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Australia's Asylum and Migration Policy: Lessons to Apply to the European Refugee Crisis

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Australia has a long history of immigration, including accepting refugees. Over the years, it has developed mechanisms and instruments that aim not only to help people in need but also to provide for the country's stability and prosperity. However, in recent years some elements of Australia's refugee policy, especially its approach towards the so-called boat people, have come under fire. Nevertheless, the solutions implemented by Australia should be part of the EU's efforts to find ones useful for dealing with its current migration crisis.

Australia's policy for large-scale immigration was initiated after World War II. On one hand, it was an answer to the humanitarian crisis in war-devastated Europe where thousands of people had been displaced. On the other hand, Australia's economy needed labour, and thus a growing population was perceived as crucial for the country's future.¹ To coordinate efforts in this area, the Department of Immigration was established in late 1945. Since then, more than 7.5 million people have migrated to Australia, or, for comparison's sake, about a third of the country's current population. Among them were over 800,000 people who arrived under the Humanitarian Programme as refugees.² These figures make Australia one of the most open countries in the world in terms of immigration.³

Initially most migrants came from the United Kingdom and other European states that had signed agreements to support migration to Australia. Highly welcomed were soldiers who had fought in World War II on the side of the Allies. Australia also signed an agreement with the International Refugee Organisation to encourage the migration of displaced people (DP).⁴ The largest number of DPs arrived from Europe—between 1947 and 1954, around 170,000 of them, including many from Poland, settled in Australia.⁵ In 1954, Australia became party to the 1951 Convention Relating to the Status of Refugees as the sixth country in the world to ratify the treaty and a founding member of the United Nations High

¹ "Fact Sheet—More than 65 Years of Post-war Migration," Australian Government, Department of Immigration and Border Protection, www.border.gov.au/about/corporate/information/fact-sheets/04fifty#a.

² "Fact sheet—Key facts about immigration," Australian Government, Department of Immigration and Border Protection, www.border.gov.au/about/corporate/information/fact-sheets/02key.

³ In 2014, 28.1% of Australia's population (which is currently 6.6 million people) was born overseas. See: "Migration, Australia 2013–14," Australian Bureau of Statistics, January 2015, www.abs.gov.au/ausstats/abs@.nsf/mf/3412.0.

⁴ "Fact sheet—Key facts about immigration," *op. cit.*

⁵ "Prime Facts. Australian Prime Minister's Centre. Australia's refugee policy," Museum of Australia's Democracy, <http://static.moadoph.gov.au/opphgovau/media/images/apmc/docs/81-Refugees.pdf>.

Commissioner for Refugees (UNHCR) Executive Committee. Soon after, in 1958, the Migration Act came into force; in 1973, Australia acceded to the 1967 Protocol Relating to the Status of Refugees.

Until 1970, Australia remained relatively homogenous in terms of the ethnic structure of its society. Most inhabitants were of Anglo-Saxon or European origin. The turning point was marked by the civil war in Lebanon in 1970 and the war in Vietnam that ended in 1975, when a large number of refugees from the Middle East and South Vietnam sought asylum in Australia. They were the first large groups of people from a different cultural background to settle in Australia since the country's founding. The crisis concerning the flow of refugees forced the government at the time led by Prime Minister Malcolm Fraser to forge a comprehensive policy on refugees in 1977. Since then, the country's refugee (humanitarian) programme has been based on four main elements:

- 1) Australia recognises its humanitarian commitment and responsibility to admit refugees for resettlement,
- 2) the decision to accept refugees must always remain with the government of Australia,
- 3) special assistance will often need to be provided for the movement of refugees in designated situations or for their resettlement in Australia,
- 4) the Australian government makes an annual contribution to the UNHCR.⁶

Although in the nearly four decades that have followed some modifications have been implemented, this set of rules still can be considered the foundation of Australia's policy on refugees.

Overall Look at Australia's Immigration System

Australia's current immigration system is extremely developed and complex. It includes a large number of programmes and initiatives, and it engages various agencies as well as regional authorities and non-governmental organisations (NGOs). It is supervised by a separate ministry—the Department of Immigration and Border Protection (DIBP). Currently, the two main pillars of the system are the Migration Programme and Humanitarian Programme.

