"Disturbing Practices": Dehumanizing Asylum Seekers in the Refugee "Crisis" in Australia, 2001–2002

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Abstract

Throughout late 2001 and 2002, the Australian Government, seeking re-election, campaigned on a tough line against so-called "illegal" immigrants. Represented as "queue jumpers," "boat people," and "illegals," most of these asylum seekers came from Middle Eastern countries, and, in the main, from Afghanistan and Iraq. This paper explores the way particular representations of cultural difference were entwined in media and government attacks upon asylum seekers. In particular, it analyzes the way key government figures articulated a negative understanding of asylum seekers' family units – representing these as "foreign" or "other" to contemporary Australian standards of decency and parental responsibility. This representational regime also drew upon post-September 11 representations of Middle Eastern people, and was employed to call into question the validity of asylum-seekers' claims for refugee status. Manufactured primarily through the now notorious "children overboard" incident, these images became a central motif of the 2001 election campaign. This paper concludes by examining the way these representations of refugees as "undeserving" were paralleled by new Temporary Protection Visa regulations in Australia.

Résumé

Tout au long de la période de la fin 2001 et de l'année 2002, le gouvernement australien, en quête d'un second mandat, mena sa campagne électorale en adoptant une ligne dure contre ce qu'il appelait les immigrants « illégaux ». Représentés comme des « resquilleurs », « boat people » et « illégaux », la plupart de ces demandeurs d'asile provenaient de pays du Moyen-Orient, principalement de l'Afghanistan et de l'Irak. Cet article examine la façon dont une certaine image des différences culturelles a été tissée dans les attaques des médias et du gouvernement contre les demandeurs d'asile. Tout spécialement, il examine comment des personnages clés du gouvernement ont projeté une interprétation négative de la cellule familiale des demandeurs d'asile – les représentant comme étant « différentes » ou « étrangères » aux normes de la société australienne contemporaine en matière de décence et de responsabilité parentale. Cet ensemble de représentations mit aussi à contribution des images des gens du Moyen-Orient dans la période de l'après 11 septembre, et fut exploité pour remettre en question la validité des demandes des demandeurs d'asile pour le statut de réfugié. Fabriquées avant tout à partir de l'incident notoire « les enfants à la mer », ces images devinrent un leitmotiv de la campagne électorale de 2001. L'article conclut en examinant la façon dont ces représentations des réfugiés, comme étant « non méritants », furent accompagnées de nouveaux règlements introduisant un Visa de protection temporaire (« Temporary Protection Visa ») en Australie.

While there are many aspects of the Australian Government's approach to asylum seekers that are worthy of comment and critique, this paper focuses on the representation of refugees by the Government

and media throughout the so-called asylum-seeker "crisis" of 2001-02. I hesitate to use the term "discourse analysis" in this article, as the term often has an "agentless" sense to it – wherein social knowledges are constituted by the exclusion of other perspectives, but the actors involved are often vaguely defined.[1] In this case, I think the more appropriate term is *propaganda*[2] — in that the representational regime clearly emanated from the governing party and was publicized through official media sources (primarily ministerial press releases and interviews), with the apparent objective of stigmatizing a marginal group as part of a strategy for maintaining political power.

On 7 October 2001, at the commencement of the first week of the federal election campaign, the Government notified the media that a vessel of asylum seekers had been intercepted off the west Australian coast. A particular announcement was made at the press conference: Immigration Minister Philip Ruddock informed the media of reports that asylum seekers were "in the water," and, more disturbingly, that asylum seekers had "thrown their children overboard." Thus was born one of the most controversial and contentious incidents to have taken place inside an Australian federal election campaign for many years. To cut a long story short, nothing of the sort had happened at all. There was no evidence that children had been thrown overboard, and photos used to reinforce the story were known, a day after their release, to be from a separate rescue incident. Though the Defence Minister and the Prime Minister's office were separately informed that the story was false, the Government did not publicly correct it. Evidently, too much electoral mileage was being made. Eventually, a Senate inquiry into the incident would reveal a disturbing collection of untruths, failures to communicate, incidents of political advisors manipulating the flow of information to protect their minister, and unanswered question about who knew.[3]

This paper examines the Government and media representations of asylum seekers throughout the pre- and post-election period of 2001-02. In particular I examine the way the representations of refugees as "undeserving" were paralleled by new Temporary Protection Visa regulations in Australia. In a favourable climate of uncertainty that followed September 11, the federal Government focused their re-election campaign strongly on the issue of "border protection". Appealing to a wide cross-section of Australian society (and particularly to supporters of the right-wing populist One Nation Party), the Coalition Government promised that "we will decide who comes to country, and the circumstances under which they come."[4] Central to this message was the vilification of the asylum seekers on Suspected Illegal Entry Vessel (SIEV) 4. Through this, and other related campaigns, the Government sought to portray asylum seekers as unworthy of protection, and manufactured a rhetorical "crisis" of national sovereignty, borders, and national identity that would require a new "solution."

