

Policy failure creating a monstrous problem

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A boat carrying asylum-seekers arrives at Christmas Island in April. More than 3000 people arrived in Australia on boats that month, with another 3000 last month. Source: Supplied

THE arrival of almost 45,000 boatpeople in Australia's north since Labor unwound John Howard's border protection policies in late 2008 represents the most comprehensive policy failure since World War II.

But whereas most policy failures have a complex set of causes, and involve many uncoordinated actors pushing events beyond Canberra's control, this failure is entirely Canberra's own.

It is the greatest single disaster of the Gillard government and perhaps the hardest to undo.

Although the Australian public is profoundly hostile to this development, the elite debate on the issue has been overwhelmed by two considerations: humanitarian concern for the hundreds of people who have drowned trying to get here by boat, and the Gillard-Abbott contest.

But there are other grave policy concerns. This policy failure threatens to overwhelm and contaminate Australia's entire immigration program, it has grievous security implications and may fundamentally change the nature of Australian society in a way that corresponds to no national policy objective. There are huge economic and social implications as well.

But first, the numbers. The rate of arrivals has continued to accelerate. This financial year, we will reach 25,000 in the 12 months to June 30. But the rate of arrivals appears to be accelerating even further. More than 3000 people arrived on boats in April and another 3000 last month. This month arrivals are already running at a higher rate than that.

If 3000 a month is the new norm, the annual rate is 36,000. It could be more. People-smuggling to Australia - the industry Kevin Rudd said was run by "the scum of the earth" - is now a deeply entrenched, well-financed global business. It is going to be extremely difficult to shut down. The three chief source countries are Iran, Afghanistan and Iraq.

Sri Lanka is the main non-Muslim source in recent years. A lot of Sri Lankans were sent back as they were "pre-screened" and determined not to be claiming refugee status. However, the correct form of words to recite has spread through the Sri Lankan networks and it now may be much harder to pre-screen them out.

In reality, almost no one ever goes home from Australia against their will, no matter what their refugee status determination is. Certainly more than 40,000 of those who have arrived under Labor are still here, with a small number at Manus Island and Nauru. About half those who have gone back are Sri Lankans, and most of the rest are Indonesian boat crew.

This boatpeople phenomenon is essentially a determined Muslim immigration. It is important to confront the sensitivities of this situation head-on. The overwhelming majority of Muslims in Australia are law-abiding and productive citizens. They should not be made to feel unwelcome or uncomfortable because of the necessary debate about this huge, unregulated Islamic inflow. But to dodge the debate because of that sensitivity is a recipe for continued, disastrous policy failure.

The case of convicted Egyptian terrorist Maksoud Abdel Latif illustrates how the security system is overwhelmed by the present numbers, but it is not the key policy question.

Assume that 40,000 of those who have arrived so far are Muslims, mostly low skilled and with limited English. Assume that eventually they will all stay in Australia, which is the only rational assumption if policy doesn't change radically. Then assume that, on a very conservative basis, each is responsible, eventually, for one family reunion immigrant, whether a spouse, fiancé, parent or sibling. That is a cohort, so far, of 80,000 low-skilled Muslims with poor English predominantly from countries that have the most radical and extreme jihadist traditions in the world.

Of course, most Muslims in any country are not extremists. But after the latest terrorist atrocity in London, former British prime minister Tony Blair, while acknowledging that most Muslims were moderates, commented: "There is a problem with Islam - from the adherents of an ideology which is a strain within Islam. We have to put it on the table and be honest about it. Of course there are Christian extremists and Jewish, Buddhist and Hindu ones. But I am afraid the strain is not the province of a few extremists. It has at its heart a view about religion and about the interaction between religion and politics that is not compatible with pluralistic, liberal, open-minded societies ... At the extreme end of the spectrum are terrorists, but the world view goes deeper and wider than it is comfortable for us to admit. So by and large we don't admit it."

The numbers coming to Australia will continue to rise dramatically unless the people-smuggling industry is broken.

A former senior officer of the Immigration Department spoke to me this week, on condition of anonymity, on the way the illegal immigration trade to Australia has become regularised, from Iran in particular. When he first got involved in this issue, Iranians and others would go to Malaysia, then on to Indonesia, and it would be months before they could find a people-smuggler. Now, he says, it is more often like a travel agent service, with everything arranged inside Iran.

Security against jihadist violence from a small but dangerous minority, though extremely important, is not the only problem. A huge force in people-smuggling now consists of people who came to Australia as boatpeople themselves. Similarly, boatpeople families are, according to sources in the bureaucracy, heavily involved in financing one-way trips to Australia for extended family.

Thus the boatpeople phenomenon entrenched in Australia is a big, organised crime industry.

There will be many consequences beyond this. The Immigration Department's figures, released last year, revealed that five years after arrival the rate of employment - not unemployment but employment - of Afghans was 9 per cent, while 94 per cent of Afghan households received Centrelink payments. From Iraq, 12 per cent were employed while 93 per cent of families received Centrelink payments. Overall, households that came under the humanitarian program had 85 per cent receiving Centrelink payments after five years. The family reunion cohort had 38 per cent, and skilled migration 28 per cent.