In terms of numbers, the Migration Programme is the bigger component. Its goal is to attract select skilled foreigners to settle in Australia. It is based on a pragmatic approach to strengthen the capacity of the country's economy and to reunite families with members already in Australia. In 2013–2014, Australia issued 190,000 visas under the Migration Programme, among which some two-thirds (or more than 120,000 people) was dedicated to the skills stream and around one-third (or more than 60,000) to the family stream. Moreover, around 0.2% of visas were reserved for people with special eligibility status. Most migration visas went to citizens of India (39,000, or 21% of visas granted under the Migration Programme), China (26,800, or 14%) and the United Kingdom (23,200, or 12%).⁷

However, from the EU's point of view what is more interesting is Australia's Humanitarian Programme and the part specific to refugees. Australia takes an active part in international efforts to help refugees and solve humanitarian crises worldwide. This activity is perceived not only in a moral dimension but also as the country's contribution to the reduction of uncontrolled movements of people between countries, especially those from conflict areas, and thus aims at supporting a more stable international order.

The Humanitarian Programme consists of two basic elements—offshore and onshore activities. The offshore component is aimed at resettling in Australia refugees and people whose humanitarian situation is grave. One can identify two categories of people who fall under the offshore part. The first are refugees, or those who meet the definition of one as found in the 1951 Convention Relating to the Status of Refugees,

⁶ *Ibidem*.

⁷ "International Migration Outlook 2015," OECD, 22 September 2015, www.keepeek.com/Digital-Asset-Management/oecd/social-issues-migration-health/international-migration-outlook-2015_migr_outlook-2015-en#page186.

and thus, victims of various kinds of persecution (religion, gender, political beliefs) in their home country. There are four types under the system:

- 1) Refugee (classification code 200): people who have fled their home country,
- 2) In-country Special Humanitarian Programme (201): people living in their home country and facing persecution,
- 3) Emergency Rescue (203): people outside their home country whose lives or security are endangered,
- 4) Women at Risk (204): for women living outside their home country, who are without the “protection of a male relative” and who are in danger of victimisation, harassment or abuse based on their gender.⁸

In regard to refugees, the Australian government cooperates closely with the UNHCR to resettle people mainly those in refugee camps.⁹ Australia is one of three countries, along with the United States and Canada, with the highest number of resettlements.¹⁰ In this case, UNHCR is responsible for the verification process of each asylum seeker, including prospects for local integration or voluntary repatriation.¹¹ Australia also deploys government officials to UNHCR camps all over the world to gain information about the refugees’ situation and facilitate the resettlement process. Although UNHCR handles verification of potential refugees, DIBP makes the final call regarding acceptance of a particular person into the Humanitarian Programme.

However, not only people who have been given the status of refugee can benefit from the programme. The second category is the Special Humanitarian Programme (SHP, classification code 202) and is directed to persons who live outside their home country but who do not meet the criteria for refugee although they are in a refugee-like situation, that is, they may suffer serious discrimination or violations of their human rights, including blocked access to education or healthcare. Moreover, under the offshore part of the Humanitarian Programme, steps are taken to reunite families as a means to better adapt refugees to their new place of living. The Humanitarian Programme does not address refugees who flee for their home countries for economic reasons, referring those with professional skills to the Migration Programme. It is also worth mentioning that under so-called Bridging visas, refugees can live freely in the community while their immigration status is resolved (so-called community detention) and thus relieve traditional immigration facilities.¹² Moreover, they can also stay and work in Australia for three to five years under temporary protection visas.¹³

⁸ Australia is one of a few countries that conduct (since 1989) a dedicated refugee programme for women at risk and their dependants. For more information, see: “Woman at risk visa (subclass 204),” Australian Government, Department of Immigration and Border Protection, <http://unhcr.org/556725e69.html>.

⁹ Australia is one of only 27 states that offer resettlement places for refugees directed by the UNHCR and one of 10 countries that have established annual resettlement programmes for 500 or more refugees. See: “World At War. UNHCR Global Trends Forced Displacement in 2014,” United Nations High Commissioner for Refugees, 2015, <http://unhcr.org/556725e69.html>. Under Humanitarian Program, UNHCR’s priorities are taken into account, which is perceived by Australia as the international community’s tool to deal to some extent with the challenges concerning refugees and stabilisation of the situation in conflict areas. The priority groups, agreed with other countries engaged in the resettlement scheme, including Iraqis in Syria, Jordan and Lebanon or Afghans in Pakistan and Iran. Moreover, Australia takes part in four out of five Contact Groups between resettlement countries (on Afghan refugees in Iran, Afghan refugees in Pakistan, Bhutanese refugees in Nepal and Congolese refugees) conducted under the auspices of UNHCR (the only group it does not take part in resettling are Colombian refugees).

¹⁰ From 2014 data, the U.S. was the world leader in this category, with 73,000 refugees resettled, followed by Canada (12,300), and then Australia (11,600). See: “World At War...,” *op. cit.*

¹¹ Resettlement is perceived as a mean of last resort, when local integration and voluntary repatriation are not doable.

