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Establishing an Evidence-Base for Future Policy Development on Irregular Migration to Australia

**Irregular Migration Research Program
Occasional Paper Series**

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* Please note that the views expressed in this paper are those of the co-author and do not necessarily reflect the views of the Department.

EXECUTIVE SUMMARY

1. In response to a recommendation of the 2012 Expert Panel on Asylum Seekers, the Australian Government has established an Irregular Migration Research Program. This is the first in a series of Occasional Papers published by the Program to support its work.
2. Against the backdrop of rising numbers of Irregular Maritime Arrivals (IMAs), which bear significant human, political, economic, and social costs, Australia is confronted with the challenge of balancing its international obligations to protect refugees and the imperative to manage its borders in an orderly manner.
3. The public discourse, and to an extent policy responses, to date have been based on limited research and evidence, and addressing this gap in knowledge and research is a policy priority. The Expert Panel, for example, noted that “the policymaking process is forced to rely on partial and largely qualitative information, rather than a solid base of measurement and analysis.”¹
4. This paper reviews international research on irregular migration, in order to identify specific research gaps in the Australian context, and make recommendations about how to fill these gaps, drawing on international experience.
5. Understanding the decision to leave the country of origin can inform policies on addressing the root causes of movement, help tailor assisted return programs, and provide focus for information campaigns in origin countries. Key questions for future research in Australia include: Under what circumstances is the decision to leave their countries by irregular migrants voluntary or involuntary? What is the role of family members in making the decision? How important are smugglers in the decision-making process? How can policy support people to stay at home? How can policy support people to migrate regularly rather than irregularly?
6. Researching whether and how irregular migrants select their destination has implications for assessing the extent to which policy settings can influence their decision (‘pull’ factors), and can also provide insights into designing effective information campaigns. Further research is required, especially in Australia, to answer some of the following questions: Why do irregular migrants choose Australia as a destination? At what stage of the migration process is this choice made? What is the evidence that information campaigns affect the selection and how can they be more effective? What proportion of irregular migrants has friends and family already in Australia?
7. The policy relevance of understanding the transit phase of irregular migration includes helping identify and provide assistance and protection for vulnerable migrants in transit; targeting information campaigns in transit countries where migration decisions often evolve; and informing bilateral agreements between destination and transit countries. Besides further research that may be required on smuggling, important research questions relating to transit that need answering are: What factors determine the routes taken by irregular migrants to Australia? How do experiences in transit influence subsequent migration patterns? How can migrants in transit be protected against exploitation?
8. Promoting voluntary and sustainable return are important policy goals for stemming irregular migration. Among the key questions for further research are: How can irregular migrants be

¹ Report of the Expert Panel on Asylum Seekers (2012), page 46.

encouraged to return voluntarily? How can sustainable return be defined and measured?
What factors determine the sustainability of return?

1. INTRODUCTION

In its 13 August 2012 report the Expert Panel on Asylum Seekers noted that ‘...the evidence on the drivers and impacts of forced migration is incomplete, and more intuitive than factual. As a result, the policymaking process is forced to rely on partial and largely qualitative information, rather than a solid base of measurement and analysis. Addressing this gap in evidence and knowledge is a priority.’² The Panel went on to recommend that: ‘A well-managed and appropriately funded research program should support the development of sustainable, evidence-based policy approaches aimed at meeting Australia’s obligations to manage its borders and provide protection to refugees. It is envisaged that, among other things, the program would focus on the drivers and determinants of irregular migration, including why people decide to leave their home countries, how they travel between source, transit and destination countries, and the irregular and regular migration pathways used by asylum seekers.’ (p. 46)

In response to the Expert Panel’s report, the Australian Government agreed in principle to all 22 of the Panel’s recommendations, including in relation to the establishment of an Irregular Migration Research Program. As part of the Research Program, an occasional paper series has been agreed, with this initial paper being the overarching ‘lead’ paper for the series. This paper has been specifically designed to help identify gaps in knowledge and research in the Australian context by comparing it to international research, and to make recommendations about how to fill these gaps, drawing on international experience.