Taken together, these figures demonstrate the way in which the boatpeople phenomenon can overwhelm our immigration program. We are allowing, indeed attracting, a huge cohort of unskilled Muslim immigrants who have not been chosen by Australian policy or process. But there are almost no unskilled jobs, which is why we stopped unskilled migration in the 1970s. If it follows even remotely the European pattern, this cohort will be characterised by high unemployment, intergenerational welfare dependency, high crime rates, social problems across a broad spectrum and a minority tendency to extremism. For a nation to create this syndrome by avoidable policy failure, knowingly and with full foresight, is remarkable. Nonetheless, it is also wrong to dismiss short-term security problems.

The Latif case illustrates this. ASIO told the Immigration Department Latif was a convicted terrorist. The Immigration Department sent a submission to the office of its minister, then Chris Bowen. Neither the minister nor the department took any action about the fact Latif was housed in a minimum-security facility. Later, after media attention, he was moved to a more secure detention facility.

Yesterday, the pro-refugee lobby was screaming that Latif's conviction in an Egyptian court under Hosni Mubarak lacked credibility. This is truly a bizarre position. Is it the refugee lobby's view now that only terrorists convicted in exemplary courts can trigger security concern?

Although ASIO is not primarily at fault in the Latif case because it eventually did flag his presence to the government, the case illustrates the impossibility of ASIO's task.

About 80 per cent to 90 per cent of boatpeople arrive without documents. Among people-smuggling networks, it is widely known what the correct stories are to tell, indeed the correct form of words to use, to trigger protection under the refugee convention; these are widely promulgated and practised at length.

Notionally, ASIO subjects all arrivals to a security check. This process has broken down and is now all but meaningless. The convention prohibits approaching the country someone is allegedly fleeing for identity or security checks.

So what can ASIO possibly do? It can run the name that the boatperson gives through its various databases, and the international databases to which it has access. It can watch and listen to the boatperson while they are in custody in Australia which, given the way the system is overwhelmed, is increasingly a short period. And, in quite rare cases, it can try to match bio-data, fingerprints, facial patterns and so on, with international databases. The Latif case demonstrates that even when putting the name through a database raises urgent red flags, the system is still too overwhelmed to respond meaningfully. But the broader idea that the tens of thousands of illegal arrivals have been subject to security clearance is farcical.

Two other questions are central. One, are we dealing with a genuine refugee exodus or is this just determined immigration? The refugee acceptance rates in Australia are much higher than those in UN camps overseas or evaluations made by other countries. About half the applications are rejected at their first evaluation but then the vast majority of these are accepted on appeal, especially in the courts. There are multiple, lengthy layers of appeal in the Australian system. The courts handle these questions with integrity, but the overall elite legal/social atmosphere is extremely sympathetic to claimants. Once a claimant has disposed of identity documents and tells the correctly formulated story, there is no way of verifying, or falsifying, it. Therefore the courts overwhelmingly give the benefit of the doubt to the claimant.

Decades of involvement in refugee questions have convinced me of the absolute subjectivity of these judgments. There is probably a need for legislative change here.

Second, can we do anything about the situation in policy terms? Laurie Ferguson's *cri de coeur* this week that the issue was killing Labor in western Sydney was accompanied by an important statement from Ferguson. These concerns were not expressed by rednecks or racists, he said, but by people of all backgrounds in his electorate, including immigrants - Muslims, Asians, everyone. Former Labor minister Gerry Hand, now resident in Melbourne's western suburbs, similarly reports that no one is more hostile to the boatpeople phenomenon than immigrants who have gone about coming to Australia in the regular fashion.

Can Tony Abbott, and his immigration spokesman Scott Morrison, change all this in office? Morrison, Abbott's most successful frontbencher, has effectively won the debate on the government's performance because the facts were on his side - this is a woeful policy failure. But the challenge of fixing it will be immense. Because the Gillard government has applied a succession of confused half-measures, all of which have been ineffective, they have demonstrated the government's lack of will, strategic confusion and operational incompetence. Forcing the people-smugglers to unlearn these lessons will be very hard work indeed.

The opposition's approach has four pillars: turning back the boats where possible; offshore processing where possible so the reward of getting to Australia is unavailable; temporary protection visas with no family reunion rights and work-for-the-dole requirements for minimum welfare payments; and regional co-operation.

Abbott and Morrison's regional co-operation is the opposite of Labor's. Gillard's vision of regional co-operation is fast processing and rapid resettlement so that people don't need to take boats. This is a disastrous approach. It will guarantee many, many tens of thousands more people using smugglers, and it is unappealing to the region.

The Abbott-Morrison vision is the opposite: regional co-operation to deter and exclude illegal arrivals. The region is highly sympathetic to this as it is what almost all regional countries practise themselves. Nonetheless, Labor's epic policy failure has created a monstrous problem for Australia. If it is not solved Australia will be changed fundamentally in a way that no Australians want.