiences to which immigration deterrence policies are targeted. However, I have found no other study which demonstrates the important role that the construction of the communication process plays in supporting the need for deterrence mechanisms.
Throughout my analysis I argued that the parliamentary discourse positions the spontaneous arrival subject as a ‘knowledgeable deviant’. This construction is underpinned by a hypodermic understanding of communication. I proposed that Australian politicians draw upon a direct effects understanding of communication when they state that the deterrence message ‘will’ be received and adhered to by its audience. Within the parliamentary speeches that I analysed, there appeared to be little consideration of the notion that ‘the message’ may be interpreted in various ways by its audience. Instead, the hypodermic understanding of communication positions spontaneous arrivals as deliberate law breakers who ignore the very ‘clear’ message that is supposedly being sent by Australian policies. Such an understanding of the spontaneous arrival audience reinforces the need for the deterrence message.

I proposed that it is not merely the construction of spontaneous arrivals as deviants that supports the production of immigration deterrence policies. Howard Government politicians sometimes argued that deterrence policies were created to protect refugees from the dangers that are associated with being smuggled – thus the notion that refugees are victims was used to support the introduction of deterrence mechanisms. The positioning of spontaneous arrivals as victims by politicians on all sides of the deterrence debate also tended to reinforce the politician’s expert status and right to determine what is best for refugees/spontaneous arrivals. The victim idea, in addition, reinforces the perspective that spontaneous arrivals are an undifferentiated ‘other’ – a mass – a vision which fits with the communication model that was at the heart of the Howard Government’s use of deterrence mechanisms. McQuail (2005) refers to this model – the direct effects model of communication – as the ‘dominant model’ while Morley states that “mainstream research [on audiences] can be said to have been dominated by one basic conceptual paradigm” –
the effects paradigm (Morley 1992, p.45). Taylor and Willis also argue that “despite the obvious simplicity of dominant effects work, it still informs many of today’s ‘common-sense’ approaches to the media in popular debates” (Taylor & Willis 1999, p.157). I contend that the ‘common-sense’ that is associated with the direct effects model supports the legitimacy and ‘truth’ of the statement ‘it sends a strong message’.

My analysis has shown that the direct effects model is woven throughout the parliamentary discourse on spontaneous arrival; it shapes understandings of the speaking subjects and objects of knowledge that are constructed by this discourse and is a core pillar justifying the creation and maintenance of immigration deterrence mechanisms. The MPs of the Howard Government appeared to have had an unshakeable faith that their policies ‘will’ send a strong message, and never considered that this message might provoke anything other than ‘correct’ response from its audience. The power that is associated with the direct effects model, therefore, to some extent made the ‘send a strong message’ statement incontestable – alternative understandings of communication make few appearances in the parliamentary discussion of spontaneous arrival.

In Chapter Seven I outlined the approach that I took in analysing the interviews that I conducted with refugees who had come to Australia as spontaneous arrivals. Specifically, I discussed the methods that I used to investigate and analyse refugees’ understandings of spontaneous arrival – I considered these understandings to constitute a subjugated knowledge. In this chapter, as I did in Chapter Two, I adopted a reflexive approach and

\textsuperscript{127} The minor parties argued that potential asylum seekers would ignore deterrence messages because of what ‘they are fleeing’, as I have already stated. However, I argued that this idea still positions spontaneous arrivals as a passive and unthinking audience because it is assumed that audience members mindlessly react to/reject deterrence messages as their actions are governed by fear. This study shows that refugees draw on multiple textual and non-textual resources when interpreting deterrence messages and their fears do not override their capacity to process and think about Australia’s deterrence messages.
discussed various factors that affected the interviews that I undertook and shaped the knowledge produced by this study. In this chapter I also recognised that my attempt to draw out the subjugated knowledge of refugees is undermined by the fact that this knowledge is ultimately analysed and presented by me, the researcher. Therefore, it is a knowledge that is unavoidably subjugated to the researcher’s understandings/perspectives. Thus, in this chapter I argued once again that researching refugees and representing their experiences are not unproblematic exercises.

While Chapter Seven was dominated by my discussion of one of the key methodological approaches that I adopted in this study, in this chapter I also began to draw the reader’s attention to the diverse nature of refugee audiences. I proposed that women refugees are unlikely to react to deterrence messages in the same way as male refugees – a proposal that is partly supported by my research. I also argued that the diverse and fragmented nature of Afghan and Iraqi societies means that it is not possible to suggest that there is a single Afghan refugee audience and a single Iraqi refugee audience; instead, we must recognise that there are many Afghan and Iraqi audiences. My study ultimately demonstrates that such diversity does have an impact on how Afghans and Iraqis interact with Australia’s immigration deterrence policy messages. For example, I found that my respondents’ ethnic and religious backgrounds, as well as where they lived in their home nations, did have an effect on their capacity to access information concerning asylum destination countries. In Chapters Seven, Eight and Nine, therefore, I began to demonstrate that potential spontaneous arrivals do not constitute a homogeneous mass audience.

In Chapters Eight and Nine I demonstrated that refugees challenge the constructions of the ‘spontaneous arrival audience’ which are produced within the parliamentary discussion on
‘illegal immigration’. On the one hand, my respondents challenged ‘the facts’ about spontaneous arrival that are produced by the parliamentary discourse. Refuting the claims made about spontaneous arrival by Howard Government politicians, many of the respondents stated that Australia was not their destination of choice; they said that they possessed little or no knowledge about Australia before they arrived on Australia’s shores and many argued that UNHCR’s resettlement ‘queue’ does not function as easily or as efficiently as some Australian politicians suggest. On the other hand, some respondents did not dispute some ‘facts’ and instead questioned certain interpretations of ‘the facts’. For example, Baz refuted the idea that refugees must be destitute in order to deserve Australia’s protection; he challenged the notion that there is an ideal way to be a refugee. These chapters, therefore, served to highlight the extent to which refugees’ knowledges do not contribute to the constructions of spontaneous arrival which are produced in the Commonwealth Parliament.

Chapters Eight and Nine also challenge the ‘knowledge’ that is produced within the Commonwealth Parliament concerning the reception of deterrence policy messages. In particular, these chapters challenge the direct effects understanding of communication that supports immigration deterrence policies. McQuail says of the stimulus response/hypodermic needle theory of communication that this model “presumes [that the message has] a more or less direct behavioural effect in line with the intention of the [message’s] initiator” (McQuail 2005, p.471). Those who support this understanding of communication therefore do not really consider that there might be factors that shape reception other than the message itself. My analysis of the parliamentary discussion of spontaneous arrival demonstrated that Howard Government politicians did not really think about such factors and vehemently argued instead that their policies ‘will’ send a message. However, Chapters
Eight and Nine showed that the reception of Australia’s immigration deterrence policies does not occur in a vacuum where the deterrence message is the only influence on the receiver’s decisions and interpretations. Instead, a ‘culture of refugeehood’ appears to present some potential spontaneous arrivals with access to a range of ‘information’ about asylum destination countries against which potential asylum seekers will assess any new information that they receive.

The respondents of this study also drew upon ‘experience’, their own and the experiences of others, when making decisions about seeking asylum and when interpreting Australia’s deterrence policy information. This ‘experience’ led some of them to dismiss various options through which they might have sought asylum, including UNHCR’s resettlement program. For some respondents, ‘experience’ demonstrated that this option would not provide them with lasting safety from persecution, would prolong their suffering or would put them in harm’s way. The respondents of this study also evaluated the information that they received about Australia in line with what they had experienced in their home countries. For example, when they heard that they might be detained in Australia, a number of the respondents felt that it was better to be detained in Australia than to continue to face persecution in their home countries.

In addition, my respondents interpreted the information that they received about Australia in line with their pre-existing understandings, experiences or desired images of Western countries. I argued that, given the extent to which my respondents drew upon their experiences when making decisions and interpreting deterrence policy information, then

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128 It should be recalled that this ‘information’ is largely based on rumour; I do not mean to imply that potential asylum seekers have access to a wide range of accurate information concerning asylum destination countries.
‘experience’ may have a more powerful influence on refugees’ decisions than any textual resource that they might draw upon. This might be the case especially for those who are illiterate and who have had very little contact with the mass media.

While potential asylum seekers evidently draw upon a range of resources when they interpret the information that they receive concerning Australia’s deterrence mechanisms, their interpretations of such information are also affected by factors in their backgrounds. Chapter Nine illustrated that a refugee’s background affects her/his interpretation of Australia’s deterrence policy messages. Concurring with Barsky’s (2000) findings, I argued that a refugee’s national background affects what information s/he is likely to possess about asylum destination countries before s/he arrives in such countries. Like Barsky (2000), I found that there were significant differences between the nationality groups of refugees that I interviewed. I found that as a group, Afghan refugees knew considerably less about Australia before their spontaneous arrival than Iraqi refugees.

However, while I found that a refugee’s national background appeared to affect her/his access to information resources, refugees of the same nationality did not have the same ability to access sources that might provide them with information about asylum destinations. I found that there were considerable differences amongst refugees of the same nationality in terms of what they knew about Australia prior to their spontaneous arrival and in terms of their capacity to access information concerning Australia while they were still in their home countries. I found that a refugee’s educational background and where they lived in their home country had a significant impact on what information resources were accessible to them. In addition, I found that a refugee’s position as a persecuted individual affects his/her access to the types of resources which might provide her/him with
information on asylum destination countries. Given this diversity of experiences, I argued that refugees are unlikely to react in a uniform manner to Australia’s deterrence policy messages because they draw on different resources when they interpret deterrence policy information.

While Chapters Eight and Nine demonstrate that many factors shape potential spontaneous arrivals’ interpretations of the information that they receive about Australia, these chapters also provide an insight into the active nature of spontaneous arrival audiences. The hypodermic needle model of communication proposes that ideas can be directly inserted into the minds of audience members and therefore presumes that audience members are passive participants in the communication exchange (Ang 1995, p.207; McQuail 2005, p.471; Taylor & Willis 1999, p.168; O’Shaughnessy & Stadler 2005, p.99). However, the refugees who were interviewed for this study did not passively absorb Australia’s deterrence messages; they critically evaluated the information that they received about Australia, assessing and interpreting it against the backdrop of their existing assumptions, knowledge and experience. The respondents of this study actively sorted through the messages that they received concerning Australia’s deterrence mechanisms and some respondents effectively reshaped the information that they received about Australia in order to reinforce their desired image of that country. I argued therefore that potential spontaneous arrivals engage in an active process of interpretation when they receive Australia’s deterrence policy messages and they should be understood to be active audiences.

While I have argued that spontaneous arrivals constitute active audiences, I do not dismiss the possibility that Australia’s deterrence policies might have the effect that the Australia
Government desires – i.e. deterrence. Given that my study demonstrates that potential asylum seekers are capable of interpreting deterrence messages in multiple ways then it is possible that some potential asylum seekers may decide not to come to Australia after hearing about Australia’s immigration deterrence mechanisms. The value of my study does not rest with its capacity to prove whether or not deterrence policies work. The most important conclusion drawn in this study is that the deterrence of spontaneous arrival is not straightforward. Australian politicians cannot guarantee the deterrent effect of their policies because spontaneous arrivals are active interpreters of meaning and act in unpredictable ways.

I would argue that even those who ‘accept’ the deterrence message will draw upon multiple resources when interpreting deterrence policy information and will also actively process such information by drawing on their existing assumptions and other information resources. Livingstone argues that “viewers can be active in their interpretations, without being resistant or counter-normative in the meanings they construct” (Livingstone 1998, p.188). The most important thing that my study does, therefore, is to demonstrate that Australia’s deterrence policies are based on a flawed understanding of communication. Deterrence policy messages do not travel in a direct and unbroken line from sender to receiver and do not automatically provoke the ‘correct’ response from their audience.

In addition, chapters Eight and Nine demonstrate that the ‘transmission’ of information from refugees who are located in Australia to potential spontaneous arrivals is not direct and uncomplicated. Importantly, these chapters indicate that refugees who have suffered trauma as a result of being subjected to Australia’s immigration detention system or the TPV do not necessarily transmit a deterrence message to potential spontaneous arrivals. In
fact, my study demonstrates that refugees who are based in Australia will not necessarily talk to potential spontaneous arrivals about Australia’s deterrence mechanisms at all. Furthermore, my study shows that there are significant impediments which prevent potential spontaneous arrivals from receiving Australia’s deterrence policy messages. It should be remembered that a significant proportion of the respondents who were interviewed for this study did not receive any information about Australia’s deterrence mechanisms before their spontaneous arrival. These ideas further challenge the notion that the ‘transmission’ of deterrence policy information is unproblematic.

As I stated in the introduction to this thesis, the Rudd Government is committed to maintaining some of the Howard Government’s immigration deterrence policies, including the practice of interdicting smuggling boats. A number of my respondents supported the view that the interdiction policy will stop further spontaneous arrivals from coming to Australia. Some of my respondents had also told their friends and relatives who live in other countries that the smuggling route to Australia is not ‘open’ now that the interdiction policy has been implemented. More research needs to be undertaken to understand how such messages are being received and interpreted by potential spontaneous arrivals. It might be suggested however that by physically preventing spontaneous arrival, the Rudd Government, like its predecessor, may overcome some of the uncontrollable factors that are associated with immigration deterrence messages. The Australian Government cannot control the interpretation of deterrence policy information and the deterrent effect of policies such as the TPV and immigration detention cannot therefore be guaranteed. On the other hand, the act of physically repelling smuggling boats would seem to eliminate some of the interpretative space that is open to the receivers of deterrence policy messages; interdiction would appear to more directly stop spontaneous arrival from occurring.
However, my study also shows that there are a proportion of refugees who are willing to face almost any obstacle and will risk their lives on multiple occasions in order to reach permanent safety in a Western country. Indeed, some refugees seem to be willing to go to great lengths in order to gain access to such permanent protection. For example, it was reported in early 2007, that a group of Sri Lankan asylum seekers had sabotaged the smuggling boat on which they were travelling, in an effort that effectively forced their rescue by an Australian Navy vessel that had earlier repaired the smuggling ship’s engine (Hart 2007, p.1). As a result of their rescue, the asylum seekers then gained access to Australia’s refugee status determination procedures – their asylum claims were processed on Nauru – something that would have been denied to them if their boat had been successfully repelled back to Indonesia from where they had set out. The fact that some asylum seekers are thought to have sabotaged the smuggling boats on which they were travelling, in an effort to overcome Australia’s interdiction policy, demonstrates that the Australian Government still cannot control how this policy is ultimately negotiated, understood and interpreted by those at whom it is directed.

Much has been written about the harm that immigration deterrence policies cause to those who are subjected to them. When I began my study I was determined to take a new approach in examining Australia’s immigration deterrence policies. Instead of investigating the harm that is caused by deterrence mechanisms, I examined one of the key justifications for these policies. This justification was encapsulated in the phrase ‘it sends a strong message’. Australian politicians have argued simply that deterrence policies ‘will’ work but there is obviously much more to the communication and reception of immigration deterrence policies than Australian politicians assume. Having attempted to adopt a fresh
approach in researching Australia’s immigration deterrence policies, I found that it was literally impossible to avoid the harm that these policies cause – I was to some extent traumatised as a result of interviewing refugees who had been traumatised by these policies.

Much rests on the phrase ‘it sends a strong message’ and Australia seems willing to bear almost any cost brought by its deterrence mechanisms – human, financial or otherwise – yet very little research has been undertaken to investigate how deterrence messages are received by their target. Through this study I have taken a step towards understanding the reception of deterrence policy information, hopefully opening up fresh areas for debate in the process, especially with regards to the communication of immigration deterrence policies.
Appendix 1. Refugee perspectives – ‘the facts’ about spontaneous arrival.

A1. Introduction

As already stated, there is a branch of literature which exists in Australia that is designed to correct the ‘myths’ that many claim were created by the Howard Government about spontaneous arrival (Edmund Rice Centre 2001; HREOC 2003; Rural Australians for Refugees 2002; Refugee Council of Australia n.d). A significant proportion of the scholars who study Australia’s immigration deterrence policies also refute the claims that were made by the Howard Government about ‘illegal immigration’ (see Chapter Three). There is in effect, as I suggested in Chapter Seven, a “battle among discourses” (Foucault 1978, p.x) being waged over ‘the truth’ concerning spontaneous arrival. I also proposed that the refugee respondents of my study challenge ‘the facts’ about spontaneous arrival that are produced through the parliamentary debate on ‘illegal immigration’. This section – Appendix One – which was at one point a chapter in my thesis, was originally designed to highlight the differences that exist between ‘the facts’ that are produced by Australian politicians and ‘the facts’ that are produced by refugees about spontaneous arrival.

As I argued in the body of my thesis, it is important to note the differences that exist between refugees and politicians in terms of their understandings of ‘the facts’ about ‘illegal immigration’. Such differences demonstrate that refugees defy the constructions of the spontaneous arrival audience that are produced within parliamentary debates. However, I did not include this chapter in the body of my thesis because I came to realise that I was
concerned with much more than this argument about ‘the facts’. As I noted in Chapter Eight, it is important to recognise that at times politicians and refugees agree on ‘the facts’ about spontaneous arrival but it is politicians who are granted the status to determine what these ‘facts’ mean. I was therefore interested in examining the mechanisms that legitimise or de-legitimise certain statements about spontaneous arrival and I also sought to investigate the relations of power/knowledge which position the politician as an ‘expert’ who can speak ‘the truth’ about spontaneous arrival. I would therefore propose that while it is important to note that there are differences between politicians’ and refugees’ versions of ‘the facts’, and I did speak about these differences in the body of my thesis, it is equally or perhaps more important to understand why one version of ‘the facts’ becomes ‘the truth’.

Thus, I chose not to include an entire chapter in my thesis in which I discussed the differences between refugees’ and politicians’ versions of ‘the facts’ about spontaneous arrival because my study was concerned with other issues which deserved equal or greater consideration. Indeed, the second reason why I did not include Appendix One as a chapter in my thesis was because I recognised that I should include a chapter which more directly examines the refugee’s reception of immigration deterrence policies – this being the core focus of my study. I therefore included Chapters Eight and Nine in my thesis instead of the chapter that became Appendix One because Chapters Eight and Nine offer considerable insight into the complex nature of refugee audiences and their reception of deterrence information. Therefore, while Appendix One still draws some valuable conclusions, Chapters Eight and Nine more directly further and demonstrate the main theoretical arguments of my study.
I begin Appendix One by discussing the reasons why the respondents left their home countries. I then investigate why the respondents did not come to Australia through ‘legal’/‘regular’ channels and examine why they did not stay in their home regions or seek asylum in the countries that they transited en route to Australia. As I noted in the body of my thesis, some Australian politicians suggest that spontaneous arrivals do not leave their home countries for legitimate reasons. Australian politicians also propose that refugees do not need to come to Australia as spontaneous arrivals because they can seek asylum in their home regions or in transit countries. I therefore sought to understand how refugees might challenge or support these perspectives. In Appendix One I also investigate the notion of choice in greater depth; in particular, I examine the role that smugglers played in influencing the respondents’ choices. In the latter sections of Appendix One, I discuss the reasons why the respondents ‘chose’ Australia as their asylum destination rather than selecting another western country.

**Leaving home**

At the beginning of the interviews that I conducted I asked the respondents why they left their home countries. Some politicians argue that spontaneous arrivals are not ‘genuine’ refugees and therefore leave their home nations and regions without good reason. For example, Kelly (2001), a Liberal Party MP under the Howard Government, suggested that those who can afford to pay people smugglers are ‘less genuine’ refugees than those who have lived in refugee camps:

Those, such as those women and children, who leave Afghanistan and go into refugee camps in Pakistan and elsewhere and who are genuine refugees who fear for their lives and are persecuted have no money to pay people smugglers and have no other options. Their only option is to wait and wait and wait, while others who do have the money – and the amounts being bandied about
are anywhere from $A12,000 to $A30,000 or $A50,000 – can pay people smugglers. People who have access to such funds are not those who are destitute and without resources. They jump ahead of genuine refugees who wait patiently for their opportunity to come. (Kelly, D 2001, *House Hansard*, p.30970)

Ruddock states furthermore that there are spontaneous arrivals who come to Australia with invalid asylum claims and who attempt to defraud the Australian ‘system’:

Unauthorised arrivals are smuggled here by boat. They come without authorisation; they come without invitation. They are not content to await formal processing and selection. They are, in words that have often been used by others, queuejumpers who undermine the integrity and public confidence in our refugee and humanitarian program and our immigration program generally. Some are forum shoppers who have tried to migrate to Australia and other countries before and had their applications refused. Some have even been granted refugee status and residence at times in other countries. (Ruddock, P 1999, *House Hansard*)

Ruddock fails to acknowledge that the majority (around 87%) of the spontaneous arrivals who have come to Australia by boat since the 1990s have been granted refugee status by the Australian authorities (Crock, Saul & Dastyari 2006, p.37). Instead, his statement seems to imply that many spontaneous arrivals make bogus refugee claims. All of the respondents who were interviewed for this study were granted refugee status by the Australian authorities or UNHCR. Arguably therefore, the respondents left their home countries for legitimate reasons and are ‘genuine’ refugees.

The reasons that the respondents gave for leaving their home nations were varied. The Iranian and Iraqi respondents said that they were persecuted by the authorities of their respective countries. Some of the respondents, who were from ethnic and religious minorities, also said that they were persecuted by the general population of their home
nations. All of the Afghan respondents were from the Hazara ethnic group and they said that they were persecuted not only because of their ethnic and religious backgrounds but in some cases also because of their political opinions.

Iraqis

As refugees, it is perhaps unsurprising that the Iraqi interviewees responded to my question concerning their reasons for leaving Iraq by discussing the conditions which exist in Iraq; none answered this question by talking about the conditions that exist in Australia. For example, none of the respondents suggested that they left Iraq because Australia had superior living conditions. For many of the Iraqi respondents, their decision to leave their home country was also influenced by various issues – not merely one ‘convention’ based reason. The respondents (especially those who were from minority groups) talked about having experienced discrimination and harassment for a number of years in their home countries; some left because of these long-term issues in combination with a catalyst (e.g. because they were arrested). For example, a Christian respondent from the Iraqi sample spoke of being persecuted on the basis of his religion and also because of his refusal to join the Baath Party but it was only after he was arrested and beaten and his house was searched by the Iraqi authorities that he decided to leave Iraq. Like this respondent, other interviewees said that they endured harassment in their home countries for a considerable amount of time before they decided to flee.\(^{129}\)

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\(^{129}\) As I noted in the introduction to this thesis, the UN Convention relating to the Status of Refugees defines a refugee as someone who has a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” (UNHCR 1996, p.16).

\(^{130}\) Barsky also similarly found in relation to his Pakistani sample that “Pakistani claimants tend to await life threatening situations before making the decision to flee” (Barsky 2000, p.244).
Some of the Iraqis who were interviewed for this study suggested that the persecution that they faced was of such a severe nature that if they had stayed in Iraq then they would have been killed. One interviewee left Iraq after her husband was executed; others also said that their family members had been killed by the Iraqi authorities. In addition to the factors which made them convention refugees however, the respondents also said that they left Iraq because of the general living conditions in that country. One respondent said that he left Iraq because of the lack of democracy and also because of the difficult living conditions in Iraq which arose as a result of the UN embargoes against Saddam Hussein’s regime. From these examples it is possible to see how refugees do not fit neatly within the *Refugees Convention*’s five category definition of a refugee; some respondents were being persecuted for multiple reasons and also left Iraq for ‘non-convention’ reasons as well.

**Afghans**

The long history of persecution endured by members of Afghanistan’s Hazara population is well documented (Emadi 2005 p.9; Sparrow 2005 pp.28-36; Maley 2000, pp.9-11). According to Sparrow “for many hundreds of years, the Shia Hazaras have been regarded as the ethnic group lowest in status in Afghanistan… and of all of Afghanistan’s people, they have been most subject to persecution” (Sparrow 2005, p.28). The Afghan interviewees, all ethnic Hazaras, said that they were persecuted not only by the Taliban but also by foreign militants who increasingly entered their country from the 1990s. The Afghan respondents said that they were persecuted on the basis of their ethnicity and adherence to the Shia branch of Islam (most Hazaras are Shia) but some were also targeted because of their political affiliations. Two of the Afghan respondents said that they were persecuted because they or their family members had been communists. As Sparrow notes “Hazaras became strongly involved in the Communist movement” (Sparrow 2005, p.29)
during the Soviet occupation of Afghanistan; following the Russian departure from Afghanistan “communist sympathizers… were routed, hunted and killed” (Sparrow 2005, p.30).