The Expert Panel’s report was commissioned against the backdrop of an increase in irregular maritime arrivals (IMAs) in Australia and a number of deaths at sea, and reducing dangerous sea journeys remains a policy priority. This paper therefore focuses on research and recommendations for establishing an evidence-base especially relevant to policy responses to this particular challenge. Specifically, the paper focuses on the migration *process*, concerning why irregular migrants leave their countries, how they choose their destination, how they organize their trips, including the role of migrant smugglers, and the process of return. This focus makes sense in terms of informing an immediate policy priority.

This paper is based on four main sources of information. The first is Australian data and information on irregular migrants, particularly those who have arrived by sea. The second is an extensive literature review – including academic publications, policy reports, and a few unpublished sources (for example conference papers). These are listed at the end of the paper, which in itself is intended as an output that can help guide the development of a research program. Every reference listed here is available to the public (there is one forthcoming report which will be available in 2013). The literature reviewed is global, but with a particular focus on research in Europe and North America, and a bias towards English-language publications. The third source is one of the author’s (Koser) own research in relevant areas. This has yielded publications which form part of the review, but also unpublished data (field reports and so on) which are used here for the basis of some of the conclusions and recommendations. Finally, the paper draws on a series of informal discussions with relevant stakeholders in Australia and elsewhere, including with members of the Irregular Migration Research Advisory Group.

² Report of the Expert Panel on Asylum Seekers (2012), page 46.

This paper is structured in two parts. The first provides information and some observations on irregular maritime migration to Australia, and articulates some of the underlying reasons why it is such a contested topic in Australia. The second tries to answer the question 'What are the knowledge and research gaps', focusing on five stages of the irregular migration process.

2. SETTING THE SCENE: MIGRATION IN A GLOBALISED WORLD

The estimated number of international migrants has increased dramatically over the past fifty years, from estimates of around 77 million in 1960 to around 214 million in 2012.³ During that time the pace of movement has increased as more and more international travel links have emerged. There has been an expansion in migration pathways as access to air travel has increased resulting in much greater diversity among international travellers.⁴

As access to international movement has increased, sovereign states have sought to implement a range of strategies to manage this increase in scale, pace and diversity. Immigration and border management policies and practices have rapidly evolved to meet the change in global circumstances and the perception of the risk associated with the movement of large numbers of people. Since the 'September 11' attacks in New York, efforts to strengthen border control have taken on a symbolic importance in underscoring the authority and legitimacy of state power⁵. National security has increasingly become a cornerstone of border control.

2.1 A planned migration program and effective border protection

The political and policy imperatives in relation to migration for Australia are framed around two important objectives: the orderly management of a planned migration program and effective border protection. The management of these two issues has immediate impacts on individuals (both citizens and non-citizens), as well as medium and longer term impacts on industry, public administration and services, infrastructure and social cohesion. Public debate on the perceptions of how governments manage the migration program and border control have been central issues in Australian political and public discourse for decades.

2.1.1 Irregular migration

Against a backdrop of increasing global people movement, people smuggling, irregular migration and the arrival of asylum seekers by sea pose enduring challenges. Australia, as a signatory to the 1951 Refugee Convention, must find a balance between its international obligations to protect refugees and the imperative to manage its borders in an orderly manner.

Australia's commitment to asylum and the protection of refugees is reflected by its party status to the 1951 Convention relating to the Status of Refugees and other international human rights conventions, particularly those with embedded non-refoulement obligations. More fundamentally, however, Australia's party status is perhaps a reflection of a society, both culturally and historically, that places significant weight on human rights, including in an international context.