¹² “Alternatives to detention,” Australian Human Rights Commission, www.humanrights.gov.au/alternatives-detention.

¹³ However, they are denied permanent residency and the government can deport them when it deems conditions in their home country have improved. See: H. Regan, “Australia Approves Temporary Protection Visas for Refugees,” *Time*, 5 December 2014, <http://time.com/3619649/australia-temporary-protection-visas-refugees-boat-people>. Therefore, this visa is most useful when there are grounds to assume that refugees will be able to return home after a relatively short period. Critics of temporary protection visas claim the visas create uncertainty for refugees, result in detrimental effects on mental health, lack the possibility of family reunion and deny access to various welfare benefits. See: P. Hughes, “Reintroduction of Temporary Protection Visas places maritime asylum seekers in Australia in a better position,” *The Sydney Morning Herald*, 9 December 2014, www.smh.com.au/federal-

As for the onshore element, it is dedicated to people who are already on Australian territory, who meet the definition of a refugee or who come under the country's other human rights obligations,¹⁴ or people who do not meet the refugee criteria but who are at risk of harm in their home country. These people must also satisfy health, character and security criteria before they are granted protection visas.¹⁵

The quota of visas that can be granted under the Humanitarian Programme is stipulated every year by the government. The decision is based on the state's perceived capabilities, including its financial situation, logistic capacities and the needs of provincial authorities. In 2013–2014, Australia allotted 13,750 visas¹⁶ for refugees and people in a refugee-like situation, including at least 11,000¹⁷ dedicated to the offshore segment (among them, 6,500 refugee visas, 4,500 Special Humanitarian Visas,¹⁸) with the rest, or around 2,750, reserved for visas for the onshore programme for people who entered Australia legally.¹⁹ In 2013–2014, most of the offshore refugees came from Afghanistan (2,531 people), Myanmar (1,145), Iraq (829), Syria (297) and Bhutan (312).²⁰ The system is quite flexible, as there is the possibility to change the numbers of refugees in each component as well as to react to changing situations in the world by increasing the number of resettled refugees. This was reflected in Australia's acceptance of an additional 12,000 Syrian and Iraqi refugees due to crisis in the Middle East in 2015.²¹

Characteristics of Australia's Migration and Asylum Policy

Australia has been able to develop a comprehensive and, in many aspects, an original immigration and asylum system. It embraces various instruments and the cooperation of manifold actors to address the challenges stemming from immigration and the inflow of refugees. The prominent element of Australia's system is annual public consultations conducted by the government on the shape and size of its programmes. This activity includes consultations with state and territorial governments, government agencies, an expert panel,²² refugee organisations and humanitarian bodies, and the UNHCR, as well as obtaining information on the opinion of Australian society of immigrants.²³ Based on this, the Australian government decides the country's capacity to resettle refugees and its needs regarding the flow of migrants.²⁴

politics/political-opinion/reintroduction-of-temporary-protection-visas-places-maritime-asylum-seekers-in-australia-in-a-better-position-20141208-122iq1.html.

¹⁴ Australia is also party to such treaties as the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

¹⁵ "World At War...," *op. cit.*

¹⁶ The Australian government announced an increase in the number of visas to 16,250 in 2017–2018, and to 18,750 in 2018–2019. "Refugee resettlement to Australia: what are the facts?," The Australian Parliament, www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1415/RefugeeResettlement.

¹⁷ This figure was 12% lower than in 2012–2013 when the government planned 12,500 places for offshore refugees.

¹⁸ "International Migration Outlook 2015," OECD, 22 September 2015, www.keepeek.com/Digital-Asset-Management/oe.cd/social-issues-migration-health/international-migration-outlook-2015_migr_outlook-2015-en#page186.

¹⁹ "World At War...," *op. cit.* It is worth mentioning that Australia is currently the top country in the world regarding admissions of refugees in comparison to the number of citizens.

²⁰ "Refugee resettlement ...," Australian Parliament, *op. cit.*

²¹ "Australia to accept an extra 12,000 Syrian refugees and will join US-led airstrikes," *The Guardian*, 9 September 2015, www.theguardian.com/australia-news/2015/sep/09/australia-to-accept-an-extra-12000-syrian-refugees-and-will-join-us-led-air-strikes.

²² A special body, established in 2012, to advise the government in the area of asylum policy.

²³ Such research is conducted by the Australian National University, among others. They study various aspects of immigration, such as its impact on the economy, culture or levels of crime. According to a survey from April 2015, the majority of Australians believe immigrants make positive contributions to the economy (83% of respondents approved this statement) and do not influence an increase in crime rates (67%). See: "Australian Attitudes Towards National Identity: Citizenship, Immigration and Tradition," ANUPoll, April 2015, http://rsss.anu.edu.au/sites/default/files/images/ANU_36078_APER_FA.PDF.