"Border Protection"

On 27 August 2001, two and a half months before the election, Australia refused entry to the Norwegian freighter *Tampa*, a vessel carrying 433 asylum seekers rescued from a sinking Indonesian ferry. Though the *Tampa* was only one of a number of arrivals in 2001, Prime Minister John Howard chose this vessel to flag a major change in Australian policy, vowing that the asylum seekers on the *Tampa* "would never set foot on Australian soil." On August 29 the *Tampa* entered Australian waters, and was prevented from reaching land by Navy vessels. After a six-day standoff, New Zealand, and, under some pressure, Nauru, and eventually Papua New Guinea agreed to accept the asylum seekers for processing. Thus was born the "Pacific solution" to Australia's so-called refugee "crisis."[5] In September, the Government excised certain island territories from the migration zone. Justifying their actions, the Government warned of five thousand more asylum seekers in Indonesia. Ruddock spoke of "whole villages in Iran" en route to Australia.[6]

Within weeks of this event, long-standing uses of terms such as "floods" or "waves" of refugees to represent unauthorized arrivals as a threat to the integrity of the nation-state[7] would be heightened by post-September 11 fears of Arabic and Muslim peoples. In what can only be considered a calculated manipulation of public opinion, the Government's selective and distorted release of information throughout this period promoted attitudes of fear and resentment towards asylum seekers.[8] This agenda came to a head two days into the federal election campaign.

"Children Overboard"

On 7 October 2001, a communiqué was phoned in from HMAS *Adelaide*, reporting that SIEV 4 had entered Australian waters. Onboard the vessel were 219 asylum seekers, the vast majority of them from Iraq. At 7:30 a.m. the HMAS *Adelaide* fired warning shots ahead of the boat, and at 7:35 the vessel was boarded. At this point, a few people jumped into the water, later reboarding the boat. Commander Banks of the *Adelaide* reported an asylum seeker "preparing to throw a child overboard." At some point in the chain of reportage, the word child became "children," and the word "preparing" was dropped altogether. At 9:50 a.m. Minister Ruddock was informed. Without any supporting documentary evidence, a press conference was called at 11:30 a.m.[9]

"With the intention of putting us under duress," Ruddock announced, asylum seekers had "thrown their chil-

dren in the water." He went on to say that he regarded these as "some of the most disturbing practices I have come across in public life…clearly planned and premeditated." Following suit, the Prime Minister quickly went public. A theme that would shortly become a prominent motif of the election campaign emerged forcefully. Asylum seekers were publicly declared to be undeserving, with value systems deeply foreign to those of Australian society. In particular, the asylum seekers were represented as hostile or foreign to Western attitudes towards family and children.

What sort of parents would throw their children overboard? Not a genuine refugee, suggested the Prime Minister:

> I don't want in Australia anyone who would throw their own children into the sea. There's something to me incompatible between somebody who claims to be a refugee, and somebody who would throw their own children into the sea. It offends the natural instinct of protection, and delivering security and safety to your children.[10]

For Prime Minister Howard and his front bench, this episode would be represented as an affront, an inexplicable and repellent form of cultural difference which must be neither recognized nor given legitimacy by soft Government action. The asylum seekers would be deported to Nauru or Papua New Guinea; they would not be given permission to land. Asked how old the children were, Ruddock replied:

> I don't have that detail, but I imagine the sort of children who would be thrown would be those who could be readily lifted and tossed without objection from them, but I don't have that level of detail.[11]

So, the Government speculated, they must have been young children – young enough not to be able to voice objections. Naturally, by 9 October, media demands for more information had the Prime Minister under pressure. Howard asked the Defence Minister, Peter Reith, for evidence. Shortly afterwards, the Defence Minister's media advisor, Ross Hampton, demanded documentation from the Department of Defence. Defence reported at this point that there was "no evidence we could find" that children had been thrown overboard. Nonetheless, on 10 October, Hampton released photos of a woman and a child in the sea, purportedly taken on 7 October.

Later on the 10th, in a radio interview, the Defence Minister referred to the newly released photos, claiming it was an "absolute fact that children were thrown overboard." A Senate inquiry would later discover no evidence that children had been thrown in the water and, further, that the Government had been informed of this as early as 9 October. Misleading photos had been produced on the 10th.[12]

As the Senate inquiry later revealed, the photos were in fact taken on 8 October, when the boat in question, SIEV 4, started to take on water. People had jumped overboard because the vessel was sinking,[13] and indeed, much later, evidence was given which suggested the Navy had ordered everyone to jump off so they could be picked up.[14] The released photos were part of a series documenting the Navy's rescue operation.