The Afghan respondents also spoke of the general discrimination that they faced as a result of their Hazara ethnicity; for example, they did not have the opportunity to study and go to university or to enter politics. In fact, the Afghan respondents described a situation of general chaos for their people in Afghanistan which caused them to flee, one man said for example:

they [the Taliban] surrounded the Hazara people, they prostituted them, they killed them and destroyed their houses. They took and imprisoned the women and children, they assaulted sexually on the youngsters, there was no discrimination if they were boys or girls or whatever. And they destroyed the corpse[s], they killed the peasants… (Afghan respondent, interviewed 17/10/2005)

Iranians

Only two Iranians were interviewed for this study. The Iranian woman who was interviewed said that she was persecuted in Iran on the basis of her religious background – she was Sabean Mandaean. The Iranian man who was interviewed said that he feared for his life after exposing corruption within the Iranian legal system.

Why respondents did not ‘wait in the queue’?

As Chapters Five and Six highlighted, some Australian politicians propose that the ‘correct’ way to seek refugee status from Australia involves waiting in UNHCR’s resettlement

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131 According to Sparrow “Hazaras have rarely held government positions of any power or significance, they have been excluded from education institutions, and the development of infrastructure in the Hazarajat [where most Hazaras live]… has scarcely progressed in over a century” (Sparrow 2005, p.28).
‘queue’. Australian refugee studies tend to challenge the claims that were made by the Howard Government about the ‘unauthorised’ journey and in particular many scholars challenge the idea that refugees can easily access UNHCR’s resettlement ‘queue’. Crock says for example “By definition few refugees are in a position to join queues or ask for permission to cross borders; they merely flee persecution, instantly and without planning or premeditation” (Crock 1993, p.44). Some also argue that refugees cannot wait in the ‘queue’ to be resettled because they risk refoulement while they remain in transit countries. For example, in 2001 large numbers of Afghan refugees were forced out of Iran and back into Afghanistan (Crock & Saul 2002, p.48).

Brennan (2003), amongst others, proposes that UNHCR’s resettlement process does not work as efficiently as the Howard Government suggested. In 2001 UNHCR closed its office in Islamabad for four months because it could not process to number of applications for asylum it was receiving from Afghans (Brennan 2003, p.50). Maley adds that UNHCR’s office in Pakistan “is poorly equipped to discharge UNHCR’s protection function with respect to particular endangered individuals” (Maley 2000, p.16) and it clearly lacks the resources that it needs to process the volume of asylum applications that it receives. The respondents of my study also challenged the proposal that all refugees have ready access to the ‘queue’ and that all refugees can ‘wait’ in their regions to be resettled.
Persecuted people cannot wait around to be resettled

Much like the respondents of other Australian studies, the respondents who were interviewed for my study suggested that desperate people fleeing from persecution cannot wait in a queue to be resettled. An Afghan respondent of my study said,

   I think I remember that this word [queue] has been said by him [the interpreter at the detention centre]. But we have commented on that terminology when it was said because the person who is persecuted and is sentenced to be executed has to jump a queue. (Iraqi respondent, interviewed 15/07/05)

Some respondents also suggested that the urgency of the refugee’s flight from persecution cancels out his/her consideration of his/her options; immediate safety is sought and the first available option to access that safety is taken. For example, one respondent likened asylum seekers to a flock of chickens fleeing from a fox. In using this metaphor he argued that refugees will choose any option that is available to them in order to escape from danger and in trying to save their lives they will not always use ‘legal’ channels. Through his metaphor, the respondent also criticised the Australian asylum system which he refers to as a ‘tiny door’.

   when you are in danger there’s no queue you want to jump. If you put 22 chicken here, 20 chicken, and put one fox here and put one window over there, put a tiny door here, and watch how they gonna run away, they know any queue? (Iranian respondent, interviewed 08/08/05)

Gelber supports this understanding of the resettlement ‘queue’, she states,

   Refugees, by definition, are people who find themselves in dire personal circumstances, crises and emergencies. Indeed, the very reason refugees and asylum seekers are seeking refugee status is due to the disorderliness of the

132 For example one of Leach and Mansouri’s respondents said “even if there was such a thing as a queue, someone in our situation can’t wait, our lives were in danger” (Leach & Mansouri 2004, p.120)
situations they are fleeing; their dire need stands in contradistinction to the notions of the orderliness and impartiality of queues. (Gelber 2003, p.30)

Lack of knowledge about UNHCR

One of the main reasons that the respondents did not apply to come to Australia via UNHCR’s resettlement program was because a considerable proportion of them, prior to their arrival in Australia, had not heard of the United Nations or knew that it was resettling refugees to other countries.

Roslyn: So you never went to the UN?...

Interviewee: I know about the UN but I never knew that the UN was for refugee. (Afghan respondent, interviewed 11/11/05)

I: But nobody knew. Most of the people. I am telling you in particular for myself. Not at all, they didn’t know anything.

R: They didn’t know about UNHCR?

I Not at all, I heard about it in detention (Iranian respondent, interviewed 08/08/05)

I guarantee that even 95 per cent of Hazara don’t know the meaning of ‘embassy’, what is the meaning of ‘United Nations’. (Afghan respondent, interviewed 11/11/05).

Waiting in the queue – the experience of others

Some of the respondents had however, approached UNHCR to apply for resettlement. One respondent had his application rejected while others said that after lodging their applications with UNHCR, their circumstances were such that they could not stay living under the conditions in which they found themselves. Some respondents made a pragmatic choice to come to Australia through smuggling routes after they saw that others, who were awaiting decisions from UNHCR in transit countries such as Indonesia, were experiencing
hardship. Some, like the Howard Government politicians who were quoted in Chapters Five and Six, might argue that this demonstrates that ‘illegal immigrants are opportunists who do not have the patience to wait in the ‘queue’.

However, the respondents presented their decision to abandon UNHCR’s asylum application process as a logical choice in the face of an unworkable alternative. For example, the respondents described the ‘unauthorised’ journey to Australia as their most logical choice considering that they faced destitution in transit countries while they waited on UNHCR to process their asylum claims – this process could be lengthy and could not guarantee them a positive result.

actually we were so desperate because after five months, the UN did not give us any reply [concerning our application] so some of [our]… friends over there told us ‘look, don’t waste your time, go to Australia because we’ve been here for two years and still we haven’t received a reply and any money that you earn, any job that you do, anything you do where you earn any money, that will be spent and consumed and still you will be hungry, so better you go to Australia’. (Iranian respondent, interviewed 28/06/05)

In Indonesia I went to UNHCR for one day. Like one day I went over there but I saw the people who applied for UNHCR, they’ve been waiting for years and the security situation and the economic situation, they were living in a terrible situation. I would see myself like that and then the smuggler was telling me that the wait for UNHCR was years and years with no guarantee and the boat was moving and going to Australia and it was ready for me to embark on the boat… so of course I would choose the second one [the boat journey]. (Iraqi respondent, interviewed 02/08/05)

The excerpts above also illustrate the important role that other refugees and smugglers played in influencing the respondents’ choices and understandings of their asylum options. These examples demonstrate that refugees’ decisions are likely to be based on multiple factors. It was not simply what their friends or smuggler told them but also what these
refugees saw with their own eyes – i.e. that waiting in UNHCR’s ‘queue’ involves hardship, takes considerable time and provides no guarantees – which acted as a basis for their decisions.

No safety in the ‘queue’

Afghan Hazaras were offered no protection from the ethnic groups that had persecuted them in Afghanistan if they joined the UNHCR ‘queue’ in Pakistan. According to Mares,

armed Afghan groups operated with impunity in the country [Pakistan] and refugees were not safe, even in the three main refugee camps. Taliban soldiers would visit the camps to forcibly conscript young men into the ranks of their army. (Mares 2002, p.21)

One of the Afghan respondents in my study said,

I: …Hazara people could never, never go to UNHCR to be registered with UNHCR to be sent to a refugee country. Because the refugee camp comprised of all the Mullahs, you know the Mullahs?

R: So all the Pashtuns\(^\text{133}\)?

I: Yeah the Pashtuns who trained the Islamic militants, who trained the people how to kill, who empoisoned the mind of the youngsters … Even kill whoever doesn’t follow the way of how the Sunnis are following Islam.

R: So you couldn’t even find safety in a UN camp anyway?

I: No this is very dangerous to go in the refugee camps in Pakistan. (Afghan respondent, interviewed 17/10/05)

\(^{133}\)The dominant ethnic group of Afghanistan, also the ethnic group most represented in the ranks of the Taliban and largely responsible for the persecution of the Hazaras (Maley 2006, p.9).
Some of the respondents from the other nationality groups that I interviewed also said that UNHCR could not have given them protection while their asylum cases were being processed.

R: …Did you approach UNHCR to be resettled to Australia?...
I: I mean there was an experience where people went and applied and they got killed in the middle of the country for that (Iraqi respondent, interviewed 13/07/05)

The claims made by the respondents of this study mirror those made by interviewees of the Human Rights Watch report *By Invitation Only: Australian Immigration Policy* (2002). Much like the respondents of my study, the Afghan interviewees of the Human Rights Watch study also claimed that they risked being persecuted by Afghan groups operating in Pakistan, while the Iraqi respondents of both studies commonly said that they feared that they would be targeted by Iraqi intelligence officers if they stayed in Jordan (see Human Rights Watch 2002, pp.21-23). Doornbos, Kuijpers and Shalmashi’s study demonstrates that even those Iraqis who are recognized as refugees by UNHCR in Lebanon are sometimes detained and sent back to Iraq by the Lebanese authorities (Doornbos, Kujipers & Shalmashi 2001, p.17). Therefore, even those refugees who gain a place in UNHCR’s resettlement ‘queue’ are not safe from the threat of persecution or refoulement while they wait to be resettled.

Unable to deviate from their journey

Some of the respondents said that they found that after they had engaged the services of people smugglers, they were unable to deviate from the journeys that were plotted for them by these smugglers. Two of the Hazara respondents reported that they had found a
smuggler whilst they were still in Afghanistan. This meant that their journeys were planned all the way from Afghanistan to Australia and they did not have the capacity to deviate from this plan and seek refuge in the countries that they transited en route to Australia. Some of the Iraqi interviewees of this study became the virtual prisoners of their smugglers in Indonesia. These Iraqi respondents were physically prevented from venturing outside of their lodgings in Indonesia except when they were being moved by the smuggler. Even if they had known that they could access UNHCR’s offices in the countries that they passed through en route to Australia, these refugees would not have been able to do so. Many of the respondents therefore, lacked the capacity to act independently once they had engaged the services of people smugglers.

**R:** I just wanted to ask you whether you’d heard of the term ‘queue jumper’? Have you heard of that?” [No response from the interviewees]. “All right, I’ll explain it to you… what the government says is that what you guys should have done was to go to the UN and wait in a line, that’s what a queue is, it’s a line, to come to Australia. So you should have gone to the UN and waited there for your turn to be sent to Australia.

**I:** Where?

**R:** At the UN in Pakistan for example.

**I:** No, if you paid smuggler, you can’t go outside, you can’t go outside and walk in the street, how can you go to UN? You’re not allowed to go in Pakistan anywhere.

**R:** You paid your smuggler from Afghanistan?

**I:** Yeah. Otherwise we wasn’t able to come to Pakistan and Pakistan we as Hazara peoples have a difficulty in Pakistan too… we wasn’t safe to stay in Pakistan. And if you have no passport, where you can queue? If you have no passport, you have no identity, you have nothing, how can you go and wait to get in Australia? (Afghan respondent, interviewed 04/12/05)

**R:** So when you were in Indonesia did you feel that you could have approached UNHCR for example?
I: Like even in Indonesia we were not legal, the smuggler use to hide us and he use to smuggler them one after the other. Each one on motor cycle, separately, so we didn’t know what was happening. So even if we wanted to apply to there he would have said to us “you can’t, you stay where I tell you to stay and even if you are captured by anyone here, there is a treaty that they will send you back to Iraq. (Iraqi respondent, interviewed 13/07/05)

UN system criticised

Some of the respondents criticised the UN saying that UN personnel are corrupt, that UNHCR makes poor decisions on asylum applications and that UNHCR officers discriminate against some asylum seekers and cannot be trusted. One respondent, for example, said that he had approached the UN office in Iran but the Iranian staff working for the UN would not permit him to lodge an asylum application; he claimed that they discriminated against him because he was Iraqi. Another respondent had his application rejected because UNHCR did not agree that he was being persecuted by his home government – his claims were subsequently accepted by the Australian authorities.

An Afghan respondent suggested that those refugees who are resettled via UNHCR’s ‘queue’ are those who have had some connection with the UN; international UN staff were said to be more likely to assist their Afghan colleagues and friends to join the ‘queue’ than they were to assist Afghans with whom they had no affiliation. Cases of corruption at UNHCR offices have been documented\textsuperscript{134}, but whatever the ‘objective facts’ may be about UNHCR, these may be less important than the perception that the UN cannot be trusted and that it cannot provide assistance to refugees in need. It is this perception which evidently drives some refugees to avoid seeking the assistance of the UN.

\textsuperscript{134} Perhaps most infamously, in 2001 a UN internal investigation found that three staff members from the Nairobi branch of UNHCR had conspired with local criminal gangs and accepted bribes of up to $6,000 to resettle refugees to various western countries (UNOIOS 2002).
**Australian Embassies**

While the respondents were asked why they had not come to Australia via UNHCR’s resettlement ‘queue’, they were also asked why they had not come to Australia through other ‘regular’ migration channels. For example, the respondents were asked why they had not applied for visas from Australian embassies, high commissions or consulates. As the former minister for immigration stated,

> There are Australian diplomatic and immigration offices in many of the countries through which unauthorised arrivals travel to reach this country. These people could have lodged applications to come to Australia in any of these countries (Vanstone 2004c)

In fact, some of the respondents had approached Australian embassies/consulates prior to coming to Australia as spontaneous arrivals.

One respondent had applied four times to migrate to Australia through an Australian consulate. This respondent said that his application was rejected because he had applied to migrate to Australia while he was still living in a European country; the Australian authorities proposed that he could have sought asylum in that country. This country however, had refused to grant him refugee status. The respondent’s decision to then come to Australia ‘illegally’ following the rejection of his asylum claim in another country, may add weight to the proposal that refugees come to Australia because of Australia’s generous interpretation of the *Refugees Convention*. As a member of a persecuted religious group from Iraq, this man’s decision to keep searching for asylum seemed to be a necessity; he said that he would have been killed if he had returned to Iraq (something that the Australian Government ultimately recognised).
Barriers to applying at Australian embassies

Some of the respondents suggested that they did not apply for refugee status at Australian embassies for the same reasons that they did not apply for refugee status from UNHCR. These respondents said that they simply did not know that Australian diplomatic missions existed or how to access them. Some scholars have questioned the ease with which asylum seekers can access Australian diplomatic missions overseas and also point to the fact that applicants must typically have a pre-existing connection to Australia (e.g. they must have immediate family living there) in order to be resettled there (Maley 2000, p.15).

In further examining the proposal that there is a refugee ‘queue’ to Australia, Gelber (2003) found that at the time of her investigation, the Australian High Commission in Pakistan had suspended visa processing. Australian officials told Gelber that “it would be best for a person to apply directly to the UNHCR for refugee status, and that the UN refers applicants registered as refugees to Australia for resettlement ‘if they have close links to Australia’” (Gelber 2003, p.27). Some of the respondents of this study were also advised by Australian diplomatic staff that they should approach UNHCR rather than lodge their asylum claims with Australian embassies or high commissions.

Since living in Australia, some respondents have come to believe that the best way for refugees to seek asylum from Australia is to apply for a protection visa at an Australian embassy. However, for some respondents, even if they had known that they could apply for asylum at Australian diplomatic missions, they would not have done so because Australian embassies could not have offered them protection or a living allowance while their applications were being processed.
I: Well the easiest and the best way of course is to apply through the Embassy…

R: So if you had waited… what do you think would have happened…?

I: It would have been impossible to stay in Jordan because three months and the visa lapses. I can’t work, neither can my brother and a lot of Iraqi people they returned them home. We were not eligible or entitled to work in Jordan in any type, or at any stage. So the most important thing was that we were scared or fearful from the [Iraqi] intelligence or CIA because through their connections they might have returned us back [to Iraq] because it’s easy. (Iraqi respondent, interviewed 28/07/05)

**By-passing safety? Why refugees did not stay in their regions**

**Iraqis and Iranians**

The respondents gave a number of explanations for why they could not have remained living in their home regions instead of coming to Australia as spontaneous arrivals. For example, the Iraqi and Iranian respondents said that countries in their region did not accept refugees and they were only granted visas to stay in such countries for a limited amount of time; if they over stayed these visas they could be repelled back to their home nations. Respondents from all three of the nationality groups that participated in this study said that they were not permitted to work legally in the countries that bordered their own and therefore they would not have been able to meet their basic needs had they remained living in their home regions. The respondents also worried about the influence that their governments had in their home regions. Some of the Iraqi respondents feared that the Iraqi secret service had a presence in the countries that border Iraq and thus these countries could not offer the interviewees safety from the Iraqi authorities.
In addition, the countries bordering Iraq are not themselves renowned for respecting the human rights of those within their borders. One Iraqi interviewee reported that as a result of his brief association with an outlawed Syrian writer, he was arrested and abused in Syria after he fled from Iraq. For this interviewee, safety in Syria was not permanent anyway; he suggested that when Syria resumed diplomatic ties with Iraq in the 1990s the situation for Iraqis living in Syria changed for the worse. Another interviewee said that he could not find protection in Jordan as a result of an improvement in Iraqi-Jordanian relations; for him, choosing to go to Jordan was a last resort option and he could not remain living there.

R: So you couldn’t apply to UNHCR and get sent to Australia that way?

I: No, because of the time and there were all these security service, Iraqi Secret Service. The only way for us was to go to Jordan. You see Iraq had influence on Jordan and Iraqis who were caught there, the Jordanians would send them back to Iraq. If I go that way then I am finished. And those who went with the United Nations, it may take years, five or six years, we couldn’t wait for that… Even Syria did not accept anyone at that time. Saudi [Arabia] and Kuwait also they wouldn’t, Iran you couldn’t go, there was no other way but Jordan. (Iraqi respondent, interviewed 29/07/05)

Other Iraqi respondents also suggested that when Saddam Hussein held power, Iraq had a strong influence in Jordan and that it was unsafe for Iraqi refugees to stay living there. These proposals are supported by Chatelard’s (2002) research. Chatelard (2002), who investigated Jordan’s treatment of Iraqi asylum seekers within its borders, noted that while Jordan and Iraq were not considered allies when Saddam Hussein held power, the two countries maintained strong diplomatic and economic ties. Chatelard (2002) asserted that Iraqi intelligence officers have operated in Jordan and have killed Iraqis living there, that

135 For example see Amnesty International’s Annual Reports on Syria, Jordan, Iran, Turkey, Saudi Arabia and Kuwait.
Jordanian authorities have handed Iraqi dissidents within its borders back to the Iraqi authorities and that “Jordan is not a haven for Iraqi opponents” (Chatelard 2002, p.11).

Chatelard’s research therefore backs the claims made by the respondents of this study; her report also supports the respondents’ proposal that they were only granted short-term visas to stay in Jordan and were not permitted to work there (Chatelard 2002, p.12).

So Jordan is a typical Iraq, it is a copy of Iraq’s regime. And in Jordan we are smuggled as well, like we can’t be seen, the smuggler keeps hiding us, if we get caught in Jordan it means we were going to face the same destiny as in Iraq. We would be sent back to Iraq. (Iraqi respondent, interviewed 13/07/05)

The respondents who were from religious minorities were particularly adamant that they would not find safety in their home regions, one Sabean Mandaean respondent said,

as I said, we were a minority religious group and everybody else over there is Muslim so if we… all the countries around Iran are Muslim countries, we did not want to jump from hell into a worse hell. (Iranian respondent, interviewed 28/06/05)

For the Sabean Mandaean respondents who escaped from Iran and Iraq, there was no safety to be found either in their home region or in some transit countries. One respondent spoke of being targeted by the Muslim majority of various countries in her region and also Indonesia:

So it’s the same risk that we face in our country that we face in Iran, Turkey, Syria and even in Indonesia we faced the same thing. And they burned the hotel that we were in [in Indonesia] because one of the Muslim people said that we are Kaffir – we have no religion. (Sabean Mandaean refugee from Iraq, interviewed 28/07/05)
Afghans

Much like the respondents who were from religious minorities, the respondents who were from ethnic minorities feared that their persecution was likely to cross borders with them. For those from ethnic minority groups like Afghan Hazaras, safety could not be found in the countries that border Afghanistan, including Pakistan where Afghan refugee populations included various ethnic groups. The Hazara interviewees felt that once they had escaped Afghanistan, their persecution would simply be relocated to Pakistan where they would again be persecuted by the same groups that had terrorised them in Afghanistan. Hazaras consistently reported that for them, living in Pakistan posed a similar danger to living in Afghanistan.

R: Why couldn’t you stay in Pakistan or Iran, why couldn’t you find safety there?

I: We talked about that. In that time, our country was part of the country of Pakistan. Taliban [inaudible] commanded by Pakistan, at that time the Pakistan Army was inside of Afghanistan. But the Taliban main centre was in Pakistan, Quetta and Kandahar so you are never safe. As I told you, we are under persecution even in our own country, even in Pakistan.

R: And Iran as well?

I: Iran. Pakistan more dangerous because we don’t know where to go.

R: Because what the Australian Government says is that you should have, you could live in these countries, you didn’t need to come to Australia. So it wasn’t possible?

I: It’s possible for Pashtuns, it’s possible maybe for Tajik [another ethnic group of Afghanistan]... but it’s impossible for Hazara. It’s very hard to explain this one, Pakistan first it’s not the country that guarantee your life. Pakistan at that time, even now, you see all the Taliban, they run like between our country and Pakistan. And both side is Pashtun. The Pashtun of

136 Though not literally part of Pakistan, Pakistan’s influence in Afghanistan is well documented. According to Maley, “from 1994, Pakistan increasingly threw its weight behind another force, the so-called Taliban movement, which without Pakistan’s instrumental support would have remained socially marginal and politically irrelevant” (Maley 2000, p.7). Maley also documents Pakistan’s long-term and continued influence in Afghan politics (see Maley 2006, pp.24-25)
Afghanistan have Pakistan background so there is no difference between them… Pakistan always make trouble in Afghanistan. Pakistan was the country that destroy our economy. Pakistan is the country that armed the Taliban against us. (Afghan respondent, interviewed 11/11/05)

The Afghan respondents also reported that they could be arrested for being in Pakistan illegally unless they paid a bribe, they also could not work legally in Pakistan nor could they speak the local language. The respondents said that for Afghans in Pakistan, especially Hazaras, life was precarious and they were afforded no opportunity to etch out a safe and stable existence in Pakistan on a long-term basis. Some Afghan respondents also mentioned that Pakistan and Iran (which border Afghanistan) have forcibly returned many Afghan refugees back to Afghanistan – this has been documented by Amnesty International (2001) and others\(^\text{137}\). Afghan refugees thus risked refoulement to Afghanistan unless they continued to pay bribes to Pakistani officials.

**Safety in Malaysia and Indonesia?**

There were various reasons why the respondents did not seek safety in Malaysia or Indonesia – two countries through which most respondents transited during their journeys to Australia. Some of these reasons have already been noted. The respondents commonly suggested that staying in Malaysia was not an option for them because, like many of the countries that they transited en route to Australia, Malaysia only offered the respondents visas for a limited amount of time – typically two weeks.

In Malaysia the first question that they asked me at the airport was ‘how much money do you have?’… when I told them that I had $3,000, they said ‘we’ll give [you] a tourist visa for ten days’. (Iraqi respondent, interviewed 30/06/05)

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In Malaysia, they’d given us just 15 days residence and then they said they will send you back after that, they will send you back to Iraq or to the country that you came from. (Iraqi respondent, interviewed 15/07/05)

Some of the respondents said that they did not consider Indonesia as a place to seek refuge because they did not feel that they could have met their basic needs whilst living in Indonesia. Other respondents however, did not so much reject Indonesia as an option, rather it did not occur to them that Indonesia could be an option. One respondent said that he did not so much reject the idea of staying in Indonesia but he did not consider it because he had paid for passage to Australia and Australia was the only country about which the smuggler provided any information. In this sense Australia is as much of a non-choice as it is a choice; this refugee did not have any knowledge of other asylum options nor did it occur to him that he could explore other alternatives.