²⁴ "Information paper," (Australia) Department of Immigration and Border Protection, December 2013, www.border.gov.au/Refugeeandhumanitarian/Documents/humanitarian-program-information-paper-14-15.pdf.

A characteristic feature of Australia's asylum system is the significant role of NGOs, especially in efforts to integrate refugees into Australian society. Given the NGOs' experience and knowledge in working with refugees, the government uses NGOs to meet the obligations. The Australian government not only allocates funds to projects conducted by NGOs but also supervises the whole process. Therefore, synergy between the public and private sectors is created. A good example of the effective involvement of NGOs in the system is the Humanitarian Settlement Services (HSS) programme, which is aimed at practical and tailor-made support to refugees in the early stage of settlement in Australia. The HSS is carried out by service providers which are mostly NGOs. Among the activities taken within the programme, one can point to such common activities as picking someone up from the airport, providing a food package, the creation of a bank account, buying furnishings, and others. NGOs also facilitate access to other services or programmes for refugees, such as welfare payments and free English lessons. Moreover, Australia also aims to avoid culture shock among refugees through projects conducted in UNHCR camps. Refugees receive practical information concerning life in Australia, including the role of women, public support for refugees, etc. All of these activities facilitate the newcomers' adaptation to their environment and make the integration process easier.

It worth mentioning that Australia's refugee policy was highly influenced by lessons learnt from the so-called Lebanese Concession, which refers to Australia's reaction to the war in Lebanon in 1970. At that time there was no clear policy or precise procedures regarding offshore refugees, which resulted in the uncoordinated inflow of foreigners to Australia. These were mostly poor people from rural areas in Lebanon who were most eager to leave the country.²⁵ After about three decades, the lack of a comprehensive and long-term approach to this group of refugees, including an integration policy, resulted in several social problems in Australia, including rising unemployment, unwanted religious conservatism, poor or "blighted" neighbourhoods and resulting increase in crime. These effects pushed the Australian authorities to formulate conclusions that became useful in its refugee policy.

First, they took a realistic approach regarding such issues as the social structure of the refugees, their numbers, the effects of family reunification, and others, which need to be seriously taken into consideration. Second, they decided that permanent monitoring of the situation of refugees and groups should be included. Third, they foresaw that the Humanitarian Programme needed to be flexible, given the dynamic situation in the world. Fourth, they found that resettlement of refugees across the country had to be thoroughly analysed to avoid concentrating too many in the same area (ghettoisation) but also to keep those of the same ethnic or religious group close enough to assist with their adaptation to their new environment. Fifth, they found that assimilation and integration programmes for refugees as well as easy access to public administration are inevitable in the long term.²⁶

Australia's Approach Under Fire

Some components of Australia's policy on refugees, however, have come under heavy criticism from the international community, particularly from the UNHCR. It has also become an important and hot issue in domestic politics. Serious doubts have been raised especially about Australia's actions with regard to boats carrying illegal migrants that try to reach the country's shores. The country's policy in this area has been changing in recent years, with varying periods of either a more liberal or more harsh approach, depending on the situation in the region.²⁷ Since 2013, the Australian government has decided to implement a stricter

²⁵ G. Henderson, "1970s Lebanese Commission led to an immigration debacle," *The Australian*, 23 May 2015, www.theaustralian.com.au/in-depth/community-under-siege/s-lebanese-commission-led-to-an-immigration-debacle/story-fnubfp6c-1227365815867?sv=f087032223893029ddaf9291ef51bc56.

²⁶ Meeting with Adam Warzel, former director of the refugee and immigrant settlement programmes in the Federal Immigration Ministry of the province of Victoria, during the conference: "Australia's asylum and immigration policy from the European perspective," Public Affairs Institute in Warsaw, 1 October 2015.