On the day the photo was released, public affairs chief Brigadier Gary Bornholt of Defence informed Ross Hampton that the photos were not from the 7th, but from the 8th, when the boat sank. Hampton later claimed that he "never received" the call. The next day (11 October), the Prime Minister's department directly approached Defence for further information. Defence confirmed their advice that there was "no indication that children had been thrown overboard."

By 8 November, just two days before the election, leaked reports from sailors on Christmas Island had started to cast serious doubts on the Government's version of events.[15] In an effort to deflect increasing scepticism from journalists, Defence Minister Reith released a Navy video of the incident, warning that it was "grainy" and possibly inconclusive. The video showed a man standing at the railing on the boat holding a child. It did not show children thrown overboard.

It was later revealed that Reith told the Prime Minister of departmental doubts over the photos on 7 November. Nonetheless, at a press conference on 8 November, the Prime Minister did not mention these official misgivings when questioned about the now famous photos. Indeed, the pattern of stigmatization continued. Quoting from an Office of National Assessments (ONA) report, the Prime Minister repeated the slightly modified assertion that "asylum seekers wearing life jackets jumped into the sea and children were thrown in with them." The ONA report was in fact a summary of earlier ministerial statements, rather than an independent Government report.

As the official interpretation of events started to falter, the Prime Minister tried a new tack. Even if the asylum seekers had not thrown their children overboard, he suggested, they were the sort of people who would. He announced, "[S]uch tactics have previously been used elsewhere, for example by people smugglers and Iraqi asylum seekers on boats intercepted by the Italian Navy."[16]

This episode illustrates a pattern of dehumanization, with a specific discourse concerning asylum seekers' family values — representing these as "foreign" or "other" to

contemporary Australian standards of decency, parental responsibility, and gender identity. This representational regime also drew upon post-September 11 representations of Middle Eastern people, and was employed to call into question the validity of asylum-seekers' claims for refugee status, painting these as "undeserving."

Family Values

Further examples of this particular pattern of dehumanization were evident in other Government press statements. In 2000, the Western Australian Liberal Senator Ross Lightfoot described unauthorized arrivals as "queue jumpers," "criminals," and "lawbreakers." The release went on to say, "several of our callers have questioned the morality of the male refugees for abandoning their wives and children in their poverty stricken war-torn countries, and for using their families' life savings to escape to a life of comparative comfort." Moreover, Lightfoot argued, asylum seekers threaten our democratic principles with "their prejudices and intolerances."[17] This additional theme of cultural difference as "threatening" to the body politic connected with existing populist resentment over multiculturalism, recently stirred up by the right-wing populist One Nation Party.

Back in the election campaign of October 2001, the slurs continued. Foreign Minister Alexander Downer remarked, "[A]ny civilised people would never dream of treating their own children that way."[18] Through Liberal Senator George Brandis, the Government also made claims that "a potential illegal immigrant [had] attempted to strangle a child." The following February, a Senate inquiry found that Navy witness statements reportedly relating to this alleged episode did not exist.[19] Similarly, in November, while under pressure concerning the illegal detention of fifty-three solo children, Immigration Minister Ruddock claimed "that children of asylum seekers were often sent solo into Australian waters so the Government would be forced to accept their families."[20]

For its part, the Australian Labor Party (ALP) maintained a complicit silence, fearing a populist electoral backlash. It was a position difficult for many members, and one which alienated many progressives from their support base. Indeed, the nadir of political point scoring on this issue possibly occurred shortly after 353 asylum seekers drowned en route to Australia. In this instance, it was the opposition leader who took the opportunity, immediately after news of the tragedy had broken. Referring to the incident solely as a "failure of policy," he argued that "we have not got the agreement we need with Indonesia in order to be able to ensure that those who put themselves in such danger are not encouraged ... to come to this country."21 Inside the election campaign, it appeared that the populist imperative of exclusion would override all considerations of human sympathy.

Later, the Government reflected upon this tragic episode in terms of the personal responsibility of the asylum seekers. While expressing deep regret for the tragedy, Ruddock maintained that he was not "going to be made to feel guilty about people who put themselves in the hands of smugglers and who pay large amounts of money knowing that they're going to break our law."[22] He also claimed that 90 per cent of those on the boat were seeking "family reunion outcomes" rather than refugee status, and should have stayed in Indonesia where they were "safe and secure."[23] These comments resonated with Ruddock's earlier views on parental and familial responsibility, made after a group of asylum seekers had drowned near Ashmore Reef in December 2000. Ruddock noted in a press release that he found it "very difficult to comprehend" that any refugees in Australia would "willingly break the law to help their relatives – often young children – embark on such a dangerous and ill-advised journey."[24]

Clearly, asylum seekers could not win. They were "immoral" if they left their wives and children behind in third countries to undertake perilous voyages to find asylum, and then sought family reunion. When denied the possibility of family reunion by Government policy, they were "irresponsible" if they brought their wives and children on these dangerous voyages.