Australia also places very significant weight on border management and control. The main reason for this is because it can. Geography, sea borders and relative isolation provide Australia a unique ability among industrialised countries to manage its border. As a corollary, Australia has, out of necessity,

³UNDP(2009)

⁴IMI (2006)

⁵Caparini and Marenin (2006)

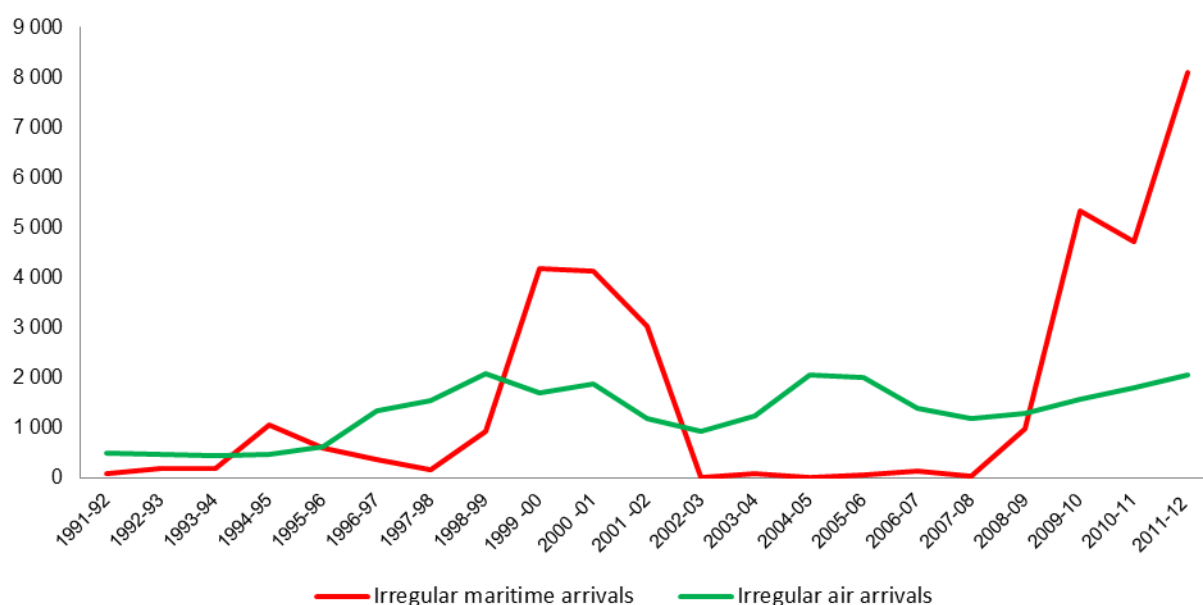
developed border management practices that have extended its virtual border well beyond its physical border as a means of facilitating travel to what is - from much of the world's perspective - an isolated location.

In line with other industrialised countries, Australia has highly systematised visa entry processes that regulate and record arrivals, with less emphasis on the regulation of internal migration (e.g. no national identity cards, no routine passport registration processes for foreigners at hotels). For other countries, with high volume movements across land borders and close proximity to populous nations, data capture is much more difficult and it is generally agreed that irregular movements are not accurately recorded.⁶ As a result there is much greater emphasis on the regulation of internal movement through, for example, the registration of citizens and non-citizens, and national identity cards/passports.

Concern about managing irregular migration has long been a key political challenge for many nation states which struggle to find policy strategies that effectively contain the flow of irregular migrants across their borders.⁷ The findings of a 2012 study mapping social cohesion in Australia reported that asylum seekers ranked third out of the top five issues of concern to Australians; out-ranking the environment.⁸

In Australia, successive governments have had to grapple with the nexus between border management and refugee protection over many years, in particular in the form of IMAs. The number of IMAs who have arrived by sea since the mid-1970s has increased over time (Figure 1), to the point that Australia is experiencing the highest levels of sustained maritime arrivals in history.⁹

Figure 1: Irregular arrivals by sea and air (1991–92 to 2011–12)