²⁷ The legislation aimed at deterring "illegal entrants" was put in place in 1989 as a response to an influx of refugees after the Tiananmen Square massacre and the collapse of the Soviet Union. In 2001, the Border Protection Bill was introduced, which gave authorities the power to remove any ship from the country's territorial waters. However, in 2007, Kevin Rudd's Labour Party government closed the detention facilities on Manus Island and Nauru (which had been active under the so-called Pacific Solution since 2001). They were re-established in 2012. For more, see: "Timeline of major events in the history of Australia's Refugee and

policy towards so-called boat people, given their more frequent movements²⁸ to Australia and rising numbers of deaths at sea.²⁹ The policy's main element is *Operation Sovereign Borders*, which turns back boats carrying illegal migrants headed to Australia as well as intercepts illegal migrants and moves them to offshore camps sponsored by Australia's government. Currently, there are camps in Papua New Guinea (on Manus Island) and Nauru,³⁰ where offshore processing is conducted.³¹ Key to the policy is that people who have been placed in the offshore facilities cannot be resettled in Australia.³² This rule is perceived as an important measure to deter potential migrants from using illegal methods to reach Australia and to encourage them to use legal ways of getting an Australian visa. These measures are also designed as an instrument to fight smuggling organisations, which reap huge profits from their illegal practices. Moreover, Australia's authorities have gained more information on people coming to the country and thus may better shape the country's policy on migrants. Nevertheless, the whole system of offshore detention is expensive—according to a National Audit Commission report, the migrants' detention and processing cost Australia AUD 3.3 billion in 2013–2014.³³

The Australian government is also under fire for these offshore measures because they are perceived as not only breaking the provisions of the 1951 Convention, which demands people are treated the same, whether arriving legally or illegally,³⁴ but also because they remove the verification process from Australian territory. Moreover, serious concerns have been expressed by the UN and others regarding the living conditions in the offshore camps as well as instances of violations of human rights.³⁵ Although the Australian government says it investigates cases of human rights violations, the charges have cast a shadow on the country's reputation. Australia's offshore detention policy is criticised by some in media as

Humanitarian Program," The Refugee Council of Australia, www.refugeecouncil.org.au/fact-sheets/australias-refugee-and-humanitarian-program/timeline.

²⁸ In 2012–2013, more than 18,000 people arrived to Australia illegally by sea, compared to 7,300 between 2011 and 2012. See: "Australia asylum: Why is it controversial?," *BBC*, 5 December 2014, www.bbc.com/news/world-asia-28189608.

²⁹ According to the Border Crossing Observatory at Monash University, in 2007–2013, under the Labour Party's rule, around 1,138 people died trying to get to Australia by sea. See: "Australian Border Deaths Database," Border Crossing Observatory at Monash University, <http://artsonline.monash.edu.au/thebordercrossingobservatory/publications/australian-border-deaths-database>. Calculations followed by: "FactCheck: did 1200 refugees die at sea under Labor?," *The Conversation*, 3 March 2015, <http://theconversation.com/factcheck-did-1200-refugees-die-at-sea-under-labor-38094>.

³⁰ In 2014, Nauru was ranked as the third country in the world in terms of the number of refugees per 1,000 inhabitants, placing at 39 refugees per person, just behind Lebanon (232) and Jordan (87). See: "World At War...," *op. cit.*

³¹ In exchange for establishing detention centres and resettlement of people who are identified as refugees, Australia provides aid for these countries, including financial support. According to the deal signed in 2013, Australia agreed to pay Papua New Guinea's authorities about AUD 400 million (\$300 million). See: "PNG to resettle Manus Island refugees, Australia says," *BBC*, 23 October 2015, www.bbc.com/news/world-asia-28189608.

³² Currently Australia has agreements on resettlement with Papua New Guinea, Nauru and Cambodia. However, there are complications regarding resettlement to those countries based on refugees' concerns over living conditions, prospects for the future and difficulties in adjusting to unfamiliar societies. See: "Hundreds of refugees are refusing to settle in PNG's 'land of opportunities'," *The Guardian*, 23 October 2015, www.theguardian.com/australia-news/2015/oct/24/hundreds-of-refugees-are-refusing-to-settle-in-pngs-land-of-opportunities. In Cambodia's case, only five refugees were resettled by November 2015. See: L. Crothers, B. Doherty, "Fifth refugee secretly moved from Nauru to Cambodia under \$55m deal," *The Guardian*, 26 November 2015, www.theguardian.com/australia-news/2015/nov/26/fifth-refugee-secretly-moved-from-nauru-to-cambodia-under-55m-deal.

³³ As Commission underlines, it has been the fastest-growing government programme in recent years. In the programme year 2009–10, it cost AUD 118.4 million, which means that it has been growing since then by 129% per year. See: "10.14 Illegal Maritime Arrival costs," (Australia) National Commission of Audit, www.ncoa.gov.au/report/appendix-vol-2/10-14-illegal-maritime-arrival-costs.html. However, according to government estimations, the operating cost of the two offshore detention centres on Nauru and Papua New Guinea for 2014–15 has fallen to AUD 1.24 billion, in part because of the lower number of people in detention. See: B. Doherty, "Australia's offshore detention cost \$1.2bn in 2014–15, Senate estimates told," *The Guardian*, 9 December 2015, www.theguardian.com/australia-news/2015/dec/09/offshore-detention-cost-12bn-senate-estimates-asylum-seekers-charter-flights.