After the election, a new opposition leader chimed in with a distinctive take on the issue, again using conceptions of the family as the key means of representing and explaining the issues at stake. Women and children, he argued, should be released from detention centres. The ALP did not oppose mandatory detention *per se*, but rather the detention of "vulnerable" family members considered deserving of protection. By contrast, male asylum seekers were implicitly cast as potential threats to the Australian body politic.

Lip Sewing

Meanwhile, the Government continued to portray related issues in terms of "cultural differences" that were hostile and foreign to Australian standards of decency. In January, following a post-Taliban "freeze" on Afghan asylum claims in Australia, reports emerged that over two hundred asylum seekers in the Woomera detention centre were engaged in a hunger strike, and that more than forty of the hunger strikers – mainly Afghans – had stitched their lips together.[25] Despite evidence from Woomera doctors that self-harming behaviour among traumatized detainees had been "almost a daily occurrence" for over six months,[26] Immigration Minister Ruddock framed this issue as one of cultural difference, condemning the episode as something which would offend Australians. "Lip sewing is a practice unknown in our culture," he declared. The Minister went on to state Australian's

revulsion at this so-called "cultural practice," which, to his mind, offended national standards of decency and rational, self-regarding behaviour: "It's something that offends the sensitivities of Australians. The protesters believe it might influence the way we might respond. It can't and it won't."[27]

Once again, in this case, Government responses to the actions of asylum seekers involved accusations of child abuse.[28] It was alleged that adult detainees had forcibly sewed the lips of children. Separate investigations by the South Australian Government and the Human Rights and Equal Opportunity Commission, with the cooperation of Australian Correctional Management, found no evidence of parents encouraging children to engage in acts of self-harm.[29] This too was found to be an unsubstantiated allegation, but a pattern or regime of representation was now apparent. Under pressure, or to gain electoral mileage out of their tough stance, the Government appeared quite willing to portray asylum seekers as irresponsible and selfish people, with little regard for their children's well-being or safety.

Meanwhile, Australia continued to be the only regime in the world with a mandatory detention policy applied to children, and continued to lock up young children in defiance of international treaty commitments on the rights of the child. Government rhetoric implicitly shifted the blame to the parents for putting their children in this situation. Despite a letter from Afghani detainees expressing their great offence at the baseless accusations of child abuse, and urging the Prime Minister to set the record straight,[30] the Government refused to apologize.[31]

"Intimidation"

The lip-sewing protests were represented as an attempt to intimidate or "blackmail" the country. Thus, Australians were urged not to examine the morality of mandatory detention, but rather the morality of the detainees. Minister Ruddock insisted that the Government would not give in to the threats. "If those demands are being put to obtain the release of people that would not otherwise be released, we can't accede to them,"[32] he said. Reflecting the "blackmail" theme, the Prime Minister referred to the protests as forms of "moral intimidation,"[33] declaring, "[W]e will not be held hostage to our own decency."[34]

In this and other attempts to stigmatize asylum seekers seeking protection, the Government attempted an interesting role reversal: it was Australia, and its borders, that needed protection from asylum seekers.[35] Even more ironically, asylum seekers were portrayed as clever manipulators, and accused of using a "range of behaviours designed to intimidate…designed to appeal to our cultural and moral values."[36] Asylum seekers' protests at their arbitrary and often prolonged confinement were met with denunciations of "inappropriate behaviours," cleverly orchestrated to intimidate us. This type of official rhetoric constantly depicted detainees as an aberrant, non-compliant population undeserving of rights, and incarcerated for our protection. Time and again, the Government promised not to yield to such forms of blackmail, which sought to take advantage of "our decency."

Terrorism

Finally, in the charged post-September 11 environment, Howard argued that he could not be certain that individual asylum seekers were not linked to terrorist groups.[37] Towards the end of the election campaign, he warned, "There is a possibility some people having links with organizations that we don't want in this country might use the path of an asylum seeker in order to get here." The Prime Minister stressed he had no evidence that the recent boats turned away from Australia contained any terrorists or undesirables but, by the same token, he could not "guarantee" otherwise.[38]

Associating asylum seekers with the threat of terrorism appeared to be the sole point of these comments. Once again, the Government demonstrated a willingness to make baseless accusations against asylum seekers, even acknowledging in this case that there was no evidence. Indeed, as far as Australian security and intelligence organizations could say, this was a wholly unsubstantiated and illogical claim.