**Understanding choice**

The belief that Australia’s deterrence mechanisms can shape the behaviour of spontaneous arrivals is underpinned by the belief that spontaneous arrivals make a choice to leave their home country and make another choice in selecting Australia as their asylum destination. The ethos behind the use of deterrence is in fact predicated on the notion of choice. The classical criminological perspective which advocates deterrence as a means of controlling behaviour is based on the belief that human beings, as rational actors, will make a cost/benefit analysis before undertaking a criminal action (as I stated in Chapter Three). From this perspective if the cost of committing a criminal offence outweighs the benefit drawn from undertaking it, then the rational actor will choose to refrain from committing crime. In summarising the classical perspective, McLaughlin, Muncie and Hughes state,
crime is understood as a product of free will; a course of action freely chosen through calculations of the pain and pleasure involved. Its control is assumed to lie in better and more efficient carefully calculated means of punishment. (McLaughlin, Muncie & Hughes 2003, p.1)

As with the case of the deterrence of crime, the rationale behind immigration deterrence is steeped in the belief that the benefits and costs that are associated with spontaneous arrival can be manipulated and therefore the actions of the individuals who assess these cost and benefits can also be shaped\(^\text{138}\). The respondents of this study challenge these ideas about choice. To begin with, some of them categorically rejected the notion that they had a ‘choice’ because this would imply that they had more than one option. For example, an Afghan respondent said,

> the main thing is I explain to you what’s go[ing] on. We are under persecution even in our own country, correct? Now, there is a people smuggler, they are in our own country, they can guarantee you go from there to there, so what’s your choice? …at the Taliban time you’re always fleeing, you’re always trying to going from this state [of Afghanistan] to that state, from that state to that state, so they can’t find you. And if someone wants to… [say] to you that they can pick you from Afghanistan to Australia, of course you will choose that. So there is the choice, nothing choice. (Afghan respondent, interviewed 11/11/05)

Other interviewees suggested that their choices did not involve a weighing up of the pros and cons that were associated with their situation. Instead of carefully considering all the available options, the respondents sought any solution that would save their lives:

R: Some people kind of expected for example that it [Australia] was going to be a paradise and were quite shocked by detention. Some people had a really

\(^{138}\) For example, in justifying the introduction of the Migration Amendment (Excision from Migration Zone) Bill 2001, Ruddock suggested that the bill would “significantly reduce incentives for people to make hazardous voyages to Australian territories” (Ruddock, P 2001a, *House Hansard*, p.30871). Such a perspective was connected to the belief that refugees are attracted by the benefits that might be found in Australia: “the news about our land being one of ‘milk and honey’ has spread beyond our shores to countries that do not share our way of life and the obvious benefits that flow from it” (Baressi, P1999, *House Hansard*).
different experience to what they expected. But what you guys are saying is that you didn’t really have strong expectations of what it might be like, is that true?

I: No, because when you get in danger you never had a chance to think about any paradise or any cold [inaudible] or cold water, you understand me? You’re never thinking about these sorts of things. If you’re really in danger, you’re never thinking about those sorts of things, as long as you be alive, that’s ok. (Afghan respondent, interviewed 04/12/05)

As Robinson and Segrott (2002) suggest, it is controversial to use the word ‘choice’ in relation to asylum seekers given that refugees are, by definition, forced to leave their home countries. Robinson and Segrott also dismiss the notion that human beings are ‘rational’ actors because “personal decision making is rarely a rational exercise in which people have full knowledge of all the alternatives and weigh them in some conscious process designed to maximise returns” (Robinson & Segrott 2002, p.7). On the other hand however, the same authors dispute the belief that “asylum seekers are passive victims propelled around the world by external forces” (Robinson & Segrott 2002, p.7). Asylum seekers in Robinson and Segrott’s (2002) assessment are active decision makers but their decisions are more complicated than is implied by the simplistic process of weighing up one’s ‘pros’ and ‘cons’.

While a cost/benefit analysis might be applied, however crudely, to the decision to save one’s life rather than face persecution, or might be applied to other decisions that the respondents in this study made, none of the interviewees weighed up their options in the manner envisaged by Australian politicians. None of those who were interviewed for this study, for example, made decisions about their destination by comparing their situations at home to the list of multiple ‘benefits’ that might be found in Australia – such as access to
settlement services. Instead the respondents’ cost/benefit analyses related to the ‘benefits’ of life and freedom from persecution and it might be argued that none of the respondents possessed enough information about Australia to truly assess the ‘benefits’ of life in Australia beyond its advantage as a place of safety. This finding is echoed in other studies; Bocker and Havinga suggest for example that “in the majority of cases, the choice of country of asylum is not a conscious, rational choice by the asylum-seeker and certainly not based on a comparison of the advantages and disadvantages of various options” (Havinga & Bocker 1999, p.49). However, that said, some of the respondents’ statements support the rational choice doctrine. Some of the respondents of this study suggested that their decisions were rational given the circumstances in which they found themselves.

The most logical choice

As Chapters Five and Six demonstrated, Howard Government MPs assumed that the spontaneous arrival’s ‘choice’ to come to Australia via smuggling routes was ‘rational’ (based on the weighing up of costs and benefits) while this choice was also thought to be irrational in that it is considered foolhardy to abandon safety in order to achieve a ‘preferred migration outcome’. The ‘unauthorised’ journey can be considered to be even more foolhardy and illogical given the manifest dangers that are involved in illegal travel and, in particular, travel by smuggling boat. Howard Government MPs proposed that spontaneous arrivals are crazy or opportunistic enough to undertake such a risky journey, as Baressi says, “there will always be those who are willing to take the risk of a long and dangerous journey to a better life.” (Barresi, P 1999, House Hansard). While the

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139 For example Ruddock suggests “They (asylum seekers) are encouraged by people smugglers to believe that they can use our refugee status determination procedures to obtain the right to work in Australia or to access health services and other support at Australian taxpayer expense while their claims are being assessed” (Ruddock, P 2002b, House Hansard, p.4019). None of those who were interviewed for this study considered any of these things when making the decision to leave their home countries.
respondents agreed with the suggestion that the boat journey to Australia is risky, they
denied that they ‘gave up’ safety in order to come to Australia and some said that they had
no other choice but to come to Australia by boat. Some interviewees appeared to appeal for
the recognition that the choices they made were the most ‘rational’ given their
circumstances.

In the following excerpt, taken from a group interview with three Afghan Hazaras, one of
the interviewees explains that the smuggler that he had engaged had lied to him and this is
why he came to Australia on a smuggling boat. However, for another interviewee the
dangerous boat journey represented a logical/rational choice because it offered him a
chance at obtaining safety – something that he felt that he could not attain through any
other means.

**Interviewee 1**: At 9 o’clock in the evening I was on the small boat, small
fishing boat, about 27 people. But smuggler told me that the big ship is
maybe about another four or five hours.

**Roslyn**: Yeah I’ve heard that, somebody else [another respondent] said that
actually, that [the smuggler said that] the real ship is further out.

**II**: yeah because the big ship can’t come inside the water and I believed him
and thought yeah maybe it is true, but I come all night and there’s no big ship
[laughs]. Yeah and I stay on that small ship for six day and night until I get to
Australian water.

**R**: You kept waiting for that big ship to turn up.

**Interviewee 2**: yeah but there’s no big ship there.

**R**: [to the other respondents] And did you expect to find a big ship as well, did
the people smuggler tell you that [to expect that a large sturdy ship that would
take you to Australia]?

**Interviewee 3**: we did not care about our life, our life was like die or live, like
that. So one of them was going to happen anyway so a big ship or small ship
for me doesn’t matter. I was in a situation like dead or alive, so I wanted to be
alive so I had to choose that ship [the one that was available]. (Afghan respondents, interviewed 5/11/05)

**Choice of destination**

Robinson and Segrott stated of their respondents “the overwhelming impetus for leaving home was to reach a place of safety; and for many it did not matter greatly where that place was, or what kind of place it might be” (Robinson and Segrott 2002, p.7). Koser and Pinkerton, in addition, state “clearly, where an individual feels under threat of arrest or persecution, his or her primary motive is simply to escape, as soon as possible and to any safe country” (Koser & Pinkerton 2002, p.12). The refugees who were interviewed for this study also commonly suggested that their objective was to flee persecution and find safety; their destination was very much a secondary consideration.

At first when I fled Afghanistan, I didn’t know which country to go, just I wanted to save my life. (Afghan respondent, interviewed 9/10/05)

we just left, escaped, frightened, we did not specify where the trip was going to be. (Iraqi respondent, interviewed 28/07/05)

At the beginning he didn’t say that he would take us to Australia… Our agreement with him was to go to Europe or anywhere where we just finish the situation. (Iraqi respondent, interviewed 29/07/05)

When we were in Indonesia the smuggler was like on the basis that he was going to take us anywhere in the world, like Canada or anywhere in the world that he can take us… It’s just on the basis that we get to any safe land, that we can be protected. (Iraqi respondent, interviewed 13/07/05)
Rather than being attracted to Australia because of its generous asylum policies or because of the benefits that they associated with living in Australia\textsuperscript{140}, the great majority of those who were interviewed for this study did not express a preference for Australia at all. In fact, a proportion of the respondents did not realise that they were bound for Australia until after they had arrived there. For example, one of the Iranian respondents thought that he was bound for England and did not realise that he had landed in Australia until after he was informed of the fact by Australian customs officials.

\textbf{R:} Why would you think that you were in England [when you arrived in Australia]?

\textbf{I:} Because I actually got a trip to the UK and it was somebody arrange it for me to go to Perth and someone said that Perth is in England…

\textbf{R:} So you didn’t know that you were in Australia?

\textbf{I:} Not really, I knew that the English got English language and so I start thinking that I was in Perth, and I was in Perth. And he said ‘you didn’t know that Australia have a Perth’ and I say ‘no, I know Australia have a Canberra, Sydney and Melbourne and Adelaide’ (Iranian respondent, interviewed 08/08/05)

This respondent, therefore, did not seek to come to Australia at all and his example challenges the notion that all spontaneous arrivals are drawn to Australia because of the ‘benefits’ that may be found there.

\textbf{Smuggler’s choice}

Concurring with the findings of other studies (Robinson and Segrott 2002; Barsky 2000; Havinga and Bocker 1999), the interview data collected for this study suggests that the

\textsuperscript{140}Ruddock says, for example, “this generosity is in itself attracting people with the means to pay a people smuggler or who can afford the air fares to our region and who wish to seek a more prosperous life” (Ruddock, P 2001e, \textit{House Hansard}, p. 30421).
people smugglers that the respondents engaged had considerable influence over their choices especially over their choice of destination. In some cases the smuggler persuaded the respondents to believe that Australia was their best option; in other cases the smuggler dictated the choice of destination entirely. One Afghan refugee reported that the smuggler that he engaged in Pakistan persuaded him to believe that Australia was his only choice and it was a good choice:

[the smuggler said]‘It’s easier and also Australia is a very good country and the people are very kind and they accept refugee[s], if you go to Australia it’s better for you than Canada and America or somewhere else’. And then I decided to come to Australia. (Afghan respondent, interviewed 9/10/05)

For some other respondents the smugglers that they engaged took control entirely, as an Afghan respondent said:

We didn’t have any choice, we wasn’t allowed to go out and ask them: ‘where are we going, what are we doing?’. He [the smuggler] said, ‘if you go out, the police can take you away and then you’re going to end up in jail’. (Afghan respondent, interviewed 04/12/05)

Smugglers appeared to have more control over the Afghan respondents than the Iraqis; this could possibly be explained by the fact that the Afghan interviewees often sought the assistance of smugglers whilst they were still in Afghanistan. Some of the Hazara respondents reported that in order for them to move around Afghanistan (without risking arrest or execution by the Taliban) they relied on smugglers. Thus smugglers gained the ability to control the movement and information sources accessed by these refugees all the way from Afghanistan to Australia. This absolute control from home country to final destination appeared less complete for the Iraqi respondents. The Iraqi interviewees, on the other hand, appeared to be more likely to meet smugglers whilst they were in transit.
countries. Also, as a group, the Iraqi respondents seemed to have a much better understanding than the Afghans of the world outside their home country, therefore they (the Iraqi respondents) were potentially equipped with more information with which to make decisions concerning their destinations. However, for Iraqis too, once that they had engaged smugglers, these smugglers had a controlling influence over their lives and destinations.

The interview data suggests that smugglers were able to exert considerable control over the respondents especially whilst these refugees were in transit countries. Unlike the smugglers, the respondents were unable to speak the languages of transit countries and had a limited understanding of the laws and customs operating in such countries. In addition, the respondents said that they did not have control of their identity documentation (genuine or otherwise) as smugglers appeared to typically take possession of the refugees’ passports throughout their journeys. Without access to their identity documentation, the respondents felt that they were limited in their capacity to escape the smuggler’s control. Smugglers evidently exploit this lack of knowledge in order to keep refugees under their control. Some of the respondents of this study were, in fact, locked up by the smugglers that they engaged; this illustrates the extent to which smugglers can exert absolute control over the refugee’s destiny. Therefore, many of the interviewees did not appear to have the ability to act independently of the smugglers that they engaged and as a result, they could not seek refuge in transit countries like Indonesia.

Some of the respondents said that they could not have changed their minds and sought to return to their home countries if they had wanted to because if they had tried to withdraw from their agreements with smugglers then the smugglers may have killed them.
Smugglers maintained control not only through threats and by literally locking up the respondents but also through controlling knowledge and telling the refugees that they would be sent back home if they were found by the authorities in transit countries like Indonesia\(^{141}\). When asked why they did not apply for asylum in Indonesia, one group of respondents described how, in a number of ways, the smuggler they engaged controlled their actions,

**Male Interviewee:** Like even in Indonesia we were not legal, the smuggler use to hide us and he use to smuggle them one after the other. Each one on a motor cycle, so separately, so we didn’t know what was happening. So even if we wanted to apply to there he would have said to us ‘you can’t, you stay where I tell you to stay and even if you are captured by anyone here, there is a treaty that they will send you back to Iraq’.

**Female Interviewee:** So the only thing that we didn’t have was we didn’t have our passports on us…

**Male Interviewee:** He had everything. So he was our country, so even protection from the police, it was through him. (Iraqi respondents, interviewed 13/07/05)

Smugglers, therefore, have a relationship with refugees which involves dependency, exploitation and misinformation. However, the respondents of this study are physical evidence that smugglers, however terrible, still deliver refugees to a safe place – something which the international resettlement system can only do for a small number of refugees. As Chatelard says, “only ten states establish annual resettlement quotas… they target specific nationalities, not necessarily the ones in need for resettlement, and they also have their own criteria regarding the profile of the individuals they are ready to accept…” (Chatelard 2002, p.20).

\(^{141}\) The respondents in the Human Rights Watch study provided a very similar description of their relationship with smugglers: “…carrying documents in languages they could not read, knowing nothing of the laws or official practices in transit countries, and being told they could not step outside smugglers’ houses or hotel rooms without risking arrest and deportation left them at the mercy of the smugglers” (2002, p.29).
What smugglers tell refugees about Australia

The respondents said that their smugglers provided them with only very general information about Australia’s immigration procedures. When asked what the smuggler told them, some respondents said,

No, he didn’t know that much about Australia, he told us ‘if anybody asks you anything you can explain to them about the problems, the security problems and the uncomfortable life that you had in your home country or the worries that you had with the Government or with the people, you can explain’. (Iranian respondent, interviewed 28/06/05)

just they said that Australia is a very big country and the people are very kind, very helpful and if you go there you can be accepted as refugee… they say that you stay a few days in detention centre… they said ‘you stay in detention and then you are free to go inside Australia’. (Afghan respondent, interviewed 9/10/05)

R: Did the people smuggler tell you anything about what the Australian laws might be like?

I: No, they use to tell us that you go to Australia and the Government will accept you. (Iraqi respondent, interviewed 30/06/05)

For most of those who were interviewed for this study, smugglers provided them with no information about Australia at all. Some interviewees explained that the reason for this was because they never came into contact with the ‘actual’ smuggler, just his intermediaries. Other respondents suggested that talking to the smugglers was not like conducting a conversation with a ‘normal’ person; therefore, these respondents did not feel that they could have approached the smuggler in order to ask for more information about Australia.
**Interviewee:** They never tell you. Actually they never show their face to you, you understand me? They send a car for you to just sit in the car and go, you never say ‘who are you are how are you doing this?’

**Interviewee’s Australian friend:** you never get to talk to one?

**Interviewee:** No, talk to you but about food or something like that. No, he’s not coming and sitting next to you and saying ‘I’ll send you to Australia and you’ll be safe, you’ll be ok. There’s good money’. He said ‘I’ll send you somewhere’, they are the people who are doing the top drug trafficking or something like that, those sort of people who are doing that, not a normal person. They are not a normal person, you can’t sit and talk. (Afghan respondent, interviewed 04/12/05)

What smugglers know about Australian immigration policies is difficult to determine, however, none of the respondents suggested that they had received the type of detailed information from smugglers that was envisaged by former immigration minister Phillip Ruddock, as Ruddock says:

The smuggling operations which are providing this travel often give highly detailed information and coaching to these arrivals on appropriate claims and country knowledge and on Commonwealth assessment procedures to maximise their chance of successfully gaining a protection visa. (Ruddock, P 2001e, House Hansard, p.30420)

From the data collected for this study, it is clear that smugglers, and not the respondents, were the key decision makers when choices about asylum destination were made. Once the respondents placed their lives in the hands of the smugglers, they appear to have maintained very little control over their destinies beyond that point. This study, like many others, offers only a glimpse into the relationship between smugglers and asylum seekers, yet it confirms the smuggler’s place as an elusive but increasingly important figure in forced migration research.
Why Australia?

While the overwhelming majority of the respondents did not choose Australia as their asylum destination, many tried to account for why this destination was chosen for them by smugglers.

The easiest and cheapest option

R: I just wanted to ask you why you guys ended up in Australia and not Canada or the US or in Europe?

I: That question, I can give you an answer. It’s because of the smuggler. If you paid more money probably they will take you somewhere else. They’re not telling you: ‘I’ll take you to Australia, I’m taking you there’. If you pay more money they will take you more far away and we paid the money and probably it was easier for them to send us to Australia. (Afghan respondent, interviewed 04/12/05)

A number of the respondents said that they were channelled to Australia by people smugglers because they could not afford to go anywhere else – Australia was the cheapest asylum destination where the smuggler could send them\(^{142}\). Australia was also considered to be easier to get to than other countries especially when the respondents lacked legitimate travel documentation. Many respondents lacked legitimate passports and as they were, in most cases, being persecuted by their governments, they could not approach these authorities to obtain legal travel documents. This meant that they could only travel along a route where transit countries would ‘turn a blind eye’ to their forged documentation. Like Baz and Bob, other interviewees suggested that the route to Australia included a number of

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\(^{142}\) Human Rights Watch also noted that their respondents said that Australia was cheaper to get to than other destinations outside of the Middle East and Malaysia’s lenient visa restrictions meant that the route to Australia was also easier to access (Human Rights Watch 2002, p.33). Other studies also suggest that the destination selected by agents/smugglers is often linked to the asylum seeker’s available resources. Robinson and Segrott (2002) and Barsky (2000) found that the choice of destination was often dictated by the amount of money possessed by the asylum seeker. Some of Robinson and Segrott’s respondents “ended up” in the UK because it was the cheapest destination they could reach (Barsky 2000 p.243; Robinson & Segrott 2002, p.22-23).
transit countries which would tolerate their use of forged documentation (Malaysia was specifically mentioned a number of times).

Those who did chose Australia

Despite the fact that the great majority of the respondents denied that they had selected Australia as their destination, two interviewees proposed that they did choose to come to Australia. These two respondents said that they chose Australia based on a range of factors including the existence of religious tolerance in Australia – both were from religious minorities and both had an understanding (prior to their spontaneous arrival) that Australia was a multicultural society. This decision, rather than being a choice for Australia based purely on its attributes, was a choice which was based on the absence of certain things in the home country – safety, freedom from harassment and persecution. Therefore, even when the respondents expressed a preference for Australia, this choice was clearly linked to the reasons that they fled their home countries. None of the respondents made a choice for Australia in isolation from the factors that led them to leave their home nations.

One of the interviewees who had ‘chosen’ Australia was from the Sabean Mandaeans in Iran. This respondent said that she had wanted to come to Australia because of its multicultural make-up, because of the existence of a community of Sabean Mandaeans in Australia and because of its large stretches of coastline which were important to the rituals of weekly baptism undertaken by this religious group. The respondent’s preference for living in a multicultural society was connected to her desire to escape the harassment and persecution that she faced as a member of a persecuted religious minority. Specifically for this research participant, she sought the freedom to be able to send her

143 This should not be thought of as a ‘choice’ for Australia, this was a choice primarily to escape persecution.
children to school where they would not face discrimination. Her choice of Australia was not a choice for Australia per se but was based on the fact that Australia had certain things that she lacked in her home country. Rather than selecting Australia because of its ‘generous’ immigration policies, this respondent had a limited understanding of Australia and instead chose Australia based on the knowledge that she would gain in Australia what she lacked in Iran – freedom from persecution.

Well actually we had no idea about Australia, we were just looking for an overseas country in which we could live comfortably without being harassed or persecuted. We did not know about Australia, and we heard about them [members of our community], that they have been to Australia… and it’s a multicultural country… and nobody is harassing us, so we decided to come to Australia. (Iranian respondent, interviewed 28/06/05)

As with the example above, the other respondent who suggested that he chose Australia drew a link between his choice for Australia and his decision to leave his home country – Iraq. When asked why he chose Australia rather than another Western country as his asylum destination, this research participant spoke first about his decision to leave Iraq:

At first I didn’t ever think about leaving Iraq because I was in a very good position and everything was available but you see they have their problems, security problems with the Iraqi regime… every day they knock on the door… when I told you I was arrested and released on a condition so I took the family and we went… (Iraqi respondent, interviewed 12/07/05)

This respondent then explained on why he chose to come to Australia rather than another Western country. He suggested that he chose Australia for a number of reasons: (1) because he had family living there; (2) because he knew of people from his community who had migrated to Australia; (3) because he believed that in order to migrate to the US he would need to have immediate family living there; and (4) because he had been unable to
gain refugee status or safety in the Western European country to which he had initially fled. On top of these reasons, the smuggler that he engaged suggested that Australia was easy to get to. The respondent therefore chose Australia as a result of multiple factors; the respondent ‘chose’ Australia because of what he had heard about it and also because of what he had heard about and experienced of alternative destination countries. Finally, the journey to Australia was something that the smuggler suggested that he could facilitate. Again in this case, the smuggler still had a strong influence over the choice of destination even though Australia was also chosen by the respondent for other reasons.

**Satisfaction with life pre flight**

From the data collected for this study it is difficult to view the refugee’s choice of destination as reducible to the ‘push’ VS ‘pull’ binary often referred to in refugee studies. Clearly none of the ‘pull’ factors (the attributes of Australia) would have even been considered if the ‘push’ factors (persecution in the home country) had not been so overwhelming in the first place. The ‘push’ and ‘pull’ should not therefore be thought of as elements that are weighed up against one another by refugees, rather they should be seen as a linear progression; the pull does not exist without the push and the push always predicates the pull.

Leach and Mansouri (2004) are critical of Australian politicians who focus on the ‘pull’ factors associated with living in Australia at the expense of recognising the issues that drive refugees to leave their home countries. Leach and Mansouri suggest that by focusing on the ‘attractiveness’ of Australia, politicians fail to acknowledge that refugees might have been happy in their home countries up until the point that their persecution became acute (Leach and Mansouri 2004, p.14). Australian politicians often seem to only understand that
refugees gain from their arrival in Australia – a refugee place, citizenship, welfare services.

For the respondents of this study the journey to Australia did involve gaining freedom from persecution but it also included considerable loss. Some research participants described their reluctance to leave their home countries, and argued that their journey to Australia was not one of convenience. This sense of loss was perhaps best described by an Iraqi respondent, an engineer who not only spoke of the good financial position that he had enjoyed in Iraq but also the collections of items that he had built up over the decades of his life.