³⁴ The UN Refugee Convention stipulates that refugees have a right to enter a country for the purposes of seeking asylum, regardless of how they arrive or whether they hold valid travel or identity documents. See: "Myths and facts about refugees and asylum seekers," Refugee Council of Australia, www.refugeecouncil.org.au/docs/news&events/rw/2010/4%20-%20Myths%20and%20facts%20about%20refugees%20and%20asylum%20seekers%202010.pdf.

³⁵ "UNHCR reports harsh conditions and legal shortcomings at Pacific Island asylum centres," UNHCR, 26 November 2013, www.unhcr.org/52947ac86.html. In the camps, incidents such as hunger strikes or riots that threaten the refugees' security have been recorded. See: "1 dead, dozens hurt after unrest at Australian center for asylum seekers," *CNN*, 18 February 2014, <http://edition.cnn.com/2014/02/17/world/asia/papua-new-guinea-australia-asylum-seekers/>; "Riot on a tiny island highlights Australia shutting a door on asylum," *CNN*, 21 July 2013, <http://edition.cnn.com/2013/07/20/world/asia/nauru-australia-riot/index.html>.

“inhumane”³⁶ and by well-known NGOs Human Rights Watch and Amnesty International.³⁷ The NGOs say the living conditions are not only harsh but that the camps serve as pressure on the refugees to return to their country of origin, and they cite mental health problems among the detainees, as well as the lack of access for NGOs or journalists to the offshore facilities.³⁸ Some also voice accusations that Australia’s policy to turn boats around (to send them away from Australian waters) is not a durable solution and may only change the direction of the migration flows.³⁹

However, one has to admit that since implementing its harsh policy towards the “boat people,” the number of people trying illegally to reach Australia as well as deaths at sea have decreased drastically. Since December 2013 there has been no new information about deaths in the sea near Australia’s coast as a result of migration.⁴⁰ It is also a sign that smuggler activity has weakened. These results may be why the Australian government’s hard-line policy toward migrants has the support of the majority of citizens.⁴¹

Lessons for the EU?

Given numerous differences between the situation of Australia and the EU, not only in the scale of migration but also the political circumstances (one country vs. a group of 28 nations), geography (Australia has only sea borders), number of inhabitants, population density, and history, modelling immigration and asylum policy after Australia, even if welcomed, would be hard to fully implement in Europe. Despite the differences, some lessons learnt can be picked up by the EU in dealing with its serious migrant crisis.

The first of these lessons is that it is important to take a realistic approach to the limited capacities (financial, logistical, social) of the Member States regarding migrant intake. Therefore, the creation of mechanisms to discourage migrants from entering the EU illegally can be valuable. In this context, not only is stronger border control required but chiefly stricter policy towards illegal migrants should be implemented. These include such measures as the interception of people trying to get to Europe without visa, also by boats, and placing them in “transition centres” near the EU’s borders while the verification process is conducted. It could be effective to make announcements that because of the large number of migrants, the verification process will be lengthy and very precise, which may discourage potential migrants. Those centres should be operated by EU’s agency Frontex⁴² but with the significant support from of the Member States.⁴³ Although, based on Australia’s experience⁴², these centres should be situated on the Member State territory (mainly frontier states, but not only) to provide thorough control of the centres and proper application of EU rules and law. They should also have a relatively smaller financial burden than

³⁶ The Editorial Board, “Australia’s Brutal Treatment of Migrants,” *New York Times*, 3 September 2015, www.nytimes.com/2015/09/03/opinion/australias-brutal-treatment-of-migrants.html.

³⁷ It has recently added fuel to the fire by accusing Australian officials of paying smugglers to turn back boats. “Australia: Damning Evidence of Officials’ Involvement in Transnational Crime Uncovered,” Amnesty International, 28 October 2015, www.amnesty.org/en/press-releases/2015/10/australia-damning-evidence-of-officials-involvement-in-transnational-crime-uncovered.

³⁸ See: “Australia/Papua New Guinea: The Pacific Non-Solution,” Human Rights Watch, 15 July 2015, www.hrw.org/news/2015/07/15/australia/papua-new-guinea-pacific-non-solution.

³⁹ P. Farrell, “Could Australia’s ‘stop the boats’ policy solve Europe’s migrant crisis?,” *The Guardian*, 22 April 2015, www.theguardian.com/world/2015/apr/22/could-australia-stop-the-boats-policy-solve-europe-migrant-crisis.