Government Control of Information

For any propaganda campaign to be effective, of course, information flows must be strictly controlled. As the Government debated its various critics,[39] one set of voices was never heard. Despite their pleas occasionally smuggled through the detention centres, an effective ban operated on communication with asylum seekers held in detention. As the former Australian Human Rights Commissioner Chris Sidoti noted, "[N]o other western country permits incommunicado detention of asylum-seekers."[40]

Indeed, the federal Government went to unprecedented lengths to ensure that the campaign of vilifying asylum seekers would not be undermined by uncontrolled press access to detainees. In a positively Orwellian twist, the level of government agency and intent was revealed in the Senate inquiry. Under cross examination, the director of defence communication strategies, Brian Humphreys, told the hearing that Ross Hampton had directly instructed defence photographers not take pictures of asylum seekers. The Navy was apparently given explicit guidelines to ensure "no personalising or humanising images" were to be taken. Defence officials said Mr. Reith's staff did not want to allow

photographs to create sympathy for asylum seekers. Subsequently, defence media liaison director Tim Bloomfield described Government restrictions preventing any military comment on asylum seekers operations as "a form of censorship."[41]

Similarly, Department of Immigration, Multiculturalism and Indigenous Affairs (DIMIA) restrictions on journalists prevent them from interviewing any person detained under Australian immigration law. This effective gag on the press requires that "[a]n Immigration Officer will accompany journalists at all times," and further that "[r]epresentatives of the Department will view the photographs/film for use with the resulting report/s." Ostensibly, these provisions are meant to ensure that staff or people detained are not identifiable. Effectively, they also ensure that the Australian press cannot respond to pleas to be heard.[42]

Later, when the "children overboard" story was revealed as a fabrication, the Government defended its behaviour by accusing its critics of being "un-Australian."[43] The stigma of being "foreign" or "other" to Australian values and identity was quickly shifted to any and all domestic critics of Government policy. In January 2002, one of Ruddock's senior advisors resigned, apparently no longer able to tolerate the cynical media strategy routinely employed whenever Government immigration policy was criticized. According to Neville Roach, "[E]very time a humanitarian issue is raised in relation to the asylum seekers, their deviousness and even criminal intent is proclaimed." Roach believed that the Government had provided "comfort to the prejudiced side of human nature," and that the wider community would be victimized by it.[44]

"Queue Jumpers," "Illegals," and "Rejectees"

Throughout the period under discussion, senior Government figures and elements of the mainstream press sought to portray the arrivals of onshore asylum seekers as a national "crisis." The representation of the issue as one of "border protection" – and of the Government bravely standing up to various forms of international pressure – enhanced the view among sections of the Right that the issue was no less than one of national sovereignty. The Prime Minister's election message that "We will decide who comes to this country, and the circumstances under which they come" played directly upon this fear. Today, Australians no longer pass through customs on their return home, they go through "border control."

For several years now, the primary public labels employed to describe onshore asylum seekers have been those of "queue jumpers" and "illegals."[45] The term "queue jumper," particularly prominent in public discourse, is a term designed to suggest that onshore arrivals are undeserving – having taken a resettlement position from a more worthy (and certainly more grateful and compliant) "offshore" refugee. Playing upon notions of fairness and orderliness, Ruddock has even likened onshore asylum seekers to "thieves" who "steal" places from genuine refugees. Despite the absence of any "queue" in receiving countries such as Pakistan, Iran, and Indonesia,46 this language has been effective in depicting asylum seekers as unworthy of protection.

The evolving use of language to portray asylum seekers as undeserving took a new twist in May 2002, when Ruddock started to use a new term – "rejectee" – to describe those in detention whose claims were on appeal after an initial refusal. After the Refugee Council of Australia publicly described the label as "part of a systematic use of language to dehumanise people who have come here to seek protection," Ruddock defended the term, maintaining that it was "an accurate description" for "a cohort of people…whose claims are prima facie not for approval."[47]

The Role of Government Policy

The irony of many of these stigmatizing labels is that most of the so-called "inappropriate behaviours" are the direct or indirect products of Government policy. In the case of "queue jumping," it was the present Government that first linked the onshore and offshore refugee categories into one program, thus ensuring that onshore arrivals did in fact deny places to offshore refugees.[48] Even so, the humanitarian immigration quota has not been filled in recent years, belying the rhetoric that "deserving" refugees are missing out. And now that "Pacific solution" asylum seekers held on Nauru and PNG are to be considered "offshore" applicants, the distinction is becoming increasingly thin.[49] Similarly, according to immigration lawyers, there is a well-grounded belief among detainees at Woomera that authorities only respond to serious incidents of self-harm.[50] As Joseph Pugliese argues, lip sewing – a symbolic protest against silencing – should in fact be seen as a product of *Australian* culture: "we produce it legislatively, juridically, and penally."[51] Finally, the restrictions on family reunion imposed by the Temporary Protection Visa effectively force many families to accompany their husbands and fathers on the perilous boat journeys from Indonesia, with tragic consequences in the case of SIEV X, in which 353 lives were lost.

Temporary Protection Visas

As Sharon Pickering argues, these representational regimes portraying asylum seekers as a threat to the nation seek to validate a host of increasingly repressive state responses.[52] This paper concludes by examining the way these representations of refugees as "undeserving" have been paralleled by new Temporary Protection Visa regulations in Australia.