I was engineer and I study for about 17 years and more than 25 years in the service in the [armed forces]. I have like that room [the respondent pointed to the large courtyard adjoining the interview room] in my house in Bagdad filled of memory, diaries, books, dictionaries, scientific things, everything from my primary school till I finished my service. And another room filled with spanners, screw drivers, every technical thing and all gone, all gone. And I now here in [Sydney] start making some notes and I have now two file box like that only [the size of a shoebox] for my memory. When I read some book I take some notes. All my memory, all my good things and my past was, we left everything in Iraq. But why, why should I leave my country and I suffer many years reading and writing and studying? (Iraqi respondent, interviewed 12/07/05)

The respondents challenged the notion that Australia offered them a wealth of advantages; some had held high paying and ‘good’ jobs in their home countries and had found it difficult to get their qualifications recognised in Australia or to find an equivalent level of employment. The respondents had left family members and their communities behind in their home countries as well as links and friendships that they had built up over a lifetime. One interviewee, in particular, was adamant that he did not come to Australia for economic advantage, he said that “the only advantage was a safe life” (Afghan respondent, interviewed 04/12/05). This respondent also suggested that uprooting oneself and moving to another country is not easy.
can you leave this country, this soil to go and live with strange people or with
the strange language and without anythings? How can you move? What sort
of things make you move?... Only if you think you are not safe… If the
immigration [department] or the Government said that Hazara peoples came to
Australia to have a better life they absolutely hurting us, they couldn’t
understand and they’re hurting us. (Afghan respondent, interviewed 04/12/05)

Like a handful of others who were interviewed for this study, this respondent suggested that
he would go back to his home country if it was safe:

if I could be happy and safe in Afghanistan I would go back, because I was
born there, I grew up there. (Afghan respondent, interviewed 04/12/05)

Through concentrating on the ‘pull’ of Australia, Australian politicians ignore the ‘pull’
factor associated with life in Afghanistan or Iraq, for the respondents this included a sense
of place, home and kinship. The refugee’s sense of loss is considerable but is perhaps
ignored within the parliamentary discussion on ‘illegal immigration’ because ‘we’ cannot
perceive anything favourable about life in Afghanistan or Iraq.

**Why not another country?**

For many of Barsky’s (2000) respondents, their choice of Canada as an asylum destination
was linked to their rejection of the United States; in my study the respondents did not
commonly reject any particular Western country as an asylum destination. Few of the
interviewees of this study perceived any real difference between Western countries as
asylum destinations and all Western countries appeared to the respondents to have equal
value as places to seek safety. However, one Afghan respondent said that he did not want
to go to the US and one of the reasons he gave for preferring Australia related to the exports
that it sends to Afghanistan:
At that time Australia was famous for wheat, rice, sheep, meat, which is used for something good for the people. And Russia for example, America, England, they use to make… guns or some kind of stuff. (Afghan respondent, interviewed 11/11/05)

As already mentioned, for many of the respondents their objective was to reach a safe place and the actual destination country was not important. However, a number of interviewees suggested that they were satisfied that they ‘ended up’ in Australia because they now had the understanding that European countries are intolerant of foreigners. This perception affected how the respondents understood Australia’s immigration deterrence policies, one respondent said for example,

We had a group of us who had some relatives in Sweden so they went to Sweden and I rang them and spoke to them, they said that there is some kind of discrimination back there… So I spoke to my friends in Sweden and regardless of [the fact] that they have permanent residency there, they’re not as happy as I am here. (Iraqi respondent, interviewed 13/07/05)

This example demonstrates how Australia’s immigration deterrence policies lack potency as deterrents when they are understood alongside the perceived advantages that refugees associate with their lives in the Australian community. Though the refugee who was quoted directly above had a temporary protection visa at the time of her interview and was distressed by having to live under the restrictions of the TPV, this did not undermine her satisfaction with having ‘ended up’ in Australia. As Baz and Bob’s case illustrates, refugees do not appear to understand deterrence policies within a single frame of reference. The restrictions imposed by the TPV, though very distressing for this respondent, were understood as ‘liveable’ in the face of a worse alternative (being permanently discriminated against in a European country). This example demonstrates how the respondents have
sought to make the best of their current life situations. The great majority of the respondents did not appear to lament lost opportunities that might have been afforded to them in other Western countries which may have more generous settlement provisions.
Appendix 2. Overseas Information Campaign
The following documents were included in the 2001 version of the *Overseas Information Campaign* kit.

**Philip Ruddock MP**  
Minister for Immigration and Multicultural Affairs  
Minister Assisting the Prime Minister for Reconciliation

Dear Reader

Enclosed is an example of the material used as part of the initiatives of the Australian Government in regard to the rising global problem of people smuggling and its effect on Australia.

Since my previous trip to the Middle East early in 2000, my department has produced a video which clearly shows the dangers of illegal travel and trusting people smugglers.

This video, and the material in this kit, have been translated and distributed in a number of countries as part of Australia’s Overseas Information Campaign - *Pay A People Smuggler and You’ll Pay The Price*.

This campaign aims to spread the message that Australia will not tolerate people who arrive illegally on our shores.

I hope that you find this kit informative and helpful in understanding why Australia is encouraging all countries to cooperate in preventing people smuggling.

—

PHILIP RUDDOCK

*January 2001*
Press release included in 2001 version of the Overseas Information Campaign kit.

Philip Ruddock MP
Minister for Immigration and Multicultural Affairs
Minister Assisting the Prime Minister for Reconciliation

RUDDOCK TO VISIT MIDDLE EAST AND EUROPE

The Australian Minister for Immigration and Multicultural Affairs, Philip Ruddock, will visit the Middle East and Europe from 5 January 2001 as part of the Australian Government’s ongoing international campaign to curb illegal immigration and people smuggling.

Mr Ruddock will meet high-level government ministers and officials in Iran, Dubai, Syria, Lebanon and Jordan before flying to Sweden, Switzerland and England to learn more about the experiences these countries have had in dealing with people smugglers and illegal arrivals.

“Last January I visited the Middle East in an effort to gain support and cooperation on countering the global problem of people smuggling and illegal immigration,” Mr Ruddock said.

“Many of these countries have suffered considerable economic and social consequences from people smugglers operating within their borders and many of the regions are where illegal immigrants begin their journey to Australia.

“That visit was very successful in that I was able to establish agreement to share intelligence on people trafficking and start building relationships that will enable an international response to be developed for dealing with this world-wide problem.

“It struck me that there was a growing awareness by governments that they stood to gain by pooling their knowledge and resources to fight this insidious crime. The aim of this visit is to add impetus to those processes.

“I will be taking with me a range of information material including a video, booklet and fact sheets in Arabic, Farsi and English to give to local officials. It is my hope that they will use the material to highlight the dangers of illegal travel so that this pernicious trade, and the consequent tragic loss of life that so often occurs, will be reduced.”

After his talks in the Middle East Mr Ruddock will travel to Geneva where he will meet the recently appointed United Nations High Commissioner for Refugees, Ruud Lubbers, and the High Commissioner for Human Rights, Mary Robinson.

“I have long campaigned for these important international bodies to place higher focus on these issues and to work co-operatively with source and transit countries to ensure people are informed about the legal and safe opportunities for resettlement or repatriation, rather than resorting to using people smugglers for illegal travel to countries such as Australia,” Mr Ruddock said.

While in Sweden the Minister will meet with counterparts to discuss the Swedish model of detention and be briefed on that country’s immigration detention policies.

Before returning to Australia Mr Ruddock hopes to visit Jack Straw, Secretary of State for the Home Department, in London to discuss similar policies in the UK.

4 January 2001
Contents

- Letter from the Australian Minister for Immigration and Multicultural Affairs, Philip Ruddock
- Question and Answer booklet, also including newspaper clippings
- Fact sheet – *Illegal Travel*
- Poster
Questions and Answers
provided by the
Australian Minister for Immigration
and Multicultural Affairs
Mr Philip Ruddock

January 2001
This pamphlet was withdrawn from the Overseas Information Campaign Kit after it was released to the Australian media. The content of the pamphlet was ultimately deemed to be inappropriate by the Minister for Immigration.

### QUESTIONS AND ANSWERS ON TRAVELLING ILLEGALLY

**I want my family to have a better life. How do I migrate to another country?**

Go to the diplomatic office of the country you wish to travel to and ask for information on how to migrate.

**But I am afraid we will all be killed. My country is in turmoil, and is very dangerous. Isn’t there another way?**

If you are think you are in danger of persecution or torture, you may be eligible to become a refugee. Contact the United Nations High Commissioner for Refugees about refugee status.

**If I become a refugee, what will happen to me?**

The UNHCR provides a range of services to refugees, and resettles them in safe countries around the world if they cannot be accommodated in an adjacent, similar country or be repatriated.

**I was told this takes a long time, and that if I paid a people smuggler, I can go to any country I choose. Why shouldn’t I travel illegally?**

There are many reasons why illegal travel is a bad idea.

Each year many thousands of people attempt to travel illegally between countries, in search of a better life. Many die, others end up living without hope in slums or are detained centres, thousands of kilometres from major cities.

They may:
- be deported immediately
- be put in detention centres for months or even years
- not be allowed to work in their profession
- not be allowed to bring their families to join them.

- they may not be allowed to stay.

You will find yourself in debt to criminals who will demand you work for them selling drugs, or force you or your family members into prostitution to pay off your debt.

After you have given the people smugglers your life savings, you may be sent home, with nothing. Your family will be shamed.

**Is it safe to travel with people smugglers?**

No. Each year many thousands of people die during illegal travel after paying their life savings to the criminals who smuggle people.

This year alone:
- more than 550 people died when boats carrying illegal travellers sank during storms near Indonesia
- 58 people were found dead in a shipping container in England.

People smugglers lie about the journey, promising safe boats or a commercial flight. In reality they crowd people onto unseaworthy boats or into shipping containers.

Many others are abandoned in remote and dangerous places far from their destination. Some are stranded for months in countries where they don’t speak the language. They have to deal with dangerous criminals to continue their journey.

People smugglers don’t care about people. They just want their money. There have been reports of people smugglers abusing women and children who are travelling illegally.

**But won’t my family have a better life?**

No. Even if you can bring your family to join you, your children will abandon your traditional way of life in favour of modern, “western” ways.

You will lose control of your children, who will rebel and question your authority and your religious beliefs.

The Australian Government
QUESTIONS AND ANSWERS ON TRAVELLING ILLEGALLY

Don’t countries welcome illegal arrivals?
No. Many countries immediately deport illegal arrivals, and others detain them.

Even in countries where illegal arrivals are allowed to stay, they don’t get economic assistance to live.

While some countries are very generous to people who are resettled by the UNHCR as refugees, they do not give refugees who arrive illegally the same benefits.

They often cannot speak the language, and cannot find work.

As well, illegal arrivals are often the subject of racial hatred and violence as citizens are angry at having to support them.

The Australian Government
This pamphlet was also withdrawn from the 2001 *Overseas Information* kit after its content was deemed inappropriate by the Minister for Immigration.

**Illegal Travel**

**People who travel illegally** put their own lives and those of their families at risk. Many thousands of people die each year on clandestine journeys. Anyone who travels to another country illegally is detained while their situation is assessed. This often takes many months. In some countries, they are placed in camps thousands of kilometres from the nearest city. People are sent home if their claims to stay are rejected.

**Criminals**

People smugglers are criminals. They don’t care what happens to the people they carry, they are only interested in money. They promise easy, safe trips, but people who travel illegally are often crammed into unseaworthy boats or shipping containers. Some are stranded partway through their journey in countries where they speak other languages.

In 1999-2000:

- 163 people drowned when two boats carrying people traveling illegally sank in a storm near Indonesia.
- More than 350 people died near Indonesia when boats carrying illegal travellers sank during a storm in March. Two thirds of the boats attempting the journey that month did not arrive.

- 58 people were found dead in a shipping container in England.

Pirates often steal money and personal belongings from illegal travellers and terrorise victims with guns and grenades. There have been reports of violence, rape and passengers being thrown overboard.

People who travel illegally on boats are often abandoned in remote and dangerous places far from their destination. Some are stranded for months and people have died in attempts to continue their journey. Boats often founder and sink in shark-infested waters, far from help.

**Illegal Arrivals**

People who arrive in countries illegally have found that:

- They are detained in camps, sometimes in the middle of the desert, thousands of kilometres from cities.
- They cannot see their families for many years. Some may never see their families again.
- They cannot speak the local language.
- Their qualifications are not recognised and they cannot find work.
Illegal Travel

• they face racial hatred and violence because citizens are angry at having to support them
• they end up living in slums, and depend on begging and crime to survive
• they lose control of their children, who abandon their traditional values for modern Western culture
• they have lost everything and are sent back home in disgrace, facing a lifetime of debt

TOUGH NEW LAWS

Many countries, including Australia, have introduced tough new laws to combat illegal travel. In Australia, these include:

• Mandatory detention in camps
• 20 year jail terms for people smugglers and fines of up to $220,000
• no permanent residence for illegal arrivals
• no family reunion rights or access to welfare benefits.
The following documents were included in the 2000 version of the *Overseas Information Campaign* kit. The Arabic and Farsi versions of these documents were shown to the focus group participants.

Questions and answers provided by the Australian Minister for Immigration and Multicultural Affairs

Mr Philip Ruddock during his overseas trip

January 2000
Why are you here?

- There can be no question that Australia has become a prime target for illegal immigration. There has been a massive increase in the numbers of attempts to enter Australia illegally.
- The international community abhors people smuggling—your country has suffered from many of the same people smuggling issues that Australia is suffering.
- You have many thousands of people from other countries living inside your borders.
- I am here to work with your Government and other key people to help stop the burgeoning industry of people smuggling.
- People smuggling is a global problem. It has been estimated that up to four million people are subject to illegal movement around the world each year.
- This trade is a criminal industry estimated to have an annual international turnover of ten billion US dollars.
- People smuggling is often closely related to extortion, prostitution, drug trafficking and other criminal activities.
- The United Nations High Commissioner for Refugees (UNHCR) estimates that worldwide there are some 22.4 million refugees or other displaced people.
  - Approx 7 million in Africa
  - Approx 7 million in Asia
  - Approx 6 million in Europe
- I am also here to explain that people should not believe what the people smugglers say.
- People must understand that Australia welcomes migrants—not illegal entrants.
- Australia has a comprehensive immigration and refugee program that welcomes people who apply through the correct channels.

Has there been a growth in illegal immigration to Australia?

- There were more illegal boat arrivals in 1999 than in all other years combined.
- To December 1999 52 vessels have arrived carrying 2,912 people.
- In 1998-99 42 boats arrived with 926 unauthorised people on board.
- In 1997-98 there were 13 unauthorised boat arrivals to Australia with a total of 157 people.
- The majority of these people are coming from Iraq and Afghanistan.
- Increasingly, Australia has become a target for people who attempt to abuse Australia’s immigration laws.
- People smuggling and trafficking can be lucrative for the organisers and is increasingly the work of sophisticated criminal networks. Australia is determined to keep the pressure on people smugglers as part of our commitment to protecting the integrity of Australia’s borders and migration programs.

Why are people smugglers targeting Australia?

- People smugglers are perpetuating myths to entice people to spend large amounts of money to get to Australia.
- People are being told that:
  - they are going to automatically get permanent residence by arriving illegally in Australia.
  - they will be able to sponsor family members once they gain refugee status.
  - they will have access to generous social security and other entitlements.
  - they will be able to travel in and out of Australia on Australian travel documents.
  - there is some form of amnesty that allows people to remain permanently in Australia if they can get here.
These are lies - none of these things are true. Many people are arriving in Australia having spent tens of thousands of dollars only to find that they have been led to by the people smugglers.

Is it dangerous for people to get to Australia illegally?

- The only certainty for people who place themselves in the hands of a people smuggler is that they are undertaking a dangerous, life-threatening, expensive journey with very uncertain outcomes.
- Fifteen Sri Lankan people drowned recently when they were abandoned by their Indonesian crew in rough seas off our northern coast.
- A man from another boat recently drowned off the West Australian coast.
- Multiple drowning occurred on the Indonesian coast from a boat believed to be heading for Australia.

People smugglers, on many occasions, have dropped illegal immigrants in crocodile, shark and snake-infested areas thousands of kilometres from civilisation. Illegal immigrants have wandered, lost for many days, without food or water.

- People often arrive in Asia from other countries thinking that they are flying to Australia.
- Often these people are informed that while they will not be flying, they will travel on new boats with the latest navigational aids.
- This is nearly always a lie.

- Boats are old, often unseaworthy, ill-equipped and overcrowded. Boats, designed for only 15-20 people often carry over 100 passengers with one basic toilet and no other facilities.
- It is only a matter of time before more of these boats sink with huge loss of life.
- Cyclones occur in the favoured routes for boats going to Australia carrying illegal immigrants - many boats have been caught in these storms.

- Many of the boats are crewed by young boys who are not trained to navigate to Australia. Many boats are found hundreds of kilometres off course.
- For this service, people often pay $10,000 - $15,000.

What happens to illegal immigrants who arrive by boat in Australia?

- Even if people survive the perilous journey illegal immigrants are taken immediately into immigration detention centres, thousands of kilometres from Sydney and Melbourne.
- With the alarming increase in arrivals, many illegal immigrants are forced to live in tents as facilities are unable to cope with the increase.
- Detainees can spend many months in detention and then be returned home to a lifetime of debt having only ever seen Australia from behind a locked gate.

How can you stop people smuggling/illegal immigration?

- To combat the growing trend of people smuggling to Australia, the Australian Government has adopted a range of new measures which includes an overseas information campaign - the reason I am here.
- Tough new measures designed to stop illegal immigration and people smuggling include:
  - The introduction of new legislation that means if a person is allowed to remain in Australia after arriving illegally, the person will have to wait a minimum of three years before family members can follow.
  - New border protection legislation enabling Australia to increase the capacity to detect and deter people smuggling.
  - Powers allowing Australian officers to undertake enforcement action beyond our territorial waters.

The Australian Government
• New laws allowing officials to board, search and detain vessels in international waters suspected of being involved in people smuggling

• Penalties for people smuggling that include penalties of 20 years jail and fines of up to $220,000

• The placement of additional immigration officers in key overseas missions to help stop people smuggling

• Extra airline liaison officers at key international airports to offer assistance on people smuggling issues to airlines

• Tests such as fingerprinting and palm recognition being used to ascertain the true identity of asylum seekers ensuring they do not already have protection elsewhere, or have been refused refugee status overseas

• Exclusion of people who have protection from a third country applying for protection in Australia

• The offshore information campaign will employ a range of communication tools to deter potential illegals from coming here—it will explain that people should not believe the lies of the people smugglers

• It will focus on informing people smugglers and those intending to travel illegally to Australia about the futility of their actions

• The campaign will see a range of information distributed overseas to warn people of the risks associated with trying to enter Australia illegally and the penalties smugglers face

• The campaign will send a clear message to people thinking about undertaking such a trip that they will fail, be ruined financially and could even die

• Australia will continue to take whatever action is necessary to protect our borders

**Conclusion**

• If people are thinking of coming illegally to Australia they should think again

• Are people prepared to risk their lives and those of their family to be sent back to where they came from

• There is no place for people coming illegally to Australia

• People should not believe the people smugglers and waste their money

• If people want to come to Australia they should talk to Australian Government representatives and apply legally

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The Australian Government
PAY A PEOPLE SMUGGLER
AND YOU’LL PAY THE PRICE

EVERY YEAR PEOPLE try to jump the migration queue by entering Australia illegally. Since 1 January 1999 more than 4,500 people attempted to enter Australia illegally by boat and air.

WHAT HAPPENS TO ILLEGAL AIR ARRIVALS?
People are refused entry at airports if:
- they arrive in Australia with no travel documents or documents that are fraudulent and
- if they are thought to be non-genuine travellers.

The majority of these people are:
- returned on the first available flight or
- placed in immigration detention while arrangements are made to return those who have no right to stay.

In 1998-99, 2,106 people were refused entry at Australia's airports, of which 1,457 were removed within 72 hours, while the rest were placed in detention.

WHAT HAPPENS TO BOAT PEOPLE?
Boat people are placed in immigration detention at Port Hedland or Curtin on the north-west coast of Australia.
- Port Hedland is 3,000 km from the nearest capital city, Perth, and Curtin is 3,450 km from Perth.

In the first two months of this financial year alone, 263 boat people have been returned home.
- They were not released into the Australian community
- They were not allowed to work.
- They lost all the money they had paid to people smugglers.

IT IS A DANGEROUS AND FUTILE JOURNEY
Boat people often pay huge sums of money to people smugglers and then spend months on a dilapidated, unsavoury boat with little or no water or food, no bed and no toilet.

Sometimes they die.

- A boat person drowned when 53 Chinese tried to swim to shore after their boat hit a reef near Coburg Peninsula in the Northern Territory
- 15 illegal entrants were lost at sea when their boat sank near Christmas Island.
- 6 were lost in mangroves on Christmas Island for up to 48 hours with no food or water, before being found.
- 56 were lost in the Australian outback for 10 days without food and water after their boat ran aground on a deserted part of Australia's north-west coastline.
- 78 landed in crocodile-infested country in northern Australia without food or water.

THERE ARE TOUGH PENALTIES FOR PEOPLE WHO BREAK AUSTRALIA'S MIGRATION LAWS.

DON'T BELIEVE WHAT THE PEOPLE SMUGGLERS SAY

PAY A PEOPLE SMUGGLER AND YOU’LL PAY THE PRICE. IT'S NOT WORTH THE RISK.
HOW AUSTRALIA IS STOPPING ILLEGALS

OVER RECENT MONTHS the Australian Government has intensified its effort to stop would-be illegal entrants from reaching our shores. In June 1999 the Government introduced a range of initiatives following an investigation into the increasing number of illegal boat arrivals in Australia. These included:

- the introduction of up to 20-years jail and fines of up to $220,000 for people smugglers
- increasing Australian immigration presence at seven overseas posts and five key airports as well as working more closely with Indonesia and Papua New Guinea to help stop people smuggling.

And in October 1999, the Minister announced more tough new initiatives. These included:

- excluding unauthorised arrivals from accessing permanent residence by giving genuine refugees a three-year temporary protection visa or a short-term safe haven visa
- new legislation that means if a person is allowed to remain in Australia after arriving illegally, the person will have to wait at least three years before family members can follow
- stopping people who already have effective protection overseas from gaining onshore protection in Australia
- using fingerprinting and other biometric tests such as DNA testing, face, palm or retinal recognition and voice testing to help ascertain the true identity of asylum seekers to ensure, where possible, they do not already have protection elsewhere or have been refused refugee status overseas.

AUSTRALIA IS GETTING TOUGHER WITH ILLEGAL ENTRANTS

All of these new measures will reinforce what Australian immigration officers stationed overseas have been doing for sometime, such as:

- identifying false documents and training airline staff to also identify fraudulent documents
- identifying foreign nationals trying to enter Australia illegally and working with international task forces to collect intelligence and investigate suspected immigration fraud
- updating the Movement Alert List (MAL) - a computer database that stores the details of people Australia may wish to exclude, including serious criminals. MAL currently has over 118,000 alerts on individuals and over a million records of lost, stolen or fraudulently altered passports.

WE ARE WORKING HARD TO STOP ILLEGAL ENTRANTS

DAY A PEOPLE SMUGGLER AND YOU'LL PAY THE PRICE. IT'S NOT WORTH THE RISK.
This postcard was included in the *Overseas Information Campaign* kit in 2000 and 20001. The Arabic and Farsi versions of this postcard were shown to the focus group participants.

If you choose to enter Australia illegally, without a visa...
- you will NOT be welcome
- you WILL be caught
- you WILL be kept in detention centres, thousands of kilometres from Sydney
- you could LOSE all your money and be sent back

**IT'S NOT WORTH THE RISK!**

**TO TRAVEL TO AUSTRALIA**
**YOU MUST HAVE A VISA**
**FROM AN AUSTRALIAN GOVERNMENT OFFICE**
This pamphlet was included in the Overseas Information Campaign kit in 2000 and 2001. The Arabic and Farsi versions of the pamphlet were shown to the focus group participants.
### Side two of Pamphlet included in Overseas Information Campaign kit (2000) and (2001).