⁴⁰ The last such case was the drowning of three people on 9 December 2013. Later single cases of deaths of migrants were recorded in both offshore and onshore detention centres. See: “Australian Border Deaths Database,” Border Crossing Observatory, *op. cit.*

⁴¹ According to a poll conducted by Lonergan Research at the beginning of September 2015, 54% of responders backed the government’s policy while 46% were opposed. See: “Poll shows Australians back rise in refugee intake, but criticise Abbott’s handling of crisis,” *The Guardian*, 9 September 2015, www.theguardian.com/australia-news/2015/sep/09/poll-shows-australians-back-rise-in-refugee-intake-but-criticise-abbotts-handling-of-crisis.

⁴² The European Commission has proposed the creation of the European Border and Coast Guard Agency with wider responsibilities than Frontex. See: “A European Border and Coast Guard to protect Europe’s External Borders,” European Commission press release, 15 December 2015, http://europa.eu/rapid/press-release_IP-15-6327_en.htm?locale=EN. And: E. Kaca, “The European Border and Coast Guard: Potentials and Risks,” *PISM Bulletin*, no. 116 (848), 18 December 2015, www.pism.pl/files/?id_plik=21172.

⁴³ For example, in terms of language or cultural specialists who will be able to identify people from areas marred by war or who suffer persecution.

the current process.⁴⁴ Concurrently, it is extremely important to provide good living conditions in the centres⁴⁵ and transparency in their operations. Also, alternative measures concerning a refugee's stay can be used, such as those modelled on Australia's community detention or temporary protection visas. Furthermore, it should consider announcing a rule that people who enter the EU without valid documents and do not fulfil refugee criteria will not be able to enter Europe in the future. It entails collecting precise personal data and the creation of a database about the migrants.

Such measures may set an incentive for refugees to seek support through legal channels that can be perceived as an attainable alternative to an illegal entrance. In this context, the capacities of the "transition centres" as well as the EU delegations in countries in North Africa and the Middle East should be enhanced in order to be capable of considering more visa applications. Concurrently, the number of refugees admitted by the EU should be increased to show there are real prospects for getting a visa in the EU in a legal manner. All of these measures would introduce more effective control over the influx of people to the EU as well as diminish the activity of smugglers. Thus, they could, together, decrease the number of deaths, especially at sea in the Mediterranean. In the long run, the EU should also seek regional cooperation with other states affected by the migration crisis (Turkey,⁴⁶ Lebanon, Jordan, the Balkans) as well as other actors, such as the U.S., Canada, Saudi Arabia, the Gulf States or African states⁴⁷ to act in unison to process and resettle refugees.⁴⁸

The next lesson learnt is that cooperation with the UNHCR in terms of refugee resettlement should be enhanced by such means as deploying permanent EU representatives to refugee camps to monitor the situation on the ground. The aim should be to prevent refugees from traveling to Europe and instead proceed with the verification process in the UNHCR's camps and then transfer accepted refugees to the EU. When refugees become aware of opportunities to get to the EU via the camps in the Middle East they should be less eager to take on the dangerous trip to Europe or to pay smugglers. More EU countries should take part in the UNHCR's regular resettlement programme, as only 15 Member States are involved in this mechanism so far.⁴⁹ Moreover, actions in this regard demand a political decision about increasing the

⁴⁴ Every day Australia pays \$459 per person who is kept in detention, in comparison to \$224 in the US, \$134 in Canada and Austria, and \$201 in Belgium. See: "Australian immigration detention costs double that of US and Europe—report," *The Guardian*, 1 October 2015, www.theguardian.com/australia-news/2015/oct/01/australian-immigration-detention-costs-double-that-of-us-and-europe-report. For calculations in other currencies, see: "There are alternatives," International Detention Coalition, 2015, p. 11, http://idcoalition.org/wp-content/uploads/dlm_uploads/2015/10/idcTAA.pdf.

⁴⁵ This should be aimed at preserving the physical and mental health of detainees and thus avoiding such incidents as the death of Fazel Chegeni, an Iranian-Kurdish asylum seeker who had come to Australia and who died in November 2015. See: B. Doherty, "How Australia's immigration detention regime crushed Fazel Chegeni," *The Guardian*, 20 December 2015, www.theguardian.com/australia-news/2015/dec/21/how-australias-immigration-detention-regime-crushed-fazel-chegeni.

⁴⁶ Turkey's role was stressed by a meeting of EU heads of state or government and Turkish officials on 29 November 2015. As a result, the EU and Turkey adopted a joint action plan to deal with the refugee crisis, which included an initial €3 billion in EU support to improve the situation of Syrian refugees in Turkey. See: "Meeting of the EU heads of state or government with Turkey, 29/11/2015," 29 November 2015, www.consilium.europa.eu/en/meetings/international-summit/2015/11/29.