Source: adapted from DIAC (2011)

⁶Clarke, *et al.* (2003)

⁷Castles (2004)

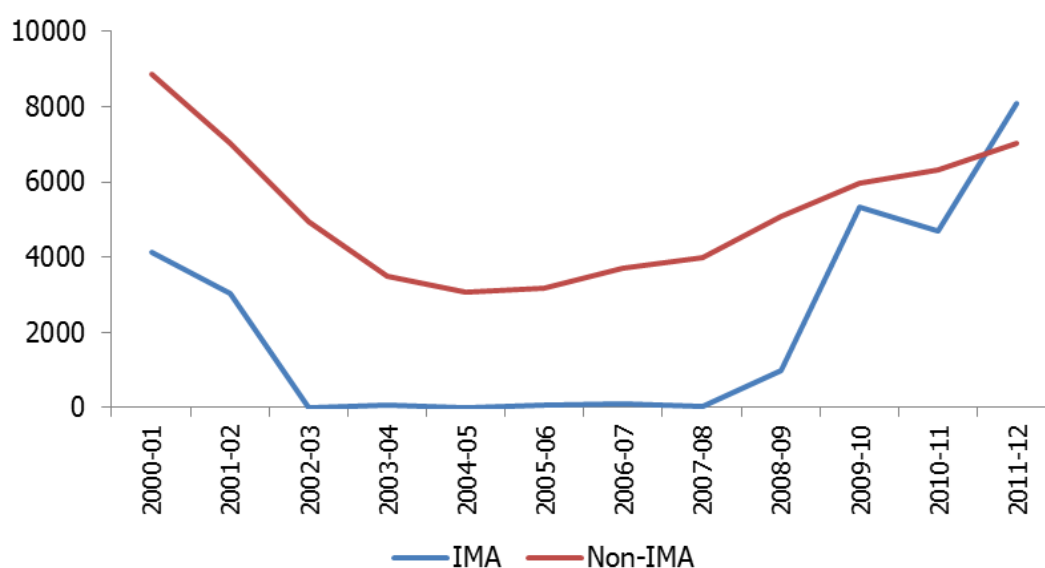
⁸Markus (2012)

⁹DIAC (2011)

2.1.2 Boats vs. planes – what are the facts?

In contrast to maritime arrivals, the main mode of arrival to Australia – air arrival – presents a very different picture. Irregular air arrivals are more constant in number, having generally ranged between 1,000 and 2,000 per year since 1996-97¹⁰, and have not reached the high peaks shown in Figure 1.¹¹ Irregular air arrivals are people who are refused immigration clearance at the border (to be distinguished from those who arrive by air and claim asylum sometime later), although importantly they have been through some form of checking prior to arriving in Australia. Even more importantly, irregular air arrivals rarely raise asylum claims, and so do not represent the same policy challenges as IMAs.¹²

Figure 2: Asylum seekers by sea (IMAs) and by air (non-IMAs) (2000–01 to 2011–12)



Source: adapted from Table 9, page 89 of the Report of the Expert Panel on Asylum Seekers (August 2012).

Until very recently, the majority of asylum seekers arrived by air (see Figure 2). What is important to note, however, is that asylum seekers who arrive by air almost always arrive in a regular (or lawful) manner. They arrive on a substantive visa (such as a visitor or student visa) and apply for asylum while they are in the community. In a general sense, they are known to Australia and have been authorized to enter the country. In many cases, they apply for asylum years after they have arrived in Australia.¹³ It is also worth noting that IMAs and non-IMAs tend to be different caseloads (e.g. citizenship groups), albeit with some overlap.

¹⁰ DIAC (2011)

¹¹ Irregular air arrivals represented a very, very small proportion of all air arrivals, around 0.013% in 2011-12 (or 2048 of around 15.920 million air arrivals).