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<th><strong>What happens to illegal boat arrivals?</strong></th>
<th><strong>Tough new laws</strong></th>
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<tr>
<td>Australia encourages genuine visitors and permanent migration to Australia through its visitor, migration and refugee programs. Migration law sets the conditions to be met by all foreign nationals who wish to come to Australia. If you want to come to Australia, contact the nearest Australian Government office.</td>
<td>People who arrive in Australia by boat without authority are placed in immigration detention centres thousands of kilometres away from Sydney. Between 1989 and 1999, only 15 per cent of boat people were allowed to stay in Australia on refugee or humanitarian grounds. All other unauthorised boat arrivals were removed from Australia or remain in detention awaiting a decision.</td>
<td>In June and December 1999, new laws were brought in to increase Australia’s powers against people smugglers and illegal entrants. The changes allow:</td>
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<tr>
<td><strong>Stopping illegal entry</strong></td>
<td>People smuggling is a criminal industry which preys on the hopes and misery of people. Many boat people pay huge sums of money to people smugglers to spend months on a dilapidated, unseaworthy boat with no bed or toilet, and little or no food or water. Boat people face losing all their money and death from drowning, thirst or starvation. In 1998-99, 16 people drowned trying to enter Australia and many more became stranded without food or water in dangerous circumstances.</td>
<td>increased penalties for people smugglers, with jail terms of up to 20 years and fines of up to $220,000; increased Australian immigration officer presence at seven overseas posts and five key airports; approved officers to board and search ships and aircraft, and undertake enforcement action, in and beyond territorial waters; hot pursuit of people-smuggling-ships and/or motherships; detention, forfeiture, seizure and disposal of ships and aircraft used in people smuggling operations; authorised customs officers to carry firearms and other personal defence equipment; excluding illegals from getting immediate permanent residence and family reunion benefits by giving genuine refugees a three-year temporary protection visa or short-term safe haven visa; stopping people who already have effective protection overseas from gaining onshore protection in Australia; development of new legislation to enable fingerprinting and other tests to determine identity, including voice testing, DNA, face, palm and retinal recognition; and detention of foreign fishermen suspected of fisheries violation.</td>
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<tr>
<td><strong>Pay a people smuggler and you’ll pay the price</strong></td>
<td>To protect the integrity of Australia’s borders and migration programs, Australia is committed to: • preventing people-smuggling; • returning people who arrive without authority and are not granted refugee status; and • monitoring and enforcing visa conditions.</td>
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In 1998-99, 70 per cent of illegal air arrivals were removed from Australia within 72 hours.
Poster included in *Overseas Information Campaign* kit in 2000 and 2001. The poster was available in various sizes including A4 and A3. The Arabic and Farsi versions of the poster were shown to the focus group participants.
The following documents were included on DIMIA’s website in 2004.


12/02/04
Welcome to the Australian Government's official website for the
Department of Immigration and Multicultural and Indigenous Affairs

Illegal Migration
Illegal Workers | Border Control | Overstaying Visas
Detention Issues | People Smuggling | Unauthorised Arrivals
Making a Report

Overseas Information Campaign - How Australia is stopping illegals

Over recent months the Australian Government has intensified its
effort to stop would-be illegal entrants from reaching our shores.
In June 1999 the Government introduced a range of initiatives
following an investigation into the increasing number of illegal
boat arrivals in Australia.

These included:

- the introduction of up to 20-years jail and fines of up to
  $220,000 for people smugglers
- increasing DIMA's presence at seven overseas posts and
  five key airports as well as working more closely with
  Indonesia and Papua New Guinea to help stop people
  smuggling.

And in October 1999, the Minister announced more tough new
initiatives. These included:

- excluding unauthorised arrivals from accessing permanent
  residence by giving genuine refugees a three-year
  temporary protection visa or a short-term safe haven visa
- stopping people who already have effective protection
  overseas from gaining onshore protection in Australia
- using fingerprinting and other biometric tests such as DNA
  testing, face, palm or retinal recognition and voice testing
  to help ascertain the true identity of asylum seekers to
  ensure, where possible, they do not already have
  protection elsewhere or have been refused refugee status
  overseas.

Australia is getting tougher with illegal entrants

All of these new measures will reinforce what DIMA officers
stationed overseas have been doing for sometime, such as:

- identifying false documents and training airline staff to also
  identify fraudulent documents
- identifying foreign nationals trying to enter Australia
  illegally and working with international task forces to collect
  intelligence and investigate suspected immigration fraud
- updating the Movement Alert List (MAL) - a computer
  database that stores the details of people Australia may
  wish to exclude, including serious criminals. MAL currently
  has over 161,000 entries and also records lost, stolen or
  fraudulently altered passports.

We Are Working Hard To Stop Illegal Entrants

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Last update: 30 November 2003 at 16:52 AEST


12/02/04
Illegal Migration

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Overseas Information Campaign - Pay a People Smuggler and You'll Pay the Price

Every year people try to jump the migration queue by entering Australia illegally. Since 1 January 1999 a total of 3,035 people have attempted to enter Australia illegally by boat and air (as at October 1999).

What happens to illegal air arrivals?

People are refused entry at airports if:

- they arrive in Australia with no travel documents or documents that are fraudulent and
- if they are thought to be non-genuine travelers.

The majority of these people are:

- returned on the first available flight or
- placed in immigration detention while arrangements are made to return those who have no right to stay.

In 1998-99, 2,106 people were refused entry at Australia's airports, of which 1,457 were removed within 72 hours, while the rest were placed in detention.

What happens to boat people?

Boat people are placed in immigration detention at Port Hedland or Curtin on the north west coast of Australia. Port Hedland is 3,000 km from the nearest capital city, Perth, and Curtin is 3,450 km from Perth.

In the first two months of this financial year alone, 263 boat people have been returned home.

- They were not released into the Australian community.
- They were not allowed to work.
- They lost all the money they had paid to people smugglers.

It is a dangerous and futile journey

Boat people often pay huge sums of money to people smugglers and then spend months on a dilapidated, unsavoury boat with little or no water or food, no bed and no toilet.

Sometimes they die.

- A boat person drowned when 53 Chinese tried to swim to shore after their boat hit a reef near Coburg Peninsular in the Northern Territory.
- 15 illegal entrants were lost at sea when their boat sank.


12/02/04
near Christmas Island.

- 6 were lost in mangroves on Christmas Island for up to 48 hours with no food or water, before being found.
- 56 were lost in the Australian outback for 10 days without food and water after their boat ran aground on a deserted part of Australia's north-west coastline.
- 78 landed in crocodile infested country in northern Australia without food or water.

There are tough penalties for people who break Australia's migration laws

Don't believe what the people smugglers say
Illegal Migration

Overseas Information Campaign - Why You Must Help Stop Illegal Entrants

In 1997-98, the Australian Government spent about $115 million locating, removing and detaining people who had arrived in Australia illegally, and also those who were found working illegally. This cost rose to $128 million in 1998-99 and is expected to rise by a huge $68 million this financial year, to $196 million.

This is taxpayers’ money that could have been spent on health, education and other services for you and your children.

People smuggling affects community relations

Every time illegal entrants arrive on our shores, people become angry.

They are angry because:

- they read media reports that say people smugglers are working with some individuals in Australia
- millions of dollars of taxpayers’ money is being spent on locating, detaining and removing illegal entrants when it could be spent on other services for the Australian community
- they do not like people who try to jump the queue ahead of people who are trying to come to Australia legally.

We all have a responsibility to stop people becoming victims of ruthless smugglers. We have a responsibility to tell people not to believe the lies told by smugglers and that they are undertaking a futile and potentially life threatening journey. We need to tell potential illegal entrants that people smugglers are only interested in making money they don’t care if people lose all their money, are made to leave Australia or even die in the attempt. We need to tell the people smugglers and the potential illegal immigrants that Australia is determined to stop those people who try to break Australia’s laws.

Your friends and relatives may be affected

You may know people who are waiting in the queue to migrate legally to Australia. Resources that could go to processing migrant applications have to be diverted to deal with illegal entrants. This means your friends and relatives may have to wait longer. It is in your interests to encourage people in your country of origin to enter Australia legally. Genuine migrants abide by the rules and so should others.


12/02/04
Welcome to the Australian Government's official website for the Department of Immigration and Multicultural and Indigenous Affairs

Illegal Migration
- Illegal Migration
- Border Control
- Detention Issues
- Illegal Workers
- Overstaying Visas
- People Smuggling
- Unauthorised Arrivals
- Making a Report

Overseas Information Campaign - What You Can Do to Help Stop Illegal Migration

You can help stop people smuggling to Australia by making sure people thinking about such a trip are aware:

- they will fail
- they will be ruined financially and
- they could die.

You can help to get the message out

The Government is confident that all sections of the Australian community do not agree with illegal migration. To help you can write to your family, friends and business contacts in your former country and tell them:

- Australia does not want illegal entrants
- each year we catch hundreds of people who try to enter Australia illegally
- there are tough penalties for people who break Australia's migration laws
- you do not support their actions
- you do not want them to believe the lies told by people smugglers
- you do not want them to become victims of people smuggling rackets.

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Last update: 30 November 2003 at 16:52 AEST

The following documents were received from DIMIA in response to a freedom of information request initiated by the author in 2004. Some of these documents were included in the *Overseas Information* Campaign kits in 2000 and 2001 but it is unclear where some of the other documents were distributed.
MEDIA RELEASE

OFFSHORE VISA GRANTS ENDANGERED BY ILLEGAL ARRIVALS

The program for 1999-2000 allocates 2000 places for people making protection claims from within Australia (onshore), as well as 10,000 offshore places.

"However, because that number is likely to be exceeded by recent illegal arrivals and other onshore applicants making refugee claims, it will reduce the number of places available to people identified offshore by Australia and UNHCR, as being in urgent need of resettlement.

"As a result, offshore visa grants have been suspended.

"I regard this as grossly unfair and the Government has taken steps to ensure our refugee and humanitarian program will not be dictated to us by people smugglers."

☒ The Minister for Immigration and Multicultural Affairs, Philip Ruddock, commenting on the impact the recent influx of illegal arrivals is having on Australia’s refugee and humanitarian resettlement program.

ENDS: Wednesday 1 March 2000

PAY A PEOPLE SMUGGLER AND YOU’LL PAY THE PRICE. IT’S NOT WORTH THE RISK.
WHAT YOU CAN DO TO HELP
STOP ILLEGAL MIGRATION

YOU CAN HELP stop people smuggling to Australia by making sure people thinking
about such a trip are aware:

- they will fail
- they will be ruined financially and
- they could die.

YOU CAN HELP TO GET THE MESSAGE OUT
The Government is confident that all sections of the Australian community do not agree with illegal
migration. To help you can write to your family, friends and business contacts in your former country
and tell them:

- Australia does not want illegal entrants
- each year we catch hundreds of people who try to enter Australia illegally
- there are tough penalties for people who break Australia's migration laws
- you do not support their actions
- you do not want them to believe the lies told by people smugglers
- you do not want them to become victims of people smuggling rackets.

AUSTRALIA WELCOMES MIGRANTS - NOT ILLEGAL ENTRANTS

PAY A PEOPLE SMUGGLER AND YOU'LL PAY THE PRICE. IT'S NOT WORTH THE RISK.
FROM THE AUSTRALIAN MINISTER FOR IMMIGRATION AND MULTICULTURAL AFFAIRS, PHILIP RUDDOCK MP

Dear Reader

Enclosed is a sample of material which has been prepared by the Australian Government about the rising global problem of people smuggling, and its effect on Australia.

The material has been translated and distributed in a number of countries as well as Australia as part of Australia’s Overseas Information Campaign, Pay a People Smuggler and you’ll pay the price. The campaign aims to spread the message that Australia will not tolerate people who arrive illegally on our shores.

I hope that you find this kit informative and a help in understanding why Australia is encouraging all countries to co-operate in preventing people smuggling.

PHILIP RUDDOCK

PAY A PEOPLE SMUGGLER AND YOU’LL PAY THE PRICE. IT’S NOT WORTH THE RISK.
PAY A PEOPLE SMUGGLER
AND YOU’LL PAY THE PRICE

EVERY YEAR PEOPLE try to jump the migration queue by entering Australia illegally.
While some arrive as individuals, planning their own travel, most are part of organised people-smuggling operations.

People being smuggled will often dispose of their travel documents before arrival, either by passing them to an organiser after check-in at an airport overseas or destroying them en-route or on arrival at an Australian airport.

In 1999, nearly 5700 people entered Australia illegally, including over 3700 people on 86 boats.
Up to March 2000, 733 people have arrived on 11 boats.

WHAT HAPPENS TO BOAT PEOPLE?

Boat people are detained at one of three Immigration Reception and Processing Centres at
Port Hedland or Curtin in the north-west of Australia, or Woomera in South Australia
- Port Hedland is about 1200km north of the nearest city, Perth.
- Curtin is in a remote area about 1700 km from Perth.
- Woomera is in a remote area about 450 km north of Adelaide, the nearest city.

Australian law requires that people who do not have a legal reason to be in Australia must be removed as soon as possible.
In 1999, 613 boat people were returned home, with another 120 returns up to March 2000. These people
- were not released into the Australian community
- were not allowed to work.
- lost all the money they had paid to people smugglers.

IT IS A DANGEROUS AND FUTILE JOURNEY

Boat people often pay huge sums of money to people smugglers to be transported on a dilapidated, unseaworthy boat with little or no water or food, no bed and no toilet.
Sometimes they die.

- a boat person drowned when 53 Chinese tried to swim to shore after their boat hit a reef near Coburg Peninsula in the Northern Territory
- 15 illegal entrants were lost at sea when their boat sank near Christmas Island.
- 6 were lost in mangroves on Christmas Island for up to 48 hours with no food or water, before being found.
- 56 were lost in the Australian outback for 10 days without food and water after their boat ran aground on a deserted part of Australia’s north-west coastline.
- 78 landed in crocodile-infested country in northern Australia without food or water.

WHAT HAPPENS TO ILLEGAL AIR ARRIVALS?

People are refused entry at airports if:
- they arrive in Australia with no travel documents or documents that are fraudulent and
- if they are thought to be non-genuine travellers.
The majority of these people are:
- returned on the first available flight or
- placed in immigration detention while arrangements are made to return those who have no right to stay.
In 1999-99, 2106 people were refused entry at Australia’s airports, of whom 1457 were removed within 72 hours, while the rest were placed in detention.

THERE ARE TOUGH PENALTIES FOR PEOPLE WHO BREAK AUSTRALIA’S MIGRATION LAWS

DON’T BELIEVE WHAT THE PEOPLE SMUGGLERS SAY

PAY A PEOPLE SMUGGLER AND YOU’LL PAY THE PRICE. IT’S NOT WORTH THE RISK.
HOW AUSTRALIA IS STOPPING ILLEGALS

OVER RECENT MONTHS the Australian Government has intensified its effort to stop would-be illegal entrants from reaching our shores. In June 1999 the Government introduced a range of initiatives following an investigation into the increasing number of illegal boat arrivals in Australia. These included:

- the introduction of up to 20-years jail and fines of up to $220,000 for people smugglers
- increasing Australian immigration presence at seven overseas posts and five key airports as well as working more closely with Indonesia and Papua New Guinea to help stop people smuggling.

And in October 1999, the Minister announced more tough new initiatives. These included:

- excluding unauthorised arrivals from accessing permanent residence by giving genuine refugees a three-year temporary protection visa or a short-term safe haven visa
- new legislation that means if a person is allowed to remain in Australia after arriving illegally, the person will have to wait at least three years before family members can follow
- stopping people who already have effective protection overseas from gaining onshore protection in Australia
- using fingerprinting and other biometric tests such as DNA testing, face, palm or retinal recognition and voice testing to help ascertain the true identity of asylum seekers to ensure, where possible, they do not already have protection elsewhere or have been refused refugee status overseas.

AUSTRALIA IS GETTING TOUGHER WITH ILLEGAL ENTRANTS

All of these new measures will reinforce what Australian immigration officers stationed overseas have been doing for sometime, such as:

- identifying false documents and training airline staff to also identify fraudulent documents
- identifying foreign nationals trying to enter Australia illegally and working with international task forces to collect intelligence and investigate suspected immigration fraud
- updating the Movement Alert List (MAL) - a computer database that stores the details of people Australia may wish to exclude, including serious criminals. MAL currently has over 118,000 alerts on individuals and over a million records of lost, stolen or fraudulently altered passports.

WE ARE WORKING HARD TO STOP ILLEGAL ENTRANTS

DAY A PEOPLE SMUGGLER AND YOU'LL PAY THE PRICE. IT'S NOT WORTH THE RISK.
WHY YOU MUST HELP
STOP ILLEGAL ENTRANTS

IN 1998-99, the Australian Government spent about $128 million locating, removing and detaining people who had arrived in Australia illegally, and also those who were found working illegally. This cost is expected to rise by a huge $68 million in 1999-2000, to $196 million.

This is taxpayers' money that could have been spent on health, education and other services for you and your children.

PEOPLE SMUGGLING AFFECTS
COMMUNITY RELATIONS

Every time illegal entrants arrive on our shores people become angry.

They are angry because:

- they read media reports that say people smugglers are working with some individuals in Australia
- millions of dollars of taxpayers' money is being spent on locating, detaining and removing illegal entrants when it could be spent on other services for the Australian community
- they do not like people who try to jump the queue ahead of people who are trying to come to Australia legally.

We all have a responsibility to stop people becoming victims of ruthless smugglers.

We have a responsibility to tell people not to believe the lies told by smugglers and that they are under-taking a futile and potentially life threatening journey.

We need to tell potential illegal entrants that people smugglers are only interested in making money - they don't care if people lose all their money, are made to leave Australia or even die in the attempt.

We need to tell the people smugglers and the potential illegal immigrants that Australia is determined to stop those people who try to break Australia's laws.

YOUR FRIENDS AND RELATIVES
MAY BE AFFECTED

You may know people who are waiting in the queue to migrate legally to Australia.

Resources that could go to processing skilled migrant and family reunion applications have to be diverted to deal with illegal entrants. This means your friends and relatives may have to wait longer.

It is in your interests to encourage people in your country of origin to enter Australia legally.

GENUINE MIGRANTS ABIDE BY
THE RULES AND SO SHOULD OTHERS
MEDIA RELEASE

MINISTER'S ANTI-PeOPLE SMUGGLING CAMPAIGN BRINGS INCREASED COOPERATION

International cooperation will play a major role in stemming the illegal flow of people to Australia, the Minister for Immigration and Multicultural Affairs, Philip Ruddock, said today.

Mr Ruddock was speaking on his return from Jordan, Syria, Turkey, Iran and Pakistan where he had extensive discussions with government officials and humanitarian organisations about the need for an international approach to a global problem.

"The countries I visited have experienced significant problems for many years with the illegal movement of huge numbers of people and the growing involvement of organised crime in people smuggling," Mr Ruddock said.

"I am heartened by the readiness of those countries to work together on solutions to put a stop to this despicable trade. However it is obvious that this is a complex problem that will not be solved overnight with simple solutions.

"The global community must develop - and quickly - the same commitment in fighting people trafficking, as it has shown in campaigns against the criminal drug trade.

"I have been impressed by the agreement to cooperate in Australian areas such as intelligence exchange, enhanced technical cooperation and action in humanitarian areas, particularly the UN High Commission for Refugees, and negotiations on a convention on transnational crime," Mr Ruddock said.

As well as securing cooperation on action at the international level, Mr Ruddock announced a range of specific programs to work with source countries to deal with people smugglers, including a refugee identification workshop for Turkish judges and prosecutors. The Government will also examine ways in which it can further enhance Australian knowledge and expertise about refugee issues in source countries.

Technical cooperation will be developed with all five countries, including training in detection of fraudulent documentation and cooperation at airports, particularly in the lead up to the Olympic Games. Mr Ruddock foreshadowed detailed follow-up discussions by senior officials on these issues.

Mr Ruddock said he had also spoken extensively to the media during his visits. As a result, wide coverage had been given to the tough new measures Australia had introduced to counter people smuggling.

"This is a message we will continue to promote as part of our campaign to deter people from putting themselves into the hands of criminal people traffickers," Mr Ruddock said.

"As a result of my discussions with officials and representatives during my visits, the Government will be examining further initiatives to deter people smuggling and to ensure that the integrity of our refugee and humanitarian program is not undermined," Mr Ruddock said.

The Minister also welcomed the successful visit of Foreign Minister Alexander Downer to Indonesia and the advice from Mr Downer that Indonesia would welcome an early visit by Mr Ruddock.

Mr Ruddock said that arrangements for the visit were being examined.

ENDS: Wednesday 26 January 2000

Day a people smuggler and you'll pay the price. It's not worth the risk.
MEDIA RELEASE

PRESS RELEASE SENT TO MEDIA IN 30 COUNTRIES

RUDDOCK ANNOUNCES TOUGH NEW INITIATIVES

The Australian Minister for Immigration and Multicultural Affairs, Philip Ruddock, has announced tough new measures aimed at stopping the growing number of people arriving illegally in Australia.

Key initiatives include:

Excluding unauthorised arrivals from accessing permanent residence by giving genuine refugees a three-year temporary protection visa in the first instance, which will not provide rights to sponsor family reunion.

Stopping people who have effective protection overseas from gaining onshore protection in Australia.

Using fingerprinting and other biometric tests such as DNA testing, face, palm or retinal recognition and voice testing to help ascertain the true identity of asylum seekers to ensure where possible they do not already have protection elsewhere or have been refused refugee status overseas.

The Minister said Australia took its international obligations very seriously and was committed to providing protection to genuine refugees. He said the initiatives would help ensure those in greatest need received Australia’s help.

“Many unauthorised arrivals are from Iraq, Turkey and Afghanistan and may have been outside their country for decades. It is clear that some of these people are being trafficked into Australia by criminal gangs.”

“While a growing trend that has become known as ‘forum shopping’, these people are trying to exploit Australia’s generous arrangements for refugees to gain residence in their country of preference.”

Mr Ruddock said the proposed legislation would put an end to this abuse that undermines the refugee process and takes places from genuine applicants who are languishing in refugee camps around the world.

Mr Ruddock said the temporary protection visa would also remove incentives to forum shoppers who might otherwise have considered Australia as their country of protection over closer and more logical alternatives.

“The legislation will prevent unauthorised arrivals from directly obtaining permanent protection visas and the benefits, particularly family reunion, which appear to attract traffickers and forum shoppers,” the Minister said.

“In addition, if they leave Australia, the temporary visa will cease and they will have no automatic right of return.”

The Minister said he believed these initiatives would go a long way to solving the problem of forum shopping and removing the incentives for unauthorised arrivals.

ENDS: Thursday 21 October 1999

PAY A PEOPLE SMUGGLER AND YOU’LL PAY THE PRICE. IT’S NOT WORTH THE RISK.
MEDIA RELEASE

MINISTER WARNS OF REPORTS THAT 2000 SOMALIS MAY BE TRYING TO ENTER AUSTRALIA ILLEGALLY BY BOAT

The Minister for Immigration and Multicultural Affairs, Mr Philip Ruddock, said today the Government had received reports that people smugglers were organising a boat to bring 2000 people, mainly Somalis, to Australia, that was expected to depart in the next few days.

Mr Ruddock said the Government was extremely concerned about the report and had issued a warning in Somalia that any such voyage would be illegal.

"There are credible reports that people traffickers are charging US$2300 for people to travel by boat from Mogadishu to Australia.

"The Australian High Commission in Nairobi and departments and agencies in Canberra are working to stop the boat and discourage people from buying tickets.

"However, this is difficult because there is no central legal authority in Somalia to whom Australia can appeal to stop the reported voyage.

"Consequently we are working throughout the Commission in Nairobi to find out more details and we are having discussions with countries where the boat might dock on its journey to Australia."

The Minister said the Australian Government had utilised the help of the international media, as well as the media in Somalia, to tell potential passengers that they would be paying very large sums of money for a voyage which is not sanctioned by the Australian Government.

"It would appear that steps taken by Australia have significantly impeded, if not thwarted, this significant smuggling endeavour."

Mr Ruddock said this was further evidence of how people smugglers exploited people particularly when there had been reports that in 1992, 180 people had died when a boat sank en route from Mogadishu to Yemen, and that arrangements for another boat to leave Somalia in 1997 had fallen through and people had lost their money. Unsubstantiated reports indicate these boats were bound for Australia.

