REFUGEES AND ASYLUM SEEKERS IN AUSTRALIA

An Editorial Comment

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On 4 July 2003, a one-day "Cultural Research and Refugee Studies" workshop was held in Sydney. Greg Gow and Amanda Wise organized the workshop, a cooperative venture between the cultural research centers of the University of Western Sydney and the Australian National University. It brought together a large group of researchers, practitioners, and community representatives to exchange ideas about cultural research among refugees and asylum seekers in Australia. The three articles that follow, by Gow, Wise, and Glazebrook, present a particular perspective on the methodology of studying and analyzing refugee behavior in Cultural Studies, stressing the significance of considering the emotive and affective aspects of their status and position. Wise's material considers East Timorese refugees, many of whom now have residence in Australia, while Gow and Glazebrook examine more recent refugees and asylum seekers from Iraq and Central Afghanistan, respectively, many of whom still have uncertain futures. Comments from a panel discussion by Khalid Koser, Pnina Werbner, and Ien Ang complete this thematic section.

Gow and Wise present their theoretical approach as novel in Australian Cultural Studies of refugees. The general issue of the accommodation of affect and emotion in anthropological and sociological theory, analysis, and research methodologies has been widely discussed in both disciplines in the U.K., the U.S., and Europe, with the exploration and application of phenomenological perspectives since at least the 1970s. Such perspectives have been increasingly used in the 1990s in relation to refugee and migration studies, as is implied in some of the panel participants' statements. Koser and Werbner, particularly, widen the discussion to consider the diversity of refugee studies that have been undertaken elsewhere in the world over a considerable period of time.

'Refugee' is a blanket concept that masks a range of complexities that are inextricably linked to the political climate of the time. This is well illustrated by

the current political situation in which, as the Australian Federal election nears, refugees and asylum seekers have become once again a focus for the Howard-Liberal-National Coalition to claim, as it did during the 2001 elections,[1] that it alone had the policy and the resolve to maintain borders against "illegal" immigrants and now, by implication, "terrorists." Oddly, which shows the politically contrived nature of the "crisis," there is within government debate about these issues, a complete disregard of the fact that over fifty thousand people per year (mostly from the U.S., the U.K., and Europe) have overstayed their visas and remain at large in the country.[2]

Until the end of 1997, only about 2,500 asylum seekers had arrived off the northern coast of the Australian continent. Some were granted asylum, but most were eventually repatriated after a period of detention in a center built by the then Labor government. As the tempo increased and more asylum seekers arrived seeking refuge in Australia—by mid-2003, 9,900 had arrived "unlawfully"[3] within Australian waters—the Liberal-National Coalition government under Prime Minster John Howard, instituted measures to qualify who became eligible to be 'classified' as a 'genuine' refugee, and as Glazebrook details in her article below, even going so far as to declare extra-territorial, a number of islands and reefs along the continent's northern borders. This legislation placed these islands outside of what is termed in the Australian migration act "the migration zone," effectively making it impossible for asylum seekers to gain access to plead their cases before the Australian courts.[4]

The counter-point to the 'genuine' refugee image is that of the "illegal immigrant," the "queue jumping" asylum seeker. Once within Australian territorial jurisdiction, these "criminals"[5] were detained, and kept in what are euphemistically described in government legislation as "Immigration Reception and Processing Centres," or for those located in the Pacific Islands, as "Offshore Processing Centres." More commonly, they are referred to as "Detention Centers," which are usually located in remote locations, away from public view and contact. It is here that the asylum seekers lived, behind high fences topped with barbed wire, while their identities, origins, and eligibility for 'genuine' refugee status were meticulously 'checked.' Others were not allowed to land and escorted or shipped back to Indonesia, or when Indonesia refused re-entry, shipped to remote Pacific Island states, such as Nauru and Manus. All these actions were in breach of Australia's international treaty obligations and, in some cases, were also legalistic maneuvers designed to avoid proceedings being instituted in terms of Australia's own migration act.[6]

The Howard government has frequently justified the harshness of the detention regime in terms of its supposed success in discouraging asylum seekers arriving from Indonesia by boat. Cameron (2004: 19), an investigative journalist, quoting from interviews with immigration officials of the Department of Immigration who had access to intelligence sources and officers of the Australian Federal Police, including the head of the Federal Police, Commissioner Keelty, revealed that the Australian Federal Police, in conjunction with the Indonesian Police and agents of the Australian Secret Intelligence Service, had

conducted an intensive campaign among fishermen along Indonesia's southern coastline. The object of the campaign was to dissuade them from providing crews for the boats of so-called people smugglers. This was done by an extensive propaganda campaign pointing out to local people that 'people smugglers' grew rich at their expense. They would risk long terms of imprisonment in Australia if they crewed boats for asylum seekers. Indonesian Police also arrested a number of alleged people smugglers. Keelty stated firmly that the Australian Police and Secret Intelligence agents had not done anything illegal, although he admitted that they had no control over the activities of the Indonesian Police. Their combined actions appear to have been much more effective in discouraging the arrival of asylum seekers than the harsh detention regime.[7] Eventually, and ironically, over 80 percent of those detained, including those sent to remote Pacific Islands, were classified as 'genuine' refugees and granted Temporary Protection Visas (TPVs).

The distinction between refugees and asylum seekers has never been clear in the public's eyes, and recently has become even more blurred as more asylum seekers, processed by the immigration department as 'genuine' refugees, were released on TPVs that were valid for only three years. TPVs placed severe restrictions on the refugees' movements and activities. If after three years a person on a TPV had not been accepted as qualified to be granted an extension of the protection visa, they were deported. Until a very recent change in legislation, refugees were permitted to apply for permanent protection visas only after they had left Australia.