¹² For example, in 2011–12, indicative data shows that of the 2048 irregular air arrivals (i.e. those refused immigration clearance at airports), just 26 people made protection claims at the border.

¹³ In 2011-12, the median time of arrival to application for asylum (i.e. a protection visa) for asylum seekers who arrived lawfully by air was 321 days. In relation to some student visa citizenship groups, median times were over 1000 days.

2.1.3 So why are boats such a hot topic?

Some overseas commentators, researchers and academics find it difficult to comprehend why Australian public and political discourse is taken up with the 'boats' issue, particularly when the irregular arrival numbers are small compared to many parts of the industrialized world. Focusing on the low volume relative to the rest of the world fails to understand the Australian cultural and geographic aspects outlined above. Volume is a secondary issue, as shown by the latest national *Mapping Social Cohesion* survey by the Scanlon Foundation, which reported that the large majority of Australians have little understanding of the number of asylum seekers who have reached the country by boat.¹⁴

The Scanlon survey also shows that the strong support for a humanitarian program based on overseas selection of refugees does not extend to asylum seekers who seek asylum after arriving by boat. The offshore humanitarian program, which traditionally has accounted for the majority of the humanitarian program, does not raise the same border management issues because those granted visas offshore are thoroughly checked prior to arrival.

2.2 Counting the costs

The human costs of irregular migration by sea to Australia are significant. To date, it is estimated that more than 1,000 lives have been lost at sea since October 2001, equivalent to approximately two deaths at sea every month.¹⁵ There are also considerable financial, social, and political costs to the government and the broader Australian community:

- the cost to taxpayers involved in managing IMAs, both in respect to disruption, detection, interception at sea, onshore processing and detention, as well as the implementation of regional processing regimes;
- the potential for erosion of confidence in institutions due to the ongoing difficulties in managing the nexus between IMAs, well-managed migration programs and border management;
- national security issues as they relate to border management policies and practices are much more difficult to manage in relation to non-citizens who have not been through any form of bona fides checking;
- social cohesion can be harmed by negative public perceptions (however ill-informed they may be) that asylum seekers are challenging sovereignty by arriving by boat - particularly those who are found to be not in need of protection and are not returned;
- there are issues for State-Federal relations, particularly in relation to the provision of health, education and other social services;
- the potential harm inflicted on Australia's international reputation;

¹⁴ Markus, A., (2012)

¹⁵ Report of the Expert Panel on Asylum Seekers (2012) p.75.

- the personal and financial costs of managing the trauma experienced by survivors of boat tragedies, as well as by border protection command, immigration and emergency personnel who respond to those tragedies.

2.3 The need to broaden the research focus

Since 2009 there has been a steady and increasing flow of irregular maritime migration to Australia. Irregular migration will remain a policy and program challenge to the Government. The need to establish a more sophisticated understanding of irregular migration within the region and beyond is ongoing.

A great deal of research on irregular migration to Australia is formulated around the assumption that the flows are the result of forced migration. While this research is relevant and useful, further investigation is needed to focus more closely on indicators that suggest that the composition and background of the current irregular migration flows arriving in Australia are more complex.¹⁶

There are often interrelated reasons why a person may choose to migrate irregularly, with persecution and security issues being one subset. There are also asylum seekers caught up in mixed migration flows in the Asia-Pacific region that include economic and environmental migrants as well as victims of human trafficking.¹⁷

As a result, some commentators suggest that many IMAs are economic migrants, not refugees. This is a widespread claim made about recent Sri Lankans arrivals.¹⁸ The number of Sri Lankans trying to reach Australia by sea increased dramatically in 2012. In 2011, there were just over 200 arrivals from Sri Lanka, whereas in 2012 more than 6,400 Sri Lankan IMAs arrived in Australia.