"In our statements overseas we have made it clear that people who try to enter Australia illegally will be detained. If they have no right to stay they are sent back with nothing to show for their money," Mr Ruddock said.

ENDS: Sunday 23 May 1999
MEDIA RELEASE

PRESS RELEASE SENT TO MEDIA IN SOMALIA

BOAT TRIP TO AUSTRALIA IS ILLEGAL

The Australian Government has received reports that a boat carrying 2000 people is due to depart in Mogadishu in the next few days and will try to enter Australia illegally.

It is understood that people are being asked to pay over US$2000 for a place on this illegal journey. Such a journey is life threatening and futile.

Australia’s Navy patrols the coastline and catches illegal boats trying to enter our waters.

People can only enter Australia legally if they have a visa that has been issued by the Australian Government. People in Mogadishu must lodge their own application with the Australian High Commission in Nairobi to be considered for a visa.

People who try to enter Australia illegally are caught and detained, and if they have no right to stay in Australia, are sent home. They lose all their money and can face going to jail.

Similar ventures to leave Somalia have been attempted in the past and failed. In 1992, 180 people drowned after their boat sank on its way from Mogadishu to Yemen. In 1997, a planned boat trip did not go ahead and everyone lost their money. Unsubstantiated reports indicate that these boats are bound for Australia.

People should not believe lies told by the organisers that they can come to Australia on this trip, and those that have paid to have a place on the boat should ask to get their money back.

ENDS: Sunday 23 May 1999

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PAY A PEOPLE SMUGGLER AND YOU’LL PAY THE PRICE. IT’S NOT WORTH THE RISK.
FACT SHEET

83. PEOPLE SMUGGLING

People smuggling is the organised illegal movement of groups or individuals to another country.

It occurs when there is a lack of economic opportunity, a reduced availability for legitimate migration and the lure of a better lifestyle.

Trafficking in unauthorised arrivals (or 'illegal entrants') is lucrative and low risk, and is increasingly the work of sophisticated and highly organised networks.

Australia is currently experiencing an influx of boat people, mainly from the Middle East, known to be part of people smuggling operations.

Between 1 December 1999 and 19 March 2000, 22 boats have been intercepted off the north and north west of Australia, carrying 1505 people from a number of countries in the Middle East.

This is more than the combined total of illegal boat arrivals in the last three years.

In 1999-99 more people arrived illegally by air than by sea - 2106 air travellers compared with 926 people arriving on 42 boats. (See Fact Sheet 81 Unauthorised arrivals by air and sea.)

Background

People are identified as arriving illegally in Australia if they arrive with no travel documents, or present documentation that is found to be fraudulent.

People who arrive in Australia without authority are required by law to be placed in immigration detention until their situation is resolved. (See Fact Sheet 82, Immigration detention)

Air arrivals often use their fraudulent documents for check-in purposes at an overseas airport, but then destroy their documents en route, or if the quality is high, pass the documents to an organiser after check-in.

Recent arrivals by sea have been seen throwing their passports and travel documents overboard before landing on Australian territory, to avoid being identified.

Smuggling routes

People being smuggled go to great lengths to conceal their route and the organisation responsible for their travel.

People smuggling is dynamic and fluid. Routes and methods of arrival can change at short notice in response to action to combat the practice.

Established smuggling routes are known to exist in Amman and Bangkok. These ports facilitate movements out of the Middle East and North Africa.

Bangkok is also known to be a major centre for the production of bogus documents and is a city that allows easy travel to Australia and numerous western countries. Kuala Lumpur is also showing signs of becoming an important hub for people smuggling activities.

As with all forms of clandestine activity the true extent of illegal entry is difficult to quantify and detection figures are a measure of the minimum level of activity only.

The recent spate of boat arrivals are coming from several departure points in Indonesia, including Kupang, Lombok, Sumbawa and Flores. The crews alternate the departure points to hinder detection.

New measures

The Australian Government is determined to strengthen Australia's response to the record levels of people who are arriving in Australia illegally, including:

- improving Coastwatch, Customs and Navy capabilities to detect, pursue, intercept and search boats carrying unauthorised arrivals. On 27 June 1999,

PAY A PEOPLE SMUGGLER AND YOU'LL PAY THE PRICE. IT'S NOT WORTH THE RISK.
the Prime Minister of Australia, John Howard announced a $124 million funding boost to implement the recommendations of the Prime Minister's Coastal Surveillance Task Force.

• prosecution of smugglers and seizing or sale or destruction of their boats. All crew members are detained and prosecuted under the Migration Act for bringing people illegally into Australia, with penalties of up to 20 years in prison and fines of up to $220,000.

• On 29 October 1999, Mr Ruddock launched an Overseas Information Campaign, 'Pay a people smuggler and you'll pay the price', aimed at stopping illegal air and boat arrivals to Australia. Publicity material is being distributed throughout people smuggling source countries as well as transit countries to warn people of the risks associated with trying to enter Australia illegally and the penalties smugglers face.

The Government is sending a clear message that Australia does not tolerate illegal arrivals.

In November 1999, Mr Ruddock took the message to China when he visited Beijin and Fujian Province (the source of Chinese boat arrivals between December 1998 and June 1999) to discuss people smuggling issues with high level officials.

Future initiatives

The Minister for Immigration and Multicultural Affairs, Philip Ruddock, announced on 13 October 1999 new measures to be introduced to combat people smuggling. They include:

• Excluding unauthorised arrivals from accessing permanent residence. Genuine refugees will be granted a three-year temporary protection visa or a short-term safe haven visa. One effect will be that they will not be able to sponsor their families to Australia.

• Stopping people who have effective protection overseas from gaining onshore protection in Australia

• Using fingerprinting and other biometric tests such as DNA testing, face, palm or retinal recognition and voice testing to help ascertain the true identity of asylum seekers. Where possible, this will ensure they do not already have protection elsewhere or have been refused refugee status overseas.

Costs

• The International Organisation for Migration (IOM) estimates the worldwide proceeds of people trafficking to be US$10 billion a year.

• In 1997-98, the Australian Government spent about $115 million locating, removing and detaining people who arrived in Australia illegally, and also those who were found working illegally.

• This cost rose to $128 million in 1998-99 and is expected to rise by a huge $68 million this financial year to $196 million.

• It costs the Government on average $50,000 for every unauthorised arrival by boat from the time of arrival to the time of their departure from Australia.

• The average daily cost of keeping a person in immigration detention is $115.

• Detention costs from 1 July 1999 to 31 October 1999 were $9.57 million.

By air

In 1998-99, 2106 people were refused entry at Australia's airports, an increase of 35.8% on the previous year.

Iraq was the largest source country for people refused clearance at Australian airports in 1998-99 (325) an increase of 137% on the previous year.

It was followed by Malaysia (277) an increase of 559%, South Korea (159) an increase of 211%, PRC nationals (113) a decrease of 57%, Indonesia (97) a decrease of 26%, and Algeria (87) an increase of 70%.

By sea

The number of unauthorised arrivals by sea has dramatically increased in recent years.

In 1999 there were 86 unauthorised boat arrivals carrying more than 3700 people. The main groups were from PRC (423), Iraq (121), Turkey (135) and Afghanistan (96). Up to March, 2000, 733 people have arrived on 11 boats.

The Department of Immigration and Multicultural Affairs (DIMA) has put in place a range of initiatives to reduce the number of illegal entrants trying to enter Australia. They include:

**PAY A PEOPLE SMUGGLER AND YOU'LL PAY THE PRICE. IT'S NOT WORTH THE RISK.**
DIMA officers stationed both in Australia and at overseas posts and airports who are specially trained to identify fraudulent documentation.

Specialist compliance officers in Beijing, Beirut, Hong Kong SAR, Manila, Bangkok, Jakarta and Guangzhou. They work with local police and immigration officials to identify foreign nationals who may try to enter Australia illegally.

DIMA officers in Singapore, Kuala Lumpur, Hong Kong SAR and Bangkok airports where they train airline check-in staff to identify bogus documentation and to advise airlines on Australia’s entry requirements. They also facilitate the travel of genuine travellers.

Participation in cooperative activities at selected overseas airports aimed at stopping illegal entrants.

Multi-function task forces both in Australia and overseas which coordinate investigations and collect intelligence.

Close liaison with law enforcement agencies to investigate immigration fraud.

Frequent updates of the Movement Alert List. (See Fact Sheet 84 The Movement Alert List)

International forums
Australia is also an active participant in a number of international programs that work to combat people smuggling. These include:

- The Inter-governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC).
- Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC).
- Irregular Migration and Migrant Trafficking in East and South East Asia.
- Pacific Rim Immigration Intelligence Officers Conference.

DIMA successes
DIMA investigations have successfully identified organisers of people trafficking, routes taken and the origin of bogus documents.

Rackets uncovered include:

- A joint investigation by DIMA and the Australian Federal Police into a Sydney-based smuggling operation that saw Iraqis enter Australia illegally and resulted in successful prosecutions;
- A similar operation in Melbourne involving a conspiracy between family members, resulted in a successful prosecution under the Passports Act and the Migration Act;
- A begging and extortion racket, in which groups of Korean deaf mutes were caught begging and selling key rings in Adelaide and on the Gold Coast. Those involved were removed from Australia and further attempts by members of the group to enter the country were stopped;
- Business visitors from China claiming onshore support from bogus companies set up for the purpose. Investigations led to a number of prosecutions and an increased rejection rate for visa applications in this category. This group of people represent around 60 per cent of protection visa applications from China;
- Stolen Taiwanese passports being used by Chinese nationals. Action by DIMA officers and Taiwanese authorities led to the prosecution of organisers in Taiwan.

DIMA also played an important role in a number of international investigations that led to the disruption of people smuggling rackets involving Sri Lankans.

In the Middle East, DIMA provided information which led to more than 20 arrests and the seizure of computers used in producing counterfeit passports.

A media campaign initiated by DIMA led to the disruption of the voyage of a ship from Somalia.

Information on Australian immigration matters is available from the Department's Internet site at http://www.immi.gov.au

The Department also operates a national telephone inquiry line on 131 881 for the cost of a local call from anywhere in Australia.*

Fact Sheet 81, Produced by the Public Affairs Section of the Department of Immigration and Multicultural Affairs. Revised 24 March 2000.
FACT SHEET

81. UNAUTHORISED ARRIVALS BY AIR AND SEA

This fact sheet gives details of the people who have arrived illegally in Australia by air and sea in recent years.

Those who have attracted the most attention in the media have been the 7831 people who have arrived illegally by boat since 1989, usually in groups, and the individuals who have been located as stowaways on board ships arriving at Australia's ports.

Since 1995 an increasing number of people have arrived illegally at Australia's airports.

In 1998-99, 2106 people were refused entry at Australia's airports (36 per cent more than the 1550 in 1997-98). In the same period, 926 people arrived without authority on 42 boats, compared with 157 on thirteen boats in 1997-98 (an increase of 490 per cent).

People who arrive in Australia without authority are required by immigration law to be placed in Immigration detention until their situation is resolved. Unless they are granted permission to remain in Australia, they must be removed as soon as practicable. (See Fact Sheet 82, Immigration detention.)

Applicants for protection need to meet the United Nations guidelines, which define refugees as people:

- outside their country of nationality or their usual country of residence; and
- are unable or unwilling to return or to seek the protection of that country because of a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.

In general, people who already have the protection of another country cannot lodge new refugee claims in Australia.

For example, Sino-Vietnamese boat people who had not lodged applications in Australia before December 31 1994, and who already had the protection of the People's Republic of China, are not entitled to seek the protection of Australia under the Safe Third Country provisions of the Migration Act 1958.

UNAUTHORISED AIR ARRIVALS

People are identified as arriving illegally in Australia if they arrive with no travel documents or present documentation which is found to be fraudulent, but which they might have used for check-in at overseas airports. While many arrive as individuals, planning their own travel, some are part of an organised people-smuggling operation.

People being smuggled will often dispose of their travel documents before arrival, either by passing them to an organiser after check-in overseas or destroying them en-route or on arrival at an Australian airport.

Often unauthorised arrivals go to great lengths to conceal their route to Australia, and therefore also the organisation behind their travel.

International people smuggling is highly organised and involves large sums of money and little risk.

See also Fact Sheet 83, People Smuggling.

PAY A PEOPLE SMUGGLER AND YOU'LL PAY THE PRICE. IT'S NOT WORTH THE RISK.
The following tables show the top 10 source countries for people refused immigration clearance at Australian airports and provide details of people who arrived without travel documentation or with improper documentation and those people who are believed not to be bona fide travellers.

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<td>19</td>
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<td>12</td>
<td>6</td>
<td>10</td>
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<td>Algeria</td>
<td>67</td>
<td>51</td>
<td>61</td>
<td>21</td>
<td>2</td>
<td></td>
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<td>Other</td>
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<td>519</td>
<td>360</td>
<td>224</td>
<td>227</td>
<td></td>
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<tr>
<td>Total</td>
<td>1206</td>
<td>1550</td>
<td>1350</td>
<td>663</td>
<td>485</td>
<td></td>
</tr>
</tbody>
</table>

** The figures used refer to the origin country of the arrivals because citizenship is sometimes difficult to determine.

Undocumented or improperly documented arrivals

<table>
<thead>
<tr>
<th>Type of Document Fraud</th>
<th>Total for 1998-99</th>
<th>Total for 1997-98</th>
<th>Total for 1996-97</th>
</tr>
</thead>
<tbody>
<tr>
<td>No passport or visa</td>
<td>283</td>
<td>495</td>
<td>516</td>
</tr>
<tr>
<td>Improper documents</td>
<td>107</td>
<td>342</td>
<td>308</td>
</tr>
</tbody>
</table>

STOWAWAYS

In the full 1998-99 year, 61 people arrived by ship as stowaways. Stowaways are normally not permitted to leave the ship and are held on board until the ship leaves Australia.

If stowaways apply for protection in Australia, they are transferred to immigration detention onshore to allow the case to be considered.

UNAUTHORISED BOAT ARRIVALS

Recent arrivals include Chinese, Turkish, Iraqi, Pakistani, Sri Lankan, Afghan and Bangladeshi nationals.

The majority of the early boat arrivals originated from the Kompong Som region of Cambodia. These people were mainly Chinese, Vietnamese and Cambodian nationals.

Generally, later arrivals have come from locations in the southern provinces of China, or a refugee processing centre in Indonesia.

The people have come from a variety of backgrounds including clerical workers, mechanics, self employed and unemployed.

Symbols used:

* = baby born after boat's arrival;
children = under 18, at boat's arrival;
ref = entry through refugee status (protection visa);
humanit = entry on humanitarian grounds;
entry = entry on other grounds;
bridging visas = visas giving temporary lawful status;

TPV = temporary protection visa
release = release into community pending appeal;
departs = departures from Australia;
det. = in detention/custody (or under investigation/awaiting repatriation to safe third country/having been refused refugee status with application, appeal or litigation pending).

Note: the italicised boat name used below is the code name used by DIMA to identify each boat. It is not the real name of the boat.

1989

1. 28 November 1989, Broome (Pender Bay)
26—20 adults, 6 children—plus 1 baby
(8 Chinese, 10 Vietnamese, 9 Cambodians).
18 ref, 1 humanitarian, 2 entry, 6 departures.

1990

2. 31 March 1990, Broome (Beagle) 119—92 adults, 27 children—plus 16 babies
(34 Chinese, 9 Vietnamese, 92 Cambodians). 34 ref, 3 humanitarian, 18 entry, 80 departures.

3. 1 June 1990, north of Darwin (Collie)
73—46 adults, 33 children—plus 2 babies
(15 Chinese, 66 Cambodian). 10 ref, 12 humanitarian, 12 entry, 47 departures.

1991

4. 4 March 1991, Darwin (Dalmatian)
33—22 adults, 11 children—plus 3 babies
(11 Chinese, 13 Sino-Vietnamese, 13 Macau citizens, 1 Hong Kong citizen). 18 ref, 2 entry, 16 departures.

5. 6 March 1991, Darwin (Echo) 35—18 adults, 17 children—plus 2 babies
(1 Vietnamese, 36 Cambodians). 26 ref, 1 humanitarian, 2 entry, 8 departures.

6. 24 March 1991, Darwin (Foxtrot) 3 adults
(2 Indonesians, 1 Bangladeshi). 3 departures.

7. 28 April 1991, Darwin (George) 77—48 adults, 29 children—plus 8 babies
(2 Chinese, 15 Vietnamese, 68 Cambodian). 35 ref, 6 humanitarian, 9 entry, 1 bridging visas, 34 departures.

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1992

10. 10 May 1992, Darwin (Jeremiah) 10–8 adults, 2 children (Chinese). 2 ref, 8 depart.

11. 21 May 1992, Saibai Island, Torres Strait (Kelpie) 12–6 adults, 6 children—plus 1 baby* (Polish). 13 depart.

12. 23 August 1992, Christmas Island (Labrador) 68–65 adults, 3 children—plus 3 babies* (Chinese). 22 ref, 3 humanit, 2 entry, 1 escapee, 43 depart.

13. 28 October 1992, Daunon, Torres Strait (Mastiff) 1–9 adults, 2 children—plus 1 baby* (Romanian). 2 ref, 10 depart.


15. 3 November 1992, Torres Strait (Otter) 2 adults (1 Somali, 1 Nigerian). 2 depart.

1993


17. 5 December 1993, Broome (Quokka) 24–20 adults, 4 children—plus 3 babies* (Chinese). 9 ref, 6 humanit, 12 depart.

18. 20 December 1993, Troughton Is, WA (Roger) 4 adults (Turkish nationals). 4 ref.

1994

19. 1 February 1994, Cape Talbot, WA (Sting) 4 adults (Bangladeshis). 2 refs, 2 depart.


22. 7 July 1994, Broome (Vagabond) 17 adults (Vietnamese ex-Galang), 5 ref, 2 entry, 10 humanit.


24. 9 September 1994, Cape Leveque, WA (Xenon) 31–27 adults, 4 children (Vietnamese, ex-Galang). 30 depart, 1 escapee.


26. 26 October 1994, Broome (Zebra) 22 adults (Vietnamese, ex-Galang). 22 depart.


29. 22 November 1994, Darwin (Cockatoo) 84–61 adults, 23 children—plus 4 babies* (76 Chinese, 12 Sino-Vietnamese). 32 ref, 3 humanit, 1 entry, 2 escapees, 4 det, 46 depart.


34. 23 December 1994, Darwin (Heron) 90–51 adults, 39 children (Sino-Vietnamese). 90 depart.


1995


38. 9 March 1995, Darwin (Mudlark) 52–34 adults, 18 children—plus 1 baby* (Sino-Vietnamese). 53 depart.


42. 28 May 1995, Darwin (Quail) 16–16 adults, 2 children (East Timorese). 18 bridging visas.
43. 25 August 1995, Ashmore Reef (Rosella) 6 adults (Turkish). 6 ref.

1996
44. 17 January 1996, Ashmore Reef (Sandpiper) 4 adults (Iraqi). 4 ref.
51. 19 May 1996, Ashmore Reef (Correa) 6 adults (Sri Lankan). 6 depart.
54. 5 June 1996, Christmas Island (Frexa) 66–58 adults, 28 children (65 Chinese, 1 Sino-Vietnamese). 86 depart.
57. 7 September 1996, Ashmore Reef (Iris) 7 adults (Iraqi). 7 ref.
58. 9 September 1996, Ashmore Reef (Juniper) 5 adults (Iraqi) 5 ref.
60. 3 October 1996, Ashmore Reef (Lambertia) 8 adults (Iraqi). 8 ref.
61. 8 October 1996, Ashmore Reef (Melaleuca) 24–23 adults, 1 child (16 Iraqi, 8 Pakistani). 16 ref, 8 depart.
62. 11 December 1996, Ashmore Reef (Nandina) 12 adults (10 Iraqi, 1 Algerian, 1 Moroccan). 11 ref, 1 depart.

1997
63. 15 January 1997, Saihai Island (Oleria) 4 adults (Iraqi). 4 refs.
64. 10 February 1997, Ashmore Reef (Pilliga) 7 adults (2 Iraqi, 1 Iranian, 4 Algerian). 7 refs.
65. 6 March 1997, Darwin (Quercus) 70–54 adults, 16 children (70 Chinese). 70 depart.
66. 23 March 1997, Christmas Island (Red Gum) 9 adults (Iraqi). 9 ref.
67. 30 April 1997, Darwin (She Oak) 44–36 adults, 8 children (Chinese). 44 depart.
68. 13 June 1997, Torres Strait (Telopea) 139–132 adults, 7 children (Chinese). 139 depart.
69. 30 June 1997, Coral Bay, WA (Urteca) 15 adults (Sri Lankan). 15 depart.
70. 25 July 1997, Christmas Island (Viola) 15 adults (8 Iraqi, 1 Afghan, 4 Algerian, 1 Sudanese, 1 Bangladeshi). 13 refs, 2 det.
71. 4 September 1997, Christmas Island (Waratah) 25–17 adults, 8 children—plus 1 baby* (3 Iraqi, 18 Afghan, 4 Algerian, 1 Sudanese). 24 refs, 1 det, 1 depart.
72. 11 September 1997, Darwin (Xyris) 3 adults (2 Algerian, 1 Moroccan). 3 depart.
73. 14 November 1997, Ashmore Reef (Yulbah) 8 adults (Afghans). 8 refs.

1998
76. 7 February 1998, Ashmore Reef (Baroco) 4 adults (1 Algerian, 1 Moroccan, 2 Senegaleses). 3 depart, 1 ref.
77. 19 February 1998, off NW Kimberley Coast (Clyde) 11–10 adults, 1 child (11 Chinese). 11 depart.
78. 21 February 1998, off NW Kimberley Coast (Diamantina) 7 adults (Chinese). 7 depart.
79. 9 April 1998, Ashmore Reef (Eyre) 6 adults (Bangladeshi). 6 depart.
80. 9 May 1998, Gove (Fitzroy) 9 adults (Bangladeshi). 9 depart.

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81. 27 May 1999, Ashmore Reef (Glenelg) 7 adults (Bangladesh). 7 depart.
82. 5 June 1999, Ashmore Reef (Hawkesbury) 10 adults (Bangladesh). 10 depart.
83. 3 July 1999, Ashmore Reef (Indulkana) 5 adults (4 Bangladesh, 1 Indonesian). 5 depart.
84. 6 July 1999, off NW Kimberley Coast (Jardine) 3 adults (2 Bangladesh, 1 Indonesian) 3 depart.
85. 4 September 1999, off NW Kimberley Coast (Kiewa) 6 adults (Bangladesh). 6 depart.
86. 9 September 1999, Torres Strait (Lachlan) 4 adults (1 Bangladeshi, 3 Indians). 2 det, 1 ref, 1 depart.
87. 11 September 1999, Ashmore Reef (Murrumbidgee) 2 adults (Bangladesh). 2 depart.
90. 24 December 1999, Coburg Peninsula NT, (Faroo) 52 adults (Chinese). 52 depart.