With a critical election looming, and coinciding with both a shift in public sympathy among middle-class voters within the country toward refugees and pressure from some agriculture and industry sectors for asylum seekers to be allowed to stay in Australia as laborers, their treatment has become an issue differentiating the Howard government and its coalition partners from the Labor Opposition and its minor party allies. In what appeared to be a complete reversal of the government's policy, Senator Amanda Vanstone, the Minister of Immigration, announced (13 July 2004) that most of the remaining asylum seekers in the detention centers were to be released and granted TPVs, with the exception of seventy-six Afghani "illegal immigrants" and a few others not deemed to qualify at all for refugee status.[8] They now joined the other refugees on TPVs. However, the Minister also announced that all refugees holding TPVs would now be permitted to apply for permanent migration visas from *within* Australia and not, as previously, only when they had *left* Australia.

In a televised ABC program[9] on 13 July, a video clip of Senator Vanstone announcing the new policy to the Senate was shown. She said: "The decision that I am making this morning is that 9,500 TPV holders will be able to apply for mainstream visas, that is very good news." Many TPV holders and their supporters took this announcement, broadcast as an ABC news item, at face value. In the ABC's televised *7.30 Report* that evening, journalist Heather Ewart interviewed several TPV holders. Mohammad Fayazi said: "This morning when I heard the news, I said, like, 'Gosh, this is happening now. The day is coming.

We will see our family. We will have our freedom.'" Zaman Shah, formerly a university student and a member of the Hazara community who had fled from Afghanistan to escape the Taliban, had been on a TPV since being released from a detention center in 1991. He was a workmate of Mohammad Fayazi. Both had learned tiling in Australia and both stated that they would be happy to stay in Australia as tilers and work on building sites. Ewart explained how Mohammad in his spare time also worked at a Learning Center helping other refugees to learn English and to adjust to Australian life.

Later in the day, as more commentators—lawyers and others, expert in refugee issues—began to explain the full implications of the supposed changes in policy, what became clear was that although TPV holders could now apply for permanent migration visas from within Australia, they would have to compete with all persons applying for permanent migration visas. Their eligibility would be evaluated in terms of such matters as educational qualifications, required skills, sponsorship, family connections with permanent residents, and adequate funding. In fact, few refugees would be able to qualify for permanent migration residence visas. Furthermore, what also became clear was that if those on TPVs were not granted permanent migration visas, and most of them would not have the necessary qualifications, they would be deported, although now "more generously" after eighteen months and not twenty-eight days as previously. When questioned, Senator Vanstone confirmed this: "We don't see the need to make them rush home. In fact we see the need to give them the opportunity to make decent and coordinated arrangements to return home."[10]

However, in a further, almost bizarre, reversal of previous policy, Senator Vanstone, reacting to the many adverse comments directed at the new policy and seeking to accommodate those sectors of the rural industries, such as the fruit growers and the abattoirs, with an interest in retaining the labor of refugees, announced on 25 August that all asylum seekers on TPVs would now be issued with Return Pending Visas. Those on RPVs could either opt to be repatriated, marry an Australian resident, or take up employment in rural areas if they could find an employer. They could then use their willingness to work in rural areas and their sponsorship in their applications for permanent migration visas. The background of the following three studies, therefore, is one of uncertainty and trauma among refugees, about the possibility of their obtaining permanent migration visas, or of their ever returning to their homelands, or about their general reception in Australia, situations further compounded by the '9/11' disaster; the subsequent Afghanistan and Iraq wars; and Australia's active alliance with the U.S.

Notes

1. The Liberal-National Coalition's policy in relation to asylum seekers was developed in part to undermine the populist appeal of Pauline Hanson's One Nation Party, which maintained that asylum seekers—indeed, all migrants—competed with Australians for health and welfare benefits and for employment. Many of Hanson's policies were refined and incorporated in the Liberal-National Coalition's policy toward refugees, particularly in relation to all those now labeled "illegal immigrants." On Pauline Hanson and her relations with the Liberal-National Coalition government, see Kapferer and Morris (2003). For a disturbing and critical view of Howard's tacit political maneuvers during the 2001 election, see Marr and Wilkinson (2003).
2. Refugee Council of Australia, Numbers of People Estimated as Illegally Overstaying Visas as Compared to Unauthorized Arrivals. http://www.refugeecouncil.org.au/html/facts _and_stats/stats.html, accessed 24 August 2004. See also *The Weekend Australian* (2004), and Megalogenis (2004) for a more recent higher estimate (sixty thousand).
3. http://www.minister.immi.gov.au/borders/index.htm, accessed 24 August 2004.
4. Ibid.
5. These phrases are commonplace within government rhetoric and media accounts of these statements and rationales about policy decision-making principles.
6. Particularly, Article 36, which allows anyone who arrives in Australia by whatever means to claim protection as a refugee, but this is qualified by Clause 785.411, which requires them to have arrived in Australia's "migration zone."
7. For a more skeptical view of the actions of Australian Police, Secret Service agents, and the Indonesian Police and their agents in relation to the fishermen and 'boat people.' see Kevin (2004).
8. On 6 August 2004, after a government appeal, the Australian High Court ruled that in terms of the Migration Act, the Federal Government had the legal power to detain indefinitely asylum seekers who were stateless or who lacked verifiable identification. Asylum seekers in these categories who had been released into the community were detained again. This decision produced much adverse comment in the media and in some marginal electorates. The government once more amended its policy. Senator Vanstone announced on 1 September that all detainees were to be released immediately and given Return Pending Visas.
9. "Government Announces Changes to Temporary Protection Visas," http://www.abc .net.au/7-30/content/2004/s1152351.htm. Broadcast 13/07/04, accessed 14 August 2004.
10. http:/www.abc.net.au/7-30/content/2004/s1153251.htm, accessed 24 August 2004.

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