In October 1999, the federal Government introduced Visa Subclass 785, the Temporary Protection Visa (TPV). In so doing, it overturned an erstwhile principle of refugee protection: that genuine refugees should not be penalized for their method of entry.[53] The TPV became the centrepiece of a new policy of deterrence, offering temporary protection to unauthorized "onshore" arrivals found to be genuine refugees.[54] Initially, TPV holders were able to apply for Permanent Protection Visas (PPVs) after thirty months. However, subsequent amendments in September 2001 – which prohibit the ultimate issue of a PPV to any person found to have resided for seven days in a country of first asylum (*e.g.*, Indonesia) en route to Australia –effectively mean that most TPVs will never meet the criteria for a PPV. These amendments also excised certain territories from the "migration zone." In doing so, they provided the basis for the so-called "Pacific solution" by deeming arrivals at these designated places to be ineligible for a visa of any kind.

The year before the introduction of the TPV, Ruddock had pilloried the concept of temporary protection when it was proposed by the One Nation Party, rejecting it as "highly unconscionable," "totally unacceptable," and "quite extreme."[55] In practice, the TPV has fostered exactly the type of uncertainty and insecurity among traumatized refugees that Ruddock had predicted when criticizing One Nation's immigration agenda.[56]

The attempt to portray unauthorized arrivals as "undeserving" was directly paralleled by the provisions of Temporary Protection. The TPV policy has created two classes of refugees, in terms both of security of tenure and of rights. Of particular concern, TPVs have no right to family reunion programs and no right of return if they leave the country. As such, many TPVs are permanently isolated from their spouses and children. TPVs are also denied access to Commonwealth Government settlement services offered to PPVs, including English language classes, housing assistance, and migrant resource centre support schemes. The Government has created a situation of open discrimination against TPV holders, who are specifically excluded from these settlement services and from some mainstream services including access to subsidized tertiary education. As Fethi Mansouri and Melek Bagdas argue, this policy has resulted in considerable levels of anguish and hardship for already traumatized asylum seekers and has placed severe strain on community sector agencies and services.[57] The TPV policy has promoted insecurity, isolation, confusion, and a range of health problems among the holders of these visas.

The harsh and unusual character of the TPV regime is most evident in the light of international comparisons. Internationally, the concept of temporary protection has been seen as valid in cases of mass refugee movements, where individual status determinations are impractical in the short term, or, as in the case of the United Kingdom's Exceptional Leave to Remain, where an application for refugee status has been rejected but the person has been found to be at risk of human rights abuse. At a policy level, therefore, direct comparisons with Australia's TPV regime are not easy to make. Australia remains the only country to provide "temporary" sanctuary to those who have been recognized as convention refugees. Under the TPV policy, some of the most vulnerable people in the Australian community live with the ongoing fear of being refused a visa extension after three years, and are deemed ineligible for family reunion, English classes, and a range of settlement assistance measures.

Conclusion

The federal election campaign of 2001 saw the definition of asylum seekers as a political problem, or "crisis," and witnessed the rise of a new set of asylum policies, ominously entitled the "Pacific solution."[58] The human impacts of these policies are profound, and there has been no genuine "solution" aside from an expensive and unsustainable policy of exporting onshore arrivals to Australia's Pacific neighbours. In the meantime, the rhetoric aimed at so-called "illegals" and "queue jumpers" is starting to impact on all refugees and migrants in Australia. For Temporary Protection Visa holders in particular, the Government's rhetorical depiction of asylum seekers as "undeserving" was directly paralleled by policy changes, which deny a range of rights and services to "onshore" arrivals found to be refugees. Most disturbingly, Government attacks portraying asylum seekers as serial child abusers were also paralleled – those on TPVs remain ineligible, presumed "undeserving," for the family reunion program. Far from offering protection, the TPV policy prolongs and compounds the trauma of many asylum seekers in Australia today.

Notes

1. My use of this distinction is not intended to convey major theoretical concerns with the project of "discourse analysis." However, it does reflect a particular theoretical reservation about the treatment of agency in some modes of discourse analysis, especially when a stigmatizing intent is transparently evident in political rhetoric. As Steinberg puts it, some post-structuralist accounts often understand discourse as something which acts *upon* people, leaving little scope for appreciating the way political actors act *through* discourse. See M. Steinberg, "Talkin' Class: Discourse, Ideology and Their Roles in Class Conflict," in *Bringing Class Back In*, ed. S. McNall *et al.* (San Francisco: Westview, 1991), 264.