1999
91. 4 January 1999, off NW Kimberley Coast (Queen) 9–5 adults, 4 children (Iraqi). 9 refs.
92. 4 January 1999, Coburg Peninsula, NT (Roper) 3 adults (Iraqi). 3 refs.
93. 4 January 1999, Townsville, QLD (Snowy) 2 adults (1 Kazakhstan, 1 Papua New Guinea). 2 depart.
94. 12 January 1999, Port Hedland (Tumut) 4 adults (Chinese). 4 depart.
95. 3 February 1999, Hammond Island (Uriarra) 5 adults (Afghan). 5 refs.
96. 15 February 1999, Ashmore Reef (Vanrook) 10–8 adults, 1 child (5 Afghans, 3 Algerians, 1 Iraqi, 1 Pakistani). 7 refs, 2 det, 1 depart.
97. 21 February 1999, Ashmore Reef (Warrego) 32 adults (Turkish). 19 refs, 12 depart, 1 det.
98. 21 February 1999, Christmas Island (Xavier) 13 adults (9 Iraqis, 4 Algerians). 13 refs.
99. 24 February 1999, NW Kimberley Coast (Yadeshi) 3 adults (Bangladesh). 3 depart.
100. 10 March 1999, NW Kimberley Coast (Zetland) 12–5 adults, 7 children (Afghan). 12 refs.
102. 12 March 1999, Holloway’s Beach, Cairns (Bogong) 26 adults (Chinese). 26 depart.
103. 26 March 1999, Ashmore Reef, (Constantine) 8 adults (2 Iraqis, 2 Kuwaitis, 3 Afghans, 1 Bangladeshi). 7 refs, 1 det.
104. 10 April 1999, Scott’s Head, Macksville, NSW, (Dandenong) 60 adults (Chinese). 60 depart.
105. 13 April 1999, off NW Kimberley Coast, (Essendon) 10–9 adults, 1 child (Afghan). 10 refs.
106. 16 April 1999, Cape Leveque, (Franklin) 3 adults (Bangladesh). 3 depart.
107. 21 April 1999, Ashmore Reef, (Gambier) 3 adults (Turkish). 2 refs, 1 det.
108. 24 April 1999, Ashmore Reef, (Hotham) 15 adults (1 Bangladeshi, 2 Pakistanis, 12 Iraqis). 12 refs, 2 depart, 1 det.
109. 7 May 1999, Ashmore Reef, (Isa) 54–53 adults, 1 child (43 Turkish, 6 Iraqi, 4 Afghan, 1 Kuwait). 35 refs, 11 det, 3 depart.
111. 17 May 1999, NSW Coast adjacent to Port Kembla, (Kosciuszko) 83–81 adults, 2 children (Chinese). 83 depart.
113. 20 May 1999, Ashmore Reef (Majura) 7 adults (Bangladesh). 6 det, 1 ref, 1 depart.
115. 27 May 1999, Doughboy River (Ossa) 78–77 adults, 1 child (Chinese). 78 depart.
116. 1 June 1999, Cape Leveque (Pinnacle) 9 adults (Bangladesh). 9 depart.
118. 7 June 1999, Ashmore Reef (Roo) 10 adults (Afghan). 10 refs.
119. 11 June 1999, Christmas Island (Sehwyn) 8–7 adults, 1 child (Afghan). 8 refs.
120. 12 June 1999, Ashmore Reef (Tabletop) 76 adults (57 Turkish, 10 Afghan, 9 Iraqi). 34 depart, 8 det, 34 refs.
121. 13 June 1999, Yarm Island (Urah) 3 adults (3 Chinese). 3 depart.
122. 22 June 1999, Saibai Island (Vigors) 2 adults (Sri Lankan). 1 depart, 1 det.

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125. 12 July 1999, Ashmore Reef (York) 6 adults (Indian). 5 departs, 1 det.
128. 21 July 1999, Ashmore Reef (Buller) 7 adults (5 Afghan, 2 Iranian). 6 refs, 1 depart.
129. 28 July 1999, Ashmore Reef (Calder) 14 adults (Turkish). 14 departs.
130. 31 July 1999, Ashmore Reef (Drull) 44 adults (30 Iraqi, 6 Afghan, 5 Kuwait, 2 Iranian, 1 Sri Lankan). 8 det, 35 refs, 1 depart.
131. 11 August 1999, Ashmore Reef (Eliza) 16 adults (11 Afghan, 4 Sri Lankan, 1 Pakistani). 3 det, 10 refs, 3 departs.
132. 14 August 1999, Christmas Island (Fox) 140–126 adults, 14 children (137 Iraqi, 2 Kuwait, 1 Kurdish). 107 refs, 33 det.
133. 23 August 1999, Ashmore Reef (Grenfell) 8 adults (Iraqi). 8 ref.
136. 31 August 1999, Ashmore Reef (Jagged) 86 people (78 Iraqi, 2 Iranian, 2 Afghan, 2 Kuwait, 1 Bahrainian). 81 det, 4 TPV, 1 depart.
137. 3 September 1999, Ashmore Reef (Kembra) 35 people (34 Afghan, 1 Sri Lankan). 29 TPV, 6 det.
138. 14 September 1999, Bonaparte Archipelago (Leura) 14 adults (Afghan). 12 TPV, 2 det.
139. 17 September 1999, Ashmore Reef (Macedon) 6 adults (4 Iraqi, 1 Bangladesh, 1 Myanmar). 3 det, 3 TPV.
140. 19 September 1999, Ashmore Reef (Nebo) 10 adults (8 Turkish, 1 Bangladeshi, 1 Pakistani). 9 det, 1 depart.
141. 21 September 1999, Ashmore Reef (Owen) 6 adults (Pakistan). 4 departs, 2 det.
142. 24 September 1999, Ashmore Reef (Panorama) 40–47 adults, 2 minors (30 Iraqi, 10 Bangladesh, 7 Afghan, 1 Syrian, 1 Indonesian). 33 det, 15 TPV, 1 depart.
143. 26 September 1999, Ashmore Reef (Quaker) 8–7 adults, 1 minor (6 Indian, 2 Indonesian). 8 departs.
144. 2 October 1999, off NW Kimberley Coast (Richmond) 21 adults (Afghan). 20 TPV, 1 det.
145. 5 October 1999, off NW Kimberley Coast (Stromlo) 24 adults (Afghan). 23 TPV. 1 det.
146. 7 October 1999, Scott's Reef (Tamborine) 62–56 adults, 6 minors (51 Afghan, 6 Iraqi, 3 Sri Lankan, 2 Syrian). 44 det, 15 TPV, 3 departs.
150. 22 October 1999, Ashmore Reef (Xarag) 3 adults (2 Sri Lankan, 1 Pakistani). 2 depart, 1 det.
155. 7 November 1999, Ashmore Reef (Cookumundra) 82 adults (80 Iraqi, 1 Palestinian, 1 Kuwaiti). 82 det.
157. 8 November 1999, Christmas Island (Eumungeri) 156–134 adults, 22 children (133 Iraqi, 16 Iranian, 3 Palestinian, 3 Kuwaiti, 1 Jordan). 156 det.
167. 1 December 1999, Ashmore Islands (Orange) 6 adults (Indian). 6 det.
169. 8 December 1999, Ashmore Islands (quinindi) 7 adults (Afghan). 7 det.
172. 18 December 1999, Ashmore Islands (tumbarumba) 52 – 33 adults, 19 children (51 Iraqi, 2 Algerian). 52 det.
176. 21 December 1999, Powerful Island (Xmas) 4 adults (Iraqi). 4 det.
2000
177. 5 January 2000, Ashmore Islands (Yanco) 118 – 104 adults, 14 children. 118 det.
178. 7 January 2000, NW of Darwin (Zahleia) 44 – 42 adults, 2 children. 44 det.
180. 22 January 2000, Cape Fourcroy (Bussest) 54 – 47 adults, 7 children. 54 det.
181. 25 January 2000, Cape Bougainville (Caiguna) 38 – 32 adults, 6 children. 38 det.
184. 16 February 2000, Christmas Island (Fimiston) 22 – 21 adults, 1 child. 22 det.
185. 16 February 2000, Ashmore Islands (Gnowangerup) 14 people. 14 det.
186. 1 March 2000, Ashmore Islands (Hovea) 71 people. 71 det.
187. 6 March 2000, Ashmore Islands (Iluka) 21 people. 21 det.
188. 19 March 2000, Ashmore Islands (Joondalup) 47 people. 47 det.
189. 22 March 2000, Cape Leveque, WA (Kalgoorlie) 34 people. 34 det.
190. 26 March 2000, Ashmore Islands (Leederville) 70 people. 70 det.
191. 28 March 2000, Ashmore Islands (Manjimup) 19 people. 19 det.

Status of boat people

<table>
<thead>
<tr>
<th>Granted refugee status</th>
<th>Temporary protection visa</th>
<th>Entry on humanitarian grounds</th>
<th>Entry on other grounds</th>
<th>Total granted entry</th>
<th>Released on bridging visas</th>
<th>Escaped from custody</th>
<th>In custody</th>
<th>Total remaining in Australia</th>
</tr>
</thead>
</table>

Summary of boat arrivals

<p>| Arrivals (6153 adults, 1318 children) | 7471 |
| To be determined | 282 |
| Australian births | 79 |
| Total boat people | 7832 |</p>
<table>
<thead>
<tr>
<th>YEAR</th>
<th>NO. OF BOATS</th>
<th>TOTAL ARRIVALS</th>
<th>MIN/MAX on board</th>
</tr>
</thead>
<tbody>
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<td>1989-90</td>
<td>3</td>
<td>224</td>
<td>26/119</td>
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<tr>
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<td>10/66</td>
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<td>194</td>
<td>2/113</td>
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<td>3/352</td>
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<tr>
<td>TOTALS</td>
<td>191</td>
<td>7723</td>
<td>2332</td>
</tr>
</tbody>
</table>

**Ethnicity of boat people**

- Chinese .......................................................... 1867
- Iraqi ............................................................... 1734
- Afghan ............................................................ 1141
- Sino-Vietnamese ................................................. 1091
- Cambodian ......................................................... 271
- Vietnamese ......................................................... 171
- Turkish ........................................................... 168
- Iranian ............................................................. 92
- Bangladeshi ......................................................... 87
- Sri Lankan ......................................................... 60
- Irian Jaya - Indonesian Province ......................... 51
- Kuwaiti ............................................................. 32
- Algerian ........................................................... 27
- Indian ............................................................... 23
- Pakistani .......................................................... 24
- Kurd ................................................................. 20
- East Timorese ...................................................... 18
- Polish .............................................................. 13
- Macau citizens ..................................................... 13
- Romanian ........................................................... 12
- Syrian .............................................................. 9
- Indonesian ......................................................... 7
- Palestinian ........................................................ 4
- Moroccan .......................................................... 3
- Jordanian ........................................................... 2
- Senegalese ........................................................ 2
- Sudanese ........................................................... 2
- Hong Kong citizen ............................................... 1
- Kazakstan ........................................................... 1
- Nigerian ............................................................ 1
- Papua New Guinean .............................................. 1
- Saudi Arabian ....................................................... 1
- Somali .............................................................. 1
- Bahrain ............................................................ 1
- Malaysian .......................................................... 1
- Stateless ............................................................ 3
- To be determined ................................................ 906

**Total boat people (incl. 79 Aust births) ............ 7832**

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**Departures**

- Chinese .......................................................... 1813
- Sino-Vietnamese .................................................. 915
- Cambodian .......................................................... 134
- Vietnamese .......................................................... 108
- Turkish ............................................................. 70
- Bangladeshi ......................................................... 66
- Irian Jaya - Indonesian Province ............................... 51
- Sri Lankan .......................................................... 37
- Pakistani ............................................................ 20
- Polish ............................................................... 13
- Macanese ............................................................ 13
- Indian ............................................................... 11
- Romanian ........................................................... 10
- Indonesian ........................................................... 7
- Algerian ............................................................. 3
- Moroccan ............................................................ 3
- Iranian ............................................................. 2
- Senegalese .......................................................... 2
- Hong Kong ........................................................... 1
- Kuwaiti .............................................................. 1
- Kurdish .............................................................. 1
- Nigerian ............................................................ 1
- Papua New Guinean .............................................. 1
- Russian ............................................................. 1
- Somalia ............................................................. 1

**Total departures: .................................................. 3285**

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Information on Australian immigration matters is available through the internet at:

The Department also operates a 24-hour telephone inquiry line on 131 881 for the cost of a local call from anywhere in Australia.

Fact Sheet 81, Produced by the Public Affairs Section of the Department of Immigration and Multicultural Affairs, Revised on 30 March 2000.

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*PAY A PEOPLE SMUGGLER AND YOU'LL PAY THE PRICE. IT'S NOT WORTH THE RISK.*
FACT SHEET

63. TEMPORARY PROTECTION VISAS

This fact sheet provides information about Australia’s Temporary Protection Visa (TPV) which came into force on 20 October 1999 with changes to the Migration Regulations.

The reason for the TPV
From 1994 until the regulation change in October 1999 all refugees in Australia, including unauthorised arrivals found to be refugees, had immediate access to a permanent protection visa.

This visa provided permanent residence and immediate access to the comprehensive settlement support arrangements provided to refugees resettled from overseas.

These arrangements are far more generous than required by Australia's international obligations.

As 1999 progressed, it became clear that they were attracting increasing misuse of Australia’s onshore protection arrangements by organised people smuggling rackets.

Large numbers of people, many of whom were abandoning or ignoring existing protection arrangements were travelling to Australia unlawfully to try to gain residence in Australia.

The regulation changes on 20 October 1999 keep in place the fundamental protection arrangements needed to meet our international obligations for unauthorised arrivals found to be refugees.

The regulations remove the additional benefits which had been encouraging misuse of the protection process by unauthorised arrivals.

Under the new regulations unauthorised arrivals found to be refugees have access only to a three year temporary visa, in the first instance.

What the TPV confers
Compared with the permanent protection visa, the TPV provides no rights for unauthorised arrivals to:

- return if they leave Australia;
- access the generous settlement services provided to refugees who enter Australia lawfully; or
- access the mainstream social welfare system to obtain pensions and reasistance allowance.

To meet Australia’s international obligations towards refugees, temporary protection visa holders are:

- able to work;
- eligible for Special Benefit, Rent Assistance, Maternity and Family Allowances and Family Tax Payment.

(Any Special Benefit entitlement is stringently means-tested and is reviewed every 13 weeks);

- able to gain access to Medicare benefits;
- eligible for referral to the early health assessment and intervention program;
- eligible for torture and trauma counselling;
- able to apply for a permanent protection visa which may be granted after 30 months if they still need protection.

Temporary protection is granted only to those unauthorised arrivals who are found to be refugees. All other unauthorised arrivals are removed from Australia as soon as reasonably practicable.

People who arrive legally in Australia and successfully seek asylum continue to be able to access permanent residence (See Fact Sheet 41, Seeking asylum in Australia and Fact Sheet 46 Australia’s international protection obligations).

Recent boat arrivals
In 1999, 86 boats brought 3728 passengers without authority to Australia (plus 101 crew)

Only 200 people arrived by boat in 1998. To date in 2000, three boats have arrived with 167 passengers (plus 14 crew).

Unauthorised arrivals are detained, as required by law, at Immigration Reception and

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Detention Centres (IRPCs) at Port Hedland, Curtin and Woomera. The detainees mainly claim to be from Iraq or Afghanistan.

**Assistance with protection claims**

All unauthorised arrivals are interviewed in detention to establish identity, reasons for coming to Australia and if they have claims which, prima facie, may engage our protection obligations.

Where Australia's protection obligations may be engaged, these people are offered publicly funded assistance from registered Migration Agents under the Immigration Advice and Assistance Scheme (IAAAS).

This service covers assistance with preparation, lodgement and presentation of claims for protection to the departmental decision maker and the preparation and lodgement of any application for review by the Refugee Review Tribunal (RRT). See Fact Sheet 70, *immigration advice and application assistance scheme*.

**Health issues**

DIMA has a comprehensive process for checking the health of unauthorised arrivals in detention. All medical, dental and specialist treatment is routinely made available as medically required.

All unauthorised boat arrivals undergo health screening within 24 hours of their arrival at IRPCs.

The medical officer assesses any health problems identified from this screening process as soon as practicable, depending on the urgency of the problem.

Where any serious communicable diseases are suspected or confirmed, formal notification procedures are followed with Commonwealth and State/Territory health authorities.

Those who are found to be refugees are required to undergo further health and character checks before the grant of the visa. This includes a health examination and chest x-ray.

Once a person has met all the criteria for grant of a TPV, including having undergone health checks, he or she is entitled to be granted a TPV, and by law, must be released from detention.

Follow up and monitoring of persons with a health condition is undertaken by state health authorities in accordance with routine practices. DIMA assists by passing contact details of the person to health authorities.

All released TPV holders are given a post-release information sheet in their own language. This includes information on how to obtain a Medicare card and how to find help and treatment for medical problems.

For example, the sheet tells them that they are eligible for the early health intervention and assessment service which provides a full health assessment, as well as referral for any medical treatment needed.

The service also provides advice for TPV holders on the need for referral, the referral process, and gives assistance with making initial appointments with appropriate service providers.

**Why not a refugee?**

Australia has international obligations not to return a refugee to face persecution or death in their homeland. This obligation applies irrespective of whether Australia's Migration laws have been broken by the individual. See Fact Sheet 46, *Australia's international protection obligations*.

Where unauthorised arrivals are found not to be refugees, the Migration Act requires that they be detained and removed as soon as reasonably practicable. However there is no guarantee that the country from which they left or those through which they travelled will take them back.

Developing return and readmission agreements with other countries is a complicated issue and will require considerable international effort to resolve.

People smugglers are preying on these people with false promises of a warm welcome in Australia for unauthorised arrivals.

The Minister for Immigration and Multicultural Affairs, Philip Ruddock, travelled to China in October 1999 and to Jordan, Syria, Turkey, Iran and Pakistan in January 2000 to meet officials in those countries and seek cooperation in addressing people smuggling issues.

Information on Australian Immigration matters is available through the Internet at:

http://www.immi.gov.au

The Department also operates a national telephone inquiry line on 131 881 for the cost of a local call anywhere in Australia.

Fact Sheet 63. Produced by the Public Affairs Section of the Department of Immigration and Multicultural Affairs, 21 January 2000.

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**PAY A PEOPLE SMUGGLER AND YOU’LL PAY THE PRICE. IT’S NOT WORTH THE RISK.**
FACT SHEET

46. AUSTRALIA’S INTERNATIONAL PROTECTION OBLIGATIONS

The primary responsibility for the protection of an individual lies with that person’s country of nationality. Equally, every person has the right to the protection of their own country.

Where that country is not able or is unwilling to provide that protection, the United Nations (UN) system of international protection comes into play.

The United Nations High Commissioner for Refugees (UNHCR) is the international organisation charged with the responsibility to work with States in providing international protection to refugees under the auspices of the UN.

Australia contributes US$12.663 million to UNHCR and participates in its Executive Committee to advise the High Commissioner on the exercise of her functions and on the development of international refugee policy and practice.

Australia is one of 134 countries that are signatories to the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees.

The Refugees Convention requires that signatory countries do not directly or indirectly return a refugee to their country of origin or other place of persecution. The primary aim is to protect against return – *non-refoulement*. Signatory states are not required to provide permanent residence to meet that obligation.

Australia meets its full obligations to all refugees to at least the minimum standard required by the Convention, and will continue to do so under the proposed changes to the legislation.

For people who play by the rules, both in terms of domestic migration legislation and of the broader system of international protection, Australia has chosen to be more generous than it is obliged to be.

*International protection framework*

International protection depends on burden sharing and orderly resolution of refugee problems. The framework contains the following elements:

- prevention, using assistance and protection to reduce the factors which cause people to move outside their countries’ borders;
- when outflows do occur, provision of temporary protection in nearby countries of first asylum pending the preferred solution of repatriation, i.e. safe return to the country of origin, as soon as possible, in conditions of safety and dignity;
- efforts to assist countries of first asylum to ensure asylum is sustainable;
- assessment of whether repatriation will be possible in a reasonable time;
- support for reconstruction, reintegration and reconciliation in the country of origin so that repatriation is durable;
- if repatriation is not feasible in a reasonable time, local integration in the country of first asylum;
- third country resettlement outside the country of first asylum should neither repatriation nor local integration be feasible.

**Prevention**

The root causes of refugee flows include endemic poverty, conflict, political persecution and repression and ethnic and racial discrimination.

Preventative actions to address these causes include poverty alleviation, conflict resolution, peace keeping, institution building and educational initiatives to combat prejudice and discrimination.

The goal of prevention is reflected in Australia’s overseas aid program.

**First asylum**

Australia is far from most refugee producing countries, and is therefore rarely a country of first asylum.
Nevertheless, Australia became a country of first asylum for the Kosovars and the East Timorese, when they were temporarily evacuated to Australia in 1999.

To cater for the new situation, the Government introduced temporary 'Safe Haven' visas. Initially for three months, and extended as conditions required, these visas allow Australia to provide protection as long as it is needed, without undermining the principle that repatriation in safety and dignity, as soon as possible, is the preferred durable solution. (See Fact Sheet 62, Operation Safe Haven – Kosovars and Fact Sheet 63, Operation Safe Haven – East Timor)

If repatriation is not an appropriate solution for some individuals or groups holding safe haven visas, their specific protection needs will be assessed.

Repatriation
Where repatriation is feasible Australia’s role is to assist former refugees re-integrate in their home country. The winter reconstruction allowance, for Kosovars returning to Kosovo from Australia, is an example of repatriation assistance, as is participation in peace-keeping forces and aid directed towards reconciliation.

Where repatriation is not feasible
If repatriation is not feasible in a reasonable time, the international community and UNHCR must move quickly to put in place one of the other two durable solutions -

- integration in the country of first asylum, or
- resettlement in a third country.

If they do not, the refugee may take matters into his or her own hands by resorting to people smugglers and other illicit methods to create their own durable solution by attempting to migrate to a country of their choice.

Local integration
Local integration covers:

- those who are provided permanent protection by a country of first asylum, and
- those who are provided permanent protection by a country that the refugee entered for other purposes.

Australia’s Onshore Protection system is our response to refugee applicants onshore, including any Safe Haven visa holders assessed as requiring long-term protection and sur place refugees.

Sur place refugees are people who are unwilling to return to their country of origin because of events occurring after their departure from that country. (Fact Sheet 41, Seeking Asylum within Australia, refers).

For sur place refugees, particularly where repatriation is not feasible in the short term, permanent residence provides an immediate durable solution via integration in the country of first asylum.

The protection provided by Australia in these circumstances is the permanent residence visa.

Misuse of the onshore protection system
Like other countries with developed protection determination systems, Australia is experiencing large numbers of people who are trying to gain residence in Australia by circumventing Australia’s migration laws:

- one group does not have a bona fide protection need and seeks to circumvent entry and migration requirements by applying for asylum;
- another group has bona fide protection needs but seeks to choose a particular migration outcome as well as gain protection. Members of the second group are known, collectively, as ‘forum-shoppers’; and
- the third group encompasses some members of the first and second groups described above, with the added characteristic that they arrive unlawfully in the country in which they seek refuge.

To reduce the incentives and benefits to applicants from taking such action Australia has taken the following steps:

- reduction in the length of time taken to make protection decisions in its refugee determination system;
- limiting access to economic and social benefits (eg by restricting permission to work whilst awaiting a protection determination to those who apply within 45 days of entering Australia); and
- ensuring quick return of failed asylum seekers.

Forum shoppers
The term ‘forum shoppers’ includes people who have dual or multiple nationalities and

- have not attempted to avail themselves of one of those countries as required under the 1951 Convention, or
- have already been recognised as a refugee in another country and have a right to re-enter that country, or

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• have transited other countries where asylum could have been sought and provided.

The Australian Government has introduced legislation to ensure that all protection visa applications are decided on the basis that applicants are not owed protection obligations by Australia if they have effective protection in other countries.

Statutory bars will be imposed on protection visa applications by people with dual or multiple nationality and those who may have effective protection in third countries.

The Minister for Immigration and Multicultural Affairs will have discretion to intervene, if he considers it to be in the public interest.

The Minister will establish clear guidelines for the exercise of this power, and will be required to report to Parliament each time he exercises his discretion.

In addition, a clear definition of the term 'nationality' will be added to the Migration Act 1958 to ensure that it is determined solely by reference to the other country's law in question and not in relation to assessments made in Australia about the 'effectiveness' of that nationality.

'Safe third country' and robust re-admission agreements are the other critical elements of this strategy to reduce forum-shopping.

Australia's first such agreement, signed in January 1995, facilitated the return to the People's Republic of China of 915 ethnic Chinese Vietnamese refugees who tried to gain residence in Australia.

Australia proposes to seek agreement to a network of re-admission agreements with such countries as members of the European Union, the USA and Canada.

Unlawful arrivals

In response to this third group, Australia has changed the way in which protection is provided. The changes aim to reduce the perception, held by people smugglers and their quarry, that Australia is both a highly attractive destination and a soft touch.

New measures effective from 20 October 1999, include:

• unauthorised arrivals found to be refugees in Australia will be granted only a temporary protection visa valid for three years. They will not be able to bring families to Australia, or receive full settlement assistance provided to permanently settled refugees. They will have access to Medicare, and

• using fingerprinting and other biometric tests such as DNA testing, face, palm or retinal recognition and voice testing to ascertain the true identity of asylum seekers to ensure they do not already have protection elsewhere or have been refused refugee status overseas.

Development of the latter changes will be undertaken in consultation with the Australian Privacy Commissioner, the Human Rights and Equal Opportunity Commission, the Attorney-General’s Department and agencies such as the United Nations High Commissioner for Refugees.