⁴⁷ It was spurred by The Valletta Summit on migration in November 2015, which brought together European and African heads of state or government. See: "Valletta Summit on migration, 11-12/11/2015," www.consilium.europa.eu/en/meetings/international-summit/2015/11/11-12.

⁴⁸ This strategy was implemented by Australia in 1970 to solve the Vietnamese migrant crisis. Then, cooperation was initiated with the U.S., Canada and China. See: M. Steketee, "Boat turnbacks make harsh deterrents pointless," *ABC*, 24 July 2014, www.abc.net.au/news/2014-07-25/steketee-boat-turnbacks-make-harsh-deterrents-pointless/5621950.

⁴⁹ In 2014, there were 14 countries: Belgium, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Netherlands, Portugal, Romania, Spain, Sweden, and the United Kingdom. See: "EU Resettlement Fact Sheet," UNHCR, www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dv/8_1_eu_resettlement_factsheet_unhcr_/8_1_eu_resettlement_factsheet_unhcr_en.pdf. In 2015, Italy became a new resettlement country. See: "A New Beginning in a Third Country," UNHCR, www.unhcr.org/pages/4a16b1676.html. Poland does not take part in a regular resettlement mechanism.

number of refugees and others who can be taken in by the Member States every year⁵⁰ as well as significant financial and logistical support for UNHCR to upgrade living conditions in the camps.⁵¹

The third lesson, is that as the flow of refugees and other migrants to Europe seems inevitable in the long term, measures aimed at integrating them into European societies need to be put into force. This pertains to all EU countries,⁵² especially those that have no experience with significant inflows of such people, including the CEE states. Among the needed efforts are programmes to integrate refugees and plug them into the local labour market, such as offering free language lessons and support in finding a job.

The fourth lesson is that NGOs' role in immigration and refugee policy should be enhanced. Their experience and know-how can contribute greatly to effective actions on many fronts, such as support in management of the "transition centres," the verification process, or engagement in refugee integration activities. The latter can be based on a system of grants dedicated to specialised NGOs. They can also make a valuable contribution in helping Europeans, especially those in countries less accustomed to large numbers of foreigners, to become more aware of refugees in society.

The fifth lesson learnt is that a mechanism of permanent public consultation, that is, between various levels of the administration (central, regional, municipal), should be enhanced to better coordinate their efforts, including discussions and decisions taken on the optimal placement of refugees, monitoring, cost-sharing or stipulating capabilities concerning future refugee or migrant absorption. To this end, an EU-wide information campaign on the Union's refugee and migrant policy as well as on the challenges and opportunities stemming from the inflow of migrants should be conducted.

Some of projects mentioned above, such as centres for migrants⁵³ or resettlement schemes, have already been taken up by the EU.⁵⁴ Nevertheless, it remains valuable to learn from Australia's experience to mitigate the effects of the migration crisis on the EU, for example by furthering cooperation with the UNHCR. However, one has to bear in mind that activities concerning refugees and other migrants will entail significant financial,⁵⁵ logistical and social burdens for the EU, although emergency actions are also very costly and introduce more uncertainty to EU policy. Therefore, a long-term approach towards refugees should be treated not only as a moral obligation to help people in need but also as an investment in the EU's security and integrity.

⁵⁰ This solution is already considered within the EU but it is still ineffective, in part due to the EU's small intake number. According to the UNHCR, the resettlement quotas for the EU countries amounted to a minimum of 5,120. In 2012, only 4,405 refugees were resettled to the EU. See: "EU Resettlement Fact Sheet," UNHCR, www.unhcr.org/524c31b69.html.

⁵¹ It is an important task as shortages of medicine and food are perceived as some of the crucial reasons for refugee movement towards Europe. See: "UN: Warnings on Middle East refugee plight unheeded," *Deutsche Welle*, 5 September 2015, www.dw.com/en/un-warnings-on-middle-east-refugee-plight-unheeded/a-18695953.

⁵² Given Schengen Area's rules, refugees can easily travel across the whole EU.

⁵³ There are existing, so-called "hotspots," *ad hoc* points in EU frontier states (Greece, Italy), where people who meet refugee criteria are allowed into the Union.

⁵⁴ For more, see: "A European Agenda on Migration," European Commission, 13 May 2015, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf.

⁵⁵ According to the European Commission's estimates, the EU will spend €9.2 billion in total on the refugee crisis in 2015 and 2016. See: "State of play: European Agenda on Migration," European Commission, 14 October 2015, http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2015/20151014_1_en.htm.