2. For Jowett and O'Donnell, propaganda may be seen as a particular mode or subset of political discourse, distinguished by the "deliberate, systematic attempt to shape perceptions, manipulate cognitions, and direct behavior to achieve a response that furthers the desired intent of the propagandist." Garth S. Jowett and Victoria O'Donnell, *Propaganda and Persuasion*, 3rd ed. (Thousand Oaks, CA: Sage, 1999), 6.
3. For the report of the "Senate Select Committee on a Certain Maritime Incident," see online: <http://www.aph.gov.au/Senate/committee/maritime_incident_ctte/maritime/report/contents.htm>.
4. John Howard, Liberal Party Campaign Launch, 28 October 2001. Footage of the Prime Minister using this phrase was then featured in Liberal Party television advertisements throughout the final weeks of the election campaign.
5. Legislative amendments in October 2001 excised certain Australian island territories (most notably,Christmas Island and Ashmore Reef) from the migration zone. Effectively, this means that asylum seekers arriving at these "excised" territories are deemed ineligible for a visa of any type without the exercise of ministerial discretion. These asylum seekers are instead transported and processed "offshore" in the neighbouring Pacific states of Nauru and Papua New Guinea. The latter policy gave these legislative measures the (rather ominous) collective title of the "Pacific solution."
6. U.S. Committee for Refugees, *Sea-Change: Australia's New Approach to Asylum Seekers* (Immigration and Refugee Services of America, 2002), 7.
7. Sharon Pickering. "Common Sense and Original Deviancy: News Discourses and Asylum Seekers in Australia," *Journal of Refugee Studies*, 14(2) (2001): 169–86.
8. See online: <www.justrefugeeprgrams.com.au/issues/concerns>.
9. "Too Good to Be False," *Four Corners*, Australian Broadcasting Corporation (4 March 2002).
10. *Ibid.* Belying the Prime Minister's populist rhetoric, significant numbers of the Iraqis from SIEV 4 were subsequently found to be refugees, and 104 of these had been resettled in Australia on Temporary Protection Visas as of March 2003. See Megan Saunders, "Children Overboard Refugees Accepted," *Australian*, 7 March 2003.
11. *Ibid.*
12. "New evidence also revealed that the Prime Minister's department was told that claims that photographs purportedly showing children being thrown overboard were false the day after the pictures were released. Prime Minister John Howard has claimed he only heard of "some doubts" about the photographs a month later." See Mark Forbes and Kerry Taylor, "Refugees Denied Human Face," *The Age*, 18 April 2002.
13. "Navy Retreats from Children Overboard Denial," *ABC Online News* (8 November 2001), online: <http://www.abc.net.au news/newsitems/s412071.htm>.
14. *ABC News* (26 August 2002).
15. See *Australian*, 8 November 2001, 1.
16. *Supra* note 9.
17. Press release dated 10 January 2000; cited in Margaret Piper, "Australia's Refugee Policy," *The Sydney Papers*, Autumn (2000): 79–88.
18. *The Age*, 8 October 2001.
19. Matt Price, "Strangling Claims Unsupported," *Australian*, 6 April 2002.
20. Linda Doherty, "Children 'Used to Get Refugees In'," *Sydney Morning Herald*, 29 November 2001.
21. Steve Lewis and Brendan Pearson, "Howard, Beazley Head to Head," *Financial Review*, 24 October 2001.
22. "Ruddock Not Guilty about Boat People Deaths," *Sydney Morning Herald*, 26 October 2001.
23. Andrew Clennell and Michelle Grattan, "Ruddock Lays Down the Law to Survivors," *Sydney Morning Herald*, 25 October 2001.
24. Philip Ruddock, press release, 22 December 2000.
25. See, *e.g.*, Patrick Barkham, "Afghan Children in Australia Threaten Suicide," *Guardian* (London), 29 January 2002.
26. Andrew Clennell, Cynthia Banham, and Margo Kingston, "Self-Harm in Detention Centres 'Daily Occurrence'," *Sydney Morning Herald*, 25 January 2002.
27. Andrew West, "Asylum-Seekers Sew Lips Together: Protest," *Herald Sun* (Melbourne), 20 January 2002.
28. See, *e.g.*, "Woomera Hunger Strike Continues as Talks Fail," *ABC Online News*, 25 January 2002 online: <http://www.abc.net.au/news/2002/01/item20020125080108_1.ht m>.
29. "The official statistics provided to HREOC officers by ACM indicated the following incidents of self-harm occurred over a two week period: Lip sewing: 5 children (one 14 year old sewed his lips twice); Slashing: 3 children (the above child also slashed "freedom" into his forearm); Ingestion of shampoo: 2 children; Attempted hanging: 1 child; Threats of self hurt: 13 children." See "Media Statement by President Professor Alice Tay and Dr. Sev Ozdowski, Human Rights Commissioner," *Human Rights and Equal Opportunity Commission*, 6 February 2002, online: <http://www.hreoc.gov.au/media_releases/2002/05_02.html>.
30. "Might we take this opportunity to assure you that no adult person in this Centre sewed the lips of any child. We hope you will have the opportunity to set right the record on this matter which has offended our dignity very greatly." Afghani Delegates' Letter to Prime Minister, 20 February 2002.
31. Andrew West, "This Isn't a Camp, It's an Oven and We Are Burning," *Herald Sun* (Melbourne), 17 February 2002. The United Nations Association of Australia argued that the Government should apologize to asylum seekers wrongly accused of child neglect. See United Nations Association of Australia, *Unity*, 288 (February 22, 2002), online: <www.unaa.org.au/news288>.
32. *Supra* note 25.
33. *Supra* note 28.
34. Cited in Joseph Pugliese, "Penal Asylum: Refugees, Ethics, and Hospitality," *Borderlands E-Journal*, 1:1 (2002).