Resettlement

The offshore component of Australia's Humanitarian Program is Australia's response to those refugees for whom resettlement is the only durable solution.

Specialised settlement assistance programs are available to assist Humanitarian Program entrants and those asylum seekers granted protection visas to settle into the Australian community.

Details are contained in Fact Sheet 43, Settlement assistance for refugees and Humanitarian Program entrants and Fact Sheet 44, The Community Refugee Settlement Scheme.

Australia actively encourages more countries to establish resettlement programs to support this third durable solution.

Australia's Humanitarian Program comprises notionally 10 000 places for people from overseas (4000 Refugees, 4300 Special Humanitarian program and 500 Special Assistance Category) and 2000 places for people in Australia who are found to need protection. (See Fact Sheet 40, Australia's offshore humanitarian resettlement program.)

Who are refugees?

The term "refugee" is commonly used in a broad sense, but in international law - and official Australian practice - it has a precise meaning.

Refugees are defined in the United Nations (UN) Convention and Protocol Relating to the Status of Refugees as people who are outside their country of nationality or usual residence, and are unable or unwilling to return because of a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.

People in Australia who seek recognition of their claims in accordance with the Convention and Protocol can apply for a protection visa.

Asylum seekers?

"Asylum seekers" is a term used to cover all people who apply for protection/refugee status.

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Displaced persons?

The term ‘displaced persons’ refers to people who have left their home regions or countries because of disasters such as famine, floods, droughts or civil strife.

The scale of population movement around the world is greater today than at any other time in history. A figure of 50 million is commonly given for displaced people. The conflict in the former Yugoslavia displaced more than 3.5 million people. Large-scale movements have also occurred in recent times in Africa and the Middle East.

The majority of displaced people, while in varying degrees of humanitarian need, are not refugees in the sense of the UN Convention.

International cooperation

No country operating alone can hope to resolve the problems of the world’s estimated 23 million refugees.

Australia is an active member of the InterGovernmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (the IGC), the Asia Pacific Consultations on Refugees, Displaced Persons and Migrants (the AFC), and of the International Organisation for Migration (IOM).

Australia’s specific strategies to support and improve the international protection system include:

- encouraging the UNHCR to expand the number of countries that are signatories to the Refugees Convention and Protocol;
- encouraging signatory countries who have not yet established an effective refugee status determination system to do so with the assistance of the UNHCR; and
- ensuring that the UNHCR has the capacity to respond to any asylum claims that arise in territories outside the international protection network.

Integrity of the framework

The integrity of the protection visa system (and, more generally, of the Refugees Convention) is undermined not only if a refugee is refouled but also if people are granted a protection visa when they do not meet the Convention definition. This includes ‘forum shoppers’ and those who already have effective protection elsewhere.

Erroneous grant of a protection visa may also encourage spurious applications to be made, diverting resources from providing protection and settlement assistance to genuine refugees and reducing community support for their resettlement in Australia.

Non-government Organisations (NGOs), volunteers and voluntary organisations play an indispensable role in supporting the settlement of refugees.

Community support for refugees helps ensure that Australian society, particularly at the local level, has an appreciation of the issues relating to refugees and generates support for their settlement and inclusion in the community.

Information on Australian immigration matters is available on DIMA’s internet website:

http://www.immi.gov.au

The Department also operates a 24-hour telephone inquiry line on 131 881 for the cost of a local call from anywhere in Australia.

Fact Sheet 46. Produced by the Public Affairs Section, Department of Immigration and Multicultural Affairs on 2 May 2000.

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FACT SHEET

41. SEEKING ASYLUM WITHIN AUSTRALIA

Australia provides protection for asylum seekers who meet the United Nations definition of a refugee, as defined in the 1951 Convention & 1967 Protocol relating to the Status of Refugees. The majority of refugees in Australia have been resettled here from other countries having undergone assessment overseas. Each year however, several thousands of people already in Australia make applications for protection (refugee status).

This fact sheet provides information about the Australian Government’s system for processing protection applications from people in Australia. The Government also provides a number of services for certain asylum seekers while they are awaiting the outcome of their applications. (See Fact Sheet 42 Assistance for asylum seekers in Australia.)

The UN definition

Australia is one of 134 signatory countries to the United Nations Convention and/or Protocol relating to the Status of Refugees. The Convention defines refugees as people who:

- are outside their country of nationality or their usual country of residence, and
- are unable or unwilling to return or to seek the protection of that country due to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.

Protection in Australia

Asylum seekers are people who apply to the Government of a country for recognition as a refugee. Claims for protection by asylum seekers in Australia are assessed against the UN Refugee Convention.

Refugees who meet Australia’s health and character requirements are granted a Protection Visa (PV), which gives them permanent residence in Australia.

Background

Until mid-1989, there were fewer than 500 refugee applications a year from people in Australia.

Over the following two years, there was an increase in people claiming refugee status, due primarily to the Tiananmen Square incident in the People’s Republic of China (PRC) in June 1989.

Refugee status (ie PV) applications peaked at 16,248 during 1990-91, with about 77 per cent coming from nationals of the PRC.

At that time, and until 1995, each PV application was counted as a single case and did not take account of the number of persons included in the application. In other words, a single application could include several members of a family, or could mean just one individual.

Since 1995, each person included in an application has been counted as making an individual application. (This followed changes to migration law introduced under the Migration Reform Act 1958 in 1994.)

On 20 October 1999 amendments to the Migration Regulations came into operation. The amendments introduced new arrangements relating to people who arrive in Australia unlawfully. Under these arrangements there are two subclasses of Protection Visas: a Permanent Visa, subclass 866, and a Temporary Visa, subclass 785.

- Applicants who are lawfully in Australia are eligible for the Permanent Visa and are not eligible for the Temporary Visa
- Unauthorised Arrivals seeking the protection of Australia have access to the Temporary Protection Visa and are not eligible for the Permanent Visa in the first instance. The Temporary Protection Visa is valid for three years.
- A decision on a Temporary Protection visa will follow the standard Protection Visa process set out below (See ‘how claims are assessed’ below).

The holder of a Temporary Protection visa will not have access to family reunion. They will have work rights and access to special benefit as

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needed and will be able to gain access to Medicare.

- If the holder of a Temporary Protection Visa chooses to leave Australia, the temporary visa will cease and they will have no automatic right of return to Australia.

- Temporary Protection Visa holders may apply for a permanent Protection Visa but this is a separate application and each case will be decided as a new application as set out below (See ‘How claims are assessed’ below).

- A positive determination can be made only if the Temporary Protection Visa has been held by the applicant for at least 30 months (or a shorter period specified in writing by the Minister).

- The Temporary Protection Visa conditions do not apply to unauthorised arrivals who applied for protection before the new regulations came into effect. Such asylum seekers retain access to the Permanent Visa.

Applying for protection

The present system for processing protection visa applications in Australia was developed during the 1980s and 1990s in response to the increased number of asylum seekers.

Claims for refugee protection may be made in Australia by lodging an application for a Protection Visa at any office of the Department of Immigration and Multicultural Affairs or with any officer of the Department. A $30 fee is payable unless the applicant is not immigration cleared and in immigration detention.

How claims are assessed

When a protection visa application is made, a case officer of the Department of Immigration and Multicultural Affairs (DIMA), acting as a delegate of the Minister for Immigration and Multicultural Affairs, decides if the applicant engages Australia’s obligations under the UN Refugees Convention by assessing the claims against the definition of a refugee set out in that Convention.

Applications are assessed on an individual basis.

Where further clarification is required, the officer may interview the applicant using an interpreter where necessary.

The interviews are conducted in a non-adversarial environment, using all available and relevant information concerning the human rights situation in the applicant’s home country.

Applications are given opportunities to comment on any adverse information personal to them, which is taken into account when considering a claim.

Submissions made on behalf of the applicant by migration agents can also form part of the material to be assessed.

Applications are treated in confidence. No approach is made to a home government (including that country’s embassy in Australia) about an individual asylum seeker.

A DIMA officer then makes the decision on the application for a protection visa. Applicants who are found to meet the UN Convention definition, and meet Australia’s health and character requirements are granted a PV.

Merits review of decisions

Where an application is refused, a person can seek a merits review of that decision from an independent tribunal—either the Refugee Review Tribunal (RRT) or the Administrative Appeals Tribunal (AAT), depending on the basis for refusal.

The RRT also examines the applicant’s claims against the UN Convention definition, providing an informal, non-adversarial setting to hear evidence.

If the RRT is unable to make a decision favourable to the applicant on the written evidence available, it must give the applicant the opportunity of a personal hearing.

A $1000 RRT fee is payable when the application is rejected and the Department’s decision is confirmed by the RRT.

People granted a protection visa as a result of an RRT decision and people on whose behalf the Minister intervenes in the public interest (see below) do not have to pay the fee.

Protection visa applicants rejected by the RRT (and who have no other legal reason to be in Australia) have 28 days to depart Australia. If they stay beyond this 28-day period, they may be removed from Australia.

*Note: Once an application for review has been lodged, the applicant’s bridging visa will continue to be in force.*

Intervention in the Public Interest

The Minister has the power to intervene if the RRT has rejected the review application, but is not compelled to do so. The Minister may intervene to substitute a more favourable decision to the applicant if the Minister believes it is in the public interest to do so.

Judicial Review

People refused a PV at review may appeal to the Federal Court for judicial review of the decision on grounds of error of law. The Federal Court may not review the merits of a case.

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The Federal Court has the power to either uphold the refusal, or direct that the application be reassessed.

Statistics
During 1998-99, 7274 applications were completed by the Department. Of these, 970 were granted protection visas and 6160 were refused.

Historical data is set out below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Applied</th>
<th>Determined</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994-95</td>
<td>6943</td>
<td>6591</td>
<td>11654</td>
</tr>
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<tr>
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<td>8371</td>
<td>7145</td>
<td>7214</td>
</tr>
</tbody>
</table>

*Completed applications* means those determined, plus all otherwise resolved applications eg. where the application was withdrawn or the applicant was granted another visa.

During 1998-99, 5505 cases were received by the RRT.

Of the 7352 cases completed in 1998-99, the RRT affirmed the Department’s decision in 5261 cases. It found in favour of the applicant in 560 cases which were remitted to the Department for health and character assessment. All other applications were otherwise resolved.

PV application assistance
Help in preparing and lodging PV applications is available to eligible asylum seekers through the Immigration Advice and Application Assistance Scheme (see Fact Sheet 70 Immigration advice and application assistance scheme).

Asylum Seeker Assistance Scheme
The Asylum Seeker Assistance Scheme (see Fact Sheet 42 Assistance for asylum seekers in Australia) provides financial assistance to eligible PV applicants who are unable to meet their basic needs for food, accommodation and health care while their PV application is being processed, including where a case is under review.

Status during processing
Most applicants receive a bridging visa upon lodging a PV application. In most cases, the bridging visa allows the applicant to remain lawfully in the community until the protection visa application is finalised.

Some bridging visas allow the applicant to work in Australia, other bridging visas do not have work rights attached. (See Fact Sheet 42 Assistance for asylum seekers in Australia)

A bridging visa ceases:

- once a protection visa is granted, or
- when another bridging visa is issued, or
- eight days after withdrawal of a protection visa application, or
- if the holder leaves Australia (applies to Bridging visas A, C, D & E); or
- on cancellation of any substantive visa held (applies to Bridging Visas A & B only); or
- on the cessation date if the bridging visa is granted for a specific period of time.

Work rights
During 1997, new regulations relating to work rights for asylum seekers came into effect and apply to all protection visa applicants applying on, or after, 1 July 1997 (see Fact Sheet 42 Assistance for asylum seekers in Australia).

Information on Australian immigration matters is available through the Internet at:
http://www.immi.gov.au

The Department also operates a 24-hour national telephone service inquiry line on 131 881, for the cost of a local call anywhere in Australia.

Fact Sheet 41. Produced by the Public Affairs Section, Department of Immigration and Multicultural Affairs, Canberra. Revised 12 November 1999

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偷渡一次 悔恨终生

梦 犯

做梦 犯罪

回家 贫穷
OVERSEAS INFORMATION CAMPAIGN

CHINA-SPECIFIC POSTER

TRANSLATION

The translation of the slogan is:

toudu yici  huihen zhongsheng

toudu    - To depart and arrive illegally by boat

yici     - once; one time

hui hen  - to regret one’s actions

zhong sheng - for the rest of your life

In each of the four corners the characters are:

meng   - to dream

fan    - to commit a crime

hui    - to return

po     - broken, spoilt

Under each panel in yellow are two character words which are clearer descriptions of the above concepts.

zuo meng  - to dream

fan zui  - to commit a crime

hui jia  - to return home

pin qiong - to be extremely poor and needy
There is NO AMNESTY for illegals

There is NO amnesty for people who are in Australia illegally

There will be no amnesty in the future

Rumours of a planned amnesty are false
Do not believe them

If you are in Australia illegally you should make arrangements to leave immediately

It is only a matter of time before you are caught and removed from Australia

Philip Ruddock
Minister for Immigration and Multicultural Affairs

21 January 2000
The Dari versions of the following two documents were shown to the Afghan focus group participants.

PLEASE READ THIS INFORMATION CAREFULLY
IT CONTAINS IMPORTANT INFORMATION FOR YOU

It is important that you stay well informed about your situation in Indonesia. We understand that you hear many things and sometimes it is difficult to decide what is true and what is false. The information in this letter is provided to make sure you understand your situation and to assist you to make choices about your future.

The United Nations High Commissioner for Refugees (UNHCR) has assessed your case and you have not been recognised as a refugee. This means that you must remain under the care and supervision of the International Organisation on Migration (IOM) while you remain in Indonesia. If you leave the place where IOM cares for you, you may be arrested by Indonesian authorities and placed in a more secure facility.

People smugglers may promise to take you to Australia by illegal means but you risk losing your money and placing yourself and your families in great danger. People smugglers are greedy and will take your money even when they know that they cannot keep their promises. They are not concerned for your safety and they do not care what happens to you.

While you are in Indonesian territory, you are subject to Indonesian law. Your previous attempts to leave Indonesia by boat were not successful. If you again attempt to leave Indonesia illegally by boat, you (like many before you) will be intercepted by Indonesian authorities for unlawful departure and you will be detained. The smugglers will say they can avoid this but they will be lying to you. They failed before and they will fail again. The money you have paid to them will not be recovered.

The Australian Government has not changed its policy about accepting people who attempt to enter Australia illegally. The Australian government will not accept an application from you because your case has already been considered in Indonesia. This means that even if you reach the Australian mainland you will not be granted a visa.

If there is a country that you have the legal right to enter you should inform IOM who can assist you with airfares and travel documents.
You are encouraged to think about returning to Afghanistan to assist in the re-building of your country and establishing a new life for you and your family. Assistance is available to you if you choose to return and IOM will assist you to make arrangements. All you need to do is to speak to an IOM officer.

If there is another country that you have the legal right to enter you should inform IOM who can assist you with airfares and travel documents.
PLEASE READ THIS INFORMATION CAREFULLY
IT CONTAINS IMPORTANT INFORMATION FOR YOU

It is important that you stay well informed about your situation in Indonesia. We understand that you hear many things and sometimes it is difficult to decide what is true and what is false. The information in this letter is provided to make sure you understand your situation and to assist you to make choices about your future.

The United Nations High Commissioner for Refugees (UNHCR) has assessed your case and you have not been recognised as a refugee. This means that you must remain under the care and supervision of the International Organisation on Migration (IOM) while you remain in Indonesia. If you leave the place where IOM cares for you, you may be arrested by Indonesian authorities and placed in a more secure facility. UNHCR has indicated that they are preparing to reassess some cases. UNHCR will advise you if you are affected by this decision.

People smugglers may promise to take you to Australia by illegal means but you risk losing your money and placing yourself and your families in great danger. People smugglers are greedy and will take your money even when they know that they cannot keep their promises. They are not concerned for your safety and they do not care what happens to you.

If you attempt to leave Indonesia illegally by boat you (like many before you) will again be intercepted by Indonesian authorities for unlawful departure and you will be detained. The smugglers will say they can avoid this but they will be lying to you. The money you have paid to them will not be recovered.

The Australian Government has not changed its policy about accepting people who attempt to enter Australia illegally. The Australian government will not accept an application from you because your case has already been considered in Indonesia. This means that even if you reach the Australian mainland you will not be granted a visa.

You should also know that most countries that traditionally accept Afghan refugees now consider it safe for Afghans to return to Afghanistan.

In 2002 1.8 million Afghans returned home to Afghanistan to start building a new life for themselves and their families. They were assisted by UNHCR, the Afghan Ministry of Refugees and Repatriation and aid agencies from many other countries who are committed to assisting the Afghan people rebuild Afghanistan. By the end of 2003, UNHCR hopes to have helped 100,000 families reconstruct their homes. UNHCR continues to improve water supplies in areas that people are returning to and helps provide job opportunities.
The Arabic version of this pamphlet was shown to the Iraqi focus group participants.
Appendix 3. Focus Group data

Appendix Three includes the transcripts from the two focus groups that I undertook for this study. The first is from the focus group that I conducted with a family of Iraqi women; the second is from the focus group that I undertook with a group of Afghani men. An Arabic speaking interpreter was present during the focus group that was conducted with the Iraqi women. The women spoke in Arabic for the majority of the focus group but I have noted below, when they answered my questions in English. The focus group conducted with the Afghan men was conducted in English. I have also included on these transcripts, my initial analysis of the focus groups (my comments are in bold); these comments formed the basis for the analysis described in Chapter 2.

**Iraqi women, interviewed 13 July 2005**

**Roslyn**: I just wanted to show you today some documents that are created by the Australian Government which it sends overseas to stop people from coming to Australia by boat… what the Government says is that it sends these advertisements overseas and… it’s these advertisements that stop people from coming [by boat]. So I just wanted to show you this poster first of all and I just wanted to know whether anyone had ever seen a poster like this before? [holding up the Arabic version of the poster from the Overseas Information Campaign kit, the other materials from the Overseas Information Campaign kit were also handed to the respondents before the focus group began.]

**Women**: No we haven’t seen it.

**R**: Can you tell me what the Arabic says?

**Woman 1**: Stop

**R**: anything else?

**Woman**: (In English) Travelling without visa… [inaudible]

**R**: Does it make sense to you? Is there anything that you don’t understand?

**Woman 1**: No, I haven’t seen it before

**R**: Because I know with one of the Farsi documents that the word for ‘visa’ didn’t make sense to some of the Afghan people so is there anything that doesn’t make sense to you?

**Woman 1**: I mean like, we haven’t seen such a document before [their concern, like the focus group of Afghani men, is that they have not seen the documents before]

**R**: What do you think that the Government is trying to achieve with this document?
Woman 1: To stop refugees from coming into Australia [the women comprehend the documents, they understand their purpose]

R: So how do you feel about that, what do you think about that?

Woman 1: Well to my knowledge, if any refugee wants to approach any country he should get to this country regardless of whether they have a permit or visa or don’t [the message does not fit with her understanding of refugee rights]

Older woman: He or she is seeking protection and he or she is obliged to leave the country from the persecution that we have seen. So we’re asking for protection. So we shouldn’t wait to get a permit or a visa, we didn’t leave our home country by choice. So what I understand is the law of refugees is whatever country you want to go, just you have to get in without any permit. [‘the message’ does not fit with their situation; as refugees, they could not ‘wait around’ in order to get a visa to Australia. They question some of the ideas behind the message – that they can get access to visas and that they had a choice in leaving their home country]

R: Yes, that’s basically international refugee law, you’re right. And what do you… how do you think refugees if they see it, because you haven’t seen it before you came to Australia. What do you think refugees if they were in Indonesia who saw this at the airport for example, what do you think they would think of something like this?

Woman 1: I mean if they see it, they will still come

Younger woman: because we don’t have any choice apart from this [lack of choice connected with the situation of being a refugee]

R: So even if the Australian Government puts up a poster that says “you could be in detention” or…, that won’t stop them either? If they Australian Government is saying “you might be in detention, you might be on a temporary protection visa”?

Woman 2: If they believe that the person is under persecution in his or her own country then yeah they will leave. If someone is in danger, I mean, it’s a must. [the message cannot compete with the refugee’s need to find protection]

Woman 1: So Australia is one of the countries that provides protection

R: So even if you had, for example with your own cases, before you came here, say you knew about the temporary protection visa or you knew about time in detention, would you still have come to Australia?

Younger woman: So we never thought about these issues, we were just under persecution, under fear and we did not call to inquire about this, so we just left and we came [lack of consideration of ‘options’, they did not consider these things, it did not occur to them, their primary objective was to find safety]

[The transcript does not capture the mood of this focus group. The women were evidently frustrated by the difficulties they faced as TPV holders, as their comments during their group interview indicate. In looking back over the transcript from their
interview and focus group, it is clear that they wanted to talk about the TPV and did not want to engage with the materials from the Overseas Information Campaign at all.

Focus group with Afghan refugees 5 November 2005

Roslyn: I just wanted you guys to have a look at, I’ve got this stuff here from the Government. Some of it’s in Arabic and some of it’s in Farsi. So have you guys seen anything like this [the poster and a few pamphlets]. So can you just tell me how it reads, whether or not it makes sense? [holding up the Farsi version of the poster, the other materials for the Overseas Information Campaign kits were also handed to the respondents before the focus group began]

[one of the men reads the poster out loud in Farsi] [one of the interviewees is barely literate in Farsi]

R: Is there anything that you don’t understand there?

Interviewee 1: I don’t know about this.

R: Have you seen anything like that?

Interviewee 1: No not like that.

R: Because what the Government says is that it has put these posters up in Iran or, it’s meant to stop refugees from coming here but have you seen anything.

Interviewee 1: well the problem is like, well I’m 34 years old now so why I didn’t come 20 years ago to Australia? Why I didn’t come 25 years ago to Australia because my life is not really in danger at that time, so if the same situation comes still people doesn’t care about the money, if they see like this thing, they might not trust, they might say [inaudible] [Reinforces the idea that his journey to Australia was legitimate (he was in danger in Afghanistan).]

R: So you’re saying that they might not trust and they might not believe it?

Interviewee 1: No I don’t think so

R: What about you [interviewee 2]?

Interviewee 2: Yeah I don’t know what the people are going to do. [unsure how people will react to the poster]

R: But you personally, you haven’t seen that before?

Interviewee 2: No, I have not seen that, never before.

R: And [interviewee 3] have you seen this one before?
Interviewee 3: No, no. I don’t worry about this one. When I came to Ashmore Reef or when I came to Australia, the customs service said “welcome to Australia” [all laugh], they welcome me. [The message from Australia is a mixed one, refugees are welcomed and repelled simultaneously]

Interviewee 2: Probably they have done this after that? [Tries to account for why he hasn’t seen the poster, suggests perhaps that it was created after he arrived in Australia]

R: From 1999 I think they started.

Interviewee 2: 1999, so how come when we came there, they said “welcome to Australia”. That’s what they said “welcome to Australia, we will take you here and you will be safe”. That’s what they said so. [Mixed message, tries to understand why Australia would welcome him and also try to stop him from entering its territory]

R: Did you see actually that the gate is unlocked [in the poster]?

Interviewee 1: probably they print this new one, I haven’t seen it in the last couple of years. [Interviewees still try to account for why they have not seen the campaign, they suggest that this is a new poster which must have been printed since they arrived in Australia, this is despite the fact that I told them that the campaign has been running since before they arrived. Of course there is another explanation which is obvious – the campaign simply has not been distributed as widely as claimed and there are significant barriers which prevent refugees from accessing this information.]

R: You haven’t seen it? Well that’s still important because what the Government’s saying is that, it’s been doing this since 1999. So if you guys haven’t seen this, then that’s important.

Interviewee 1: No, I haven’t seen anything… So you got these things from the Government?

R: Yeah I did a Freedom of Information request which you can send into the Government and get access to all of the information that they’ve ever printed so this is what they sent me and they say that they send this overseas. So what did you think of that? Did you understand it?

Interviewee 3: Yeah.

R: And have you seen it before?

Interviewee 3: No.

R: And do you think that it might stop people from coming to Australia?

Interviewee 3: If they see it somewhere, if they get the chance to come here, it won’t stop them.
Interviewee 2: If they leave the door open like that [referring to the unlocked gate on the poster].

R: yeah the gate’s unlocked.
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