Assumptions about the protection/asylum credentials of other citizenship groups are also ambiguous and highly complex. Evidence on Afghan arrivals reveals that Afghan IMAs originate from three main countries; Afghanistan, Iran and Pakistan. Many Afghans from Iran and Pakistan have lived in these countries for long periods, some for decades,¹⁹ and the reasons for their decision to leave their countries of long term residence and travel to Australia cannot be understood without understanding their demographic and other attributes, as they relate to host countries.²⁰

IMAs are not homogenous and cannot be understood by only applying broad measures of inquiry. Broad measures of inquiry will provide a great deal of information, and provide a picture of the overall features and trends. However, IMAs arriving in Australia need to be understood in the context of their specific features with a particular focus on migration patterns, traditions and behaviours and to what extent this background relates to issues of protection and other migration factors. Taking a multilayered approach is likely to reveal a very complex picture

¹⁶ Vullnetari(2012)

¹⁷ UNHCR (2009)

¹⁸ ABC Radio, Interview with Richard Danziger, Chief of Mission, International Organisation for Migration in Sri Lanka, November 2012

¹⁹ ActionAid (2009)/ United States Department of State, (March 2010) Human Rights Report: Iran.

²⁰ UNHCR (2011); UNHCR (2012a); UNHCR (2012b)

A deeper understanding of the complexities inherent in the irregular migration flows arriving in Australia based on differentiating between separate citizenship groups, and in some cases sub-groups will assist in developing a more nuanced approach to policy, not least of which is to improve protection space for refugees in the region.

3. WHAT ARE THE RESEARCH GAPS?

This paper focuses on the patterns and process of irregular migration rather than migration outcomes. This process can be thought of in four main stages, covering the decision to leave the country of origin; the choice of destination; transit (including migration routes, organization of the journey, and experiences in transit countries); and return. This section is structured around these four main stages, although it also refers to experiences in the destination country where these experiences may have an impact on the other stages. The paper demonstrates that these stages are not always discrete or necessarily sequential – an irregular migrant may select his or her destination before leaving the country of origin; experiences in destination countries may influence return motivations, and so on.

For each stage, it explains why research is relevant for policy; provides a summary overview of the current state of research; identifies specific research gaps in the Australian context; and makes comments on relevant data sources and methods for filling them. This section draws on research and examples from around the world, and highlights issues of particular relevance for Australian research and policy.

Underpinning this research focus is the need to ensure that the particular characteristics of IMA citizenship groups are adequately accounted for. As discussed in Section 2.2.1, the need to broaden the research and policy thinking to account for differences in IMA citizenship groups is critical to the development of more sustainable approaches to the management of irregular migration. The following sections should be read with this underpinning typology in mind.

3.1 The decision to leave the country of origin

3.1.1 Policy relevance

Understanding the decision to leave the country of origin is significant for policy in at least three ways. First, it can inform policies targeted on reducing irregular migration. The so-called ‘root causes’ approach to irregular migration argues for addressing the underlying causes for movement, for example a lack of peace, security, or development. But these are long-term ambitions usually requiring multilateral action and commitment, and policy interventions are less likely to be effective, or at least do not have a direct impact for many years. Furthermore it is important to recognize that irregular migrants are not generally the poorest of the poor or those who face the most serious barriers in their home countries. Irregular migration requires financial resources as well as knowledge of and contacts in the destination country.²¹

²¹ Martin (2007)

Second, understanding how decisions to leave are made can inform policies designed to support return. For example, business start-up grants and vocational training as part of Assisted Voluntary Return (AVR) programs are intended to help overcome unemployment and low incomes as a driver for migration. At the same time it is important to acknowledge that addressing their motivations to move may not be sufficient to encourage people to return.²² Third, understanding the decision to leave can provide a focus for information campaigns targeted in countries that are already or potentially could become significant sources of irregular migrants.