35. Michael Clyne, "The Discourse Excluding Asylum Seekers: Have We Been Brainwashed?" *Australian Language Matters* 10 (2002): 3–10.
36. *Supra* note 15.
37. *Supra* note 9.
38. Tom Allard and Andrew Clennell, "Howard Links Terrorism to Boat People," *Sydney Morning Herald*, 7 November 2001. Similarly, Defence Minister Reith claimed that illegal immigration "can be a pipeline for terrorists to come in and use your country as a staging post for terrorist activities." See *Migration News* 8(11) November 2001.
39. A range of community and advocacy groups have maintained a ceaseless campaign against Government vilification of asylum seekers. From the Refugee Council of Australia, to the grassroots Refugee Action Collective and No One Is Illegal campaigns, many Australians actively and publicly protested the punitive and exclusionist polices of the Howard Government. In the context of an election campaign, however, the ALP's acceptance of the basic premises of "border protection" made it difficult for these groups to mobilize an effective public counter-discourse in the mainstream media. Despite the seemingly bleak national environment in Australia, there are encouraging signs that refugee advocacy campaigns are starting to have an impact. While effectively promising to maintain the so-called "Pacific solution" in a reduced form on the Australian territory of Christmas Island, the Australian Labor Party's recent pledge to review the 1999 and 2001 legislation so that "Temporary Protection Visas will not continue indefinitely" is a step in the right direction. See Australian Labor Party, *News Statements*, (5 December 2002) online: <http://www.alp.org.au/media/1202/20003071.html>. For its part, the federal Government has recently modified one minor aspect of its asylum deterrence regime – extending the Woomera housing trial to allow more women and children to reside in supervised accommodation outside detention centres while their applications are processed.
40. Chris Sidoti, *For Those Who Come Across the Seas: The Detention of Unauthorised Arrivals in Australia*, (Canberra: HREOC), 224.
41. *Supra* note 9.
42. "Woomera or North Korea?" *ABC Media Watch*, 8 July 2002, online: <http://www.abc.net.au/mediawatch/transcripts/080702_s4.htm >.
43. "I am sure many Australians will view the current negative outpouring against the Howard Government as essentially un-Australian." Shane Stone, "Media's Responsibility in History," *Sydney Morning Herald*, 15 April 2002.
44. Julie Anne Davies, "Ruddock Adviser Quits in Disgust," *Sydney Morning Herald*, 31 January 2002.
45. See, *e.g.*, Pickering, 2002.
46. For example, Australia has not accepted any UNHCR-processed asylum seekers directly from Indonesia in recent years.
47. Megan Saunders, "Rejectee Tossed into Ruddock's Vocabulary," *Australian*, 8 May 2002, 2.
48. Peter Mares, *Borderline: Australia's Treatment of Refugees and Asylum Seekers* (Sydney: UNSW Press, 2001), 24–26.
49. Megan Saunders and Duncan McFarlane, "Migration Lift to Young and Skilled," *Australian*, 8 May 2002, 1.
50. "It is only in that situation that you are likely to get some sympathy or respect or some processing from the government." "Graves Dug at Woomera," *The Age*, 8 March 2002.
51. Pugliese, 40.
52. Pickering, 173.
53. *Convention Relating to the Status of Refugees*, 1951, s. 31.
54. From October 1999, asylum seekers entering Australia without a valid visa were declared ineligible for the immediate award of a Permanent Protection Visa, and have been granted three-year Temporary Protection visas upon successful refugee status determinations. Permanent Protection Visas are immediately available only to "offshore" (humanitarian resettlement) applicants, or to those "onshore" applicants who initially enter Australia with a valid visa of some sort (such as a tourist or student visa). The key legislative test is therefore whether the asylum seeker's arrival was "authorized" or not.
55. Philip Ruddock,. "Comments on One Nation Call for Temporary Protection," *Southern Cross Online* (1998), online: <http://www.anglicanmediasydney.asn.au/September/features 1. html>.
56. See Fethi Mansouri and Melek Bagdas, *Politics of Social Exclusion: Refugees on Temporary Protection Visas* (Geelong: Deakin University, 2002).
57. *Ibid*, 6–7.
58. See Clyne, 3.

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