3.1.2 Current research

Surprisingly little is currently known about decision-making by irregular migrants to leave their country of origin (recognizing that a good proportion leaves and enters their country of destination lawfully, and subsequently shifts into irregular status), in either the Australian or any other context. A number of frameworks for explaining irregular migration have emerged in recent years. One is that there are structural reasons for why more people than ever before want to move (for example in response to growing developmental, demographic and democratic disparities; the draw of segmented labour markets; and facilitated by transport and communications revolutions), but there are proportionately fewer legal opportunities for them to do so.²³ A separate, but related, explanation focuses specifically on the role of policies, and views the growth of irregular migration as an unintended consequence of restrictive asylum and immigration policies,²⁴ although research in this vein has not been able to establish a causal link between restrictive policies and the growth of irregular migration.²⁵ A third explanation conceives of migration as a business comprising ‘...a system of institutionalized networks with complex profit and loss accounts, including a set of institutions, agents and individuals each of which stands to make a commercial gain’.²⁶ People smuggling comprises the illegitimate side of this business, and according to this model the profit motive creates an almost irrepressible momentum within the migration business, and migrant smugglers actively recruit clients to turn a profit.²⁷

The first of these explanations might be characterized as macro-level (it concerns underlying structural features) and the second and third as mesa-level (respectively, the role of policy and intermediaries). It is striking that explanations for irregular migration have not yet addressed the micro-level of individual or family decision-making, even though there is a significant body of migration literature at this level upon which to draw²⁸. Each of the above explanations shows why individuals decide to migrate in an irregular manner: because they are desperate to escape poverty and repression, because policy changes leave them with little option, or because they are actively recruited by the migration industry. But none of them really explains the decision-making process.

Beyond the explanation that research on irregular migration has not yet matured enough for the development of a comprehensive explanatory framework, there are two plausible reasons why most

²² Koser (2008)

²³ Castles and Miller (2003)

²⁴ Castles (2004)

²⁵ Koser (2000)

²⁶ Salt and Stein (1997)

²⁷ Bilger *et al.* (2006)

²⁸ Boyd (1989); De Jong and Gardner (1981); Stark (1991)

research to date seems to have ignored the migrants' decision-making in the process. One is the methodological challenge of interviewing irregular migrants – and this is discussed in more detail below. The second is the perception that there is effectively no decision to be made – that people are forced into irregular migration. While this is true for human trafficking, it is not necessarily true for most other forms of irregular migration, including migrant smuggling. The limited research so far suggests that a decision is in fact made by migrants who pay smugglers, and indeed that it can be a complex one including the negotiation of an acceptable cost, selection between competing services, and choosing a route and final destination²⁹.

One of the few case studies on the decision to migrate by irregular migrants has been in the Pakistan context, amongst Pakistani families in Karachi.³⁰ The results indicated that the decision to migrate with a smuggler was not often an individual decision. Of 50 respondents, in only 13 cases was it reported that the would-be migrant himself or herself took the decision to migrate. In most other cases the decision was made in consultation with a family member, including in a majority of cases family members outside Pakistan. In the three cases where a woman migrated, the decision was made by male relatives. One reason why it not surprising that other family members had a stake in the decision was the cost involved. Family members were also important in identifying smugglers to facilitate leaving Pakistan: in the 43 households that responded to this question, in 18 cases the smuggler was apparently identified by the would-be migrant himself (none of the women migrants located their own smuggler) and in the remaining 25 cases by family, friends and in two cases by a religious party. One of the significant policy implications that emerged from this research was the importance of recognizing that family members are critical actors in making and facilitating the migration decision, and thus are as important a target for policy interventions as would-be migrants or returnees themselves.

3.1.3 Key research questions

A number of important research questions remain unanswered in the existing literature (both in Australia and elsewhere), and may provide a starting point for developing a policy research project on the decision by irregular migrants to leave their country:

- Under what circumstances is the decision to leave their countries by irregular migrants voluntary or involuntary?
- What is the role of family members in making the decision?
- How can policy support people to stay at home?
- How can policy support people migrate lawfully rather than unlawfully?

3.1.4 Methodological approaches

Conducting research among irregular migrants themselves is difficult. People without regular status are likely to avoid speaking to the authorities for fear of detection and exposure to the risk of apprehension and deportation, while those who have been identified may be tempted to misrepresent

²⁹ Herman (2006); Koser (2008); van Liempt and Doomernik (2006)

³⁰ Koser (2011)

their motivations for moving. To compound this general challenge, understanding decision-making among any migrants is difficult because it relies on *post facto* rationalization. Motives adduced by migrants for moves in the past may hide, as much as reveal, underlying causes for movement.³¹ Not only do memories get blurred; there may also be a tendency to emphasize a concrete objective or specific factor rather than the cumulative effect of hopes and fears that in reality underlie most migration decisions.

In response to this dual challenge, the research in Pakistan cited above relied on an indirect method for trying to understand the decision-making of irregular migrants, by surveying the families of smuggled migrants in the origin country. In methodological terms this was relatively successful. Conducting research in the origin country on irregular migration was found to be far less politically sensitive than in industrialized destination countries, although this is not necessarily applicable to all origin country settings. The families of smuggled migrants also proved relatively easy to locate, and were generally willing to participate. On the other hand, it did not overcome the recall problem associated with most research on migrant decision-making. Furthermore most families were unwilling to provide contact information for family members who had been smuggled, which meant that there was no way to verify or corroborate the findings.

3.2 The choice of destination

3.2.1 Policy relevance

The policy implications of understanding whether and how irregular migrants choose their destination are sensitive. First, policy settings are usually not fine-tuned enough to be able to deter one migrant type – irregular migrants – without also impinging on other migrant types – for example asylum seekers and refugees, or even labour migrants. Second, policy goals are inevitably unilateral – while it may be possible to reduce the flow of irregular migrants to one particular country, the likelihood is that these flows will simply be diverted elsewhere. Third, as indicated in the review in this section, it may be that irregular migrants choose a destination because of its relative wealth and opportunity and values, and clearly these base attractions would not be altered to deter irregular migration. Fourth, the choice to *leave* a country of origin and the choice to *travel* to a particular destination country or region are likely to be intertwined, such that separation may oversimplify the issues to the point that policy responses are ineffective. This is more likely to be relevant to irregular migration flows that are more closely related to family/community links in destination countries.

At the same time there is significant policy value in understanding the selection process. First, the wider migration literature indicates that immigration and asylum policies can influence who migrates, when they move, their destination and even whether they migrate at all.³² If the same is true for irregular migrants, researching how irregular migrants select their destination has implications for assessing to what extent policy settings can influence their decision (in other words the importance of so-called 'pull factors'). Understanding the choice of destinations can also provide focus for information campaigns, including to help migrants with a legitimate reason to move (including asylum

³¹ Bedford (1975)

³² Gurak and Caces (1992)

seekers) to do so safely. Better information might help those who are arriving but do not understand their rights. A related perspective is that access to information is akin to a human right. It is, after all, hard to argue that it is preferable for any migrant to make decisions in an information vacuum than for them to have accurate information at hand.

3.2.2 Current research

It is commonly assumed that irregular migrants head for Australia for some of the following reasons: Australia is a signatory of the 1951 Refugee Convention; there is work to do and money to make there; it has a strong and generous welfare state; and there are considerable numbers of migrants already settled there.³³ There has also been a vigorous debate in Australia about the impact of asylum policy settings which may act as a ‘pull factor’ for asylum seekers. Nevertheless there is very little published research on the choice of Australia as a destination for irregular migrants (or asylum seekers) compared to a small but growing body of evidence from elsewhere in the world. A notable exception is a recently published Parliamentary Library Research Paper, however, much of the discussion and conclusions of that paper relies on European research into choice of destination, which is not relevant to Australia’s geography and lack of proximity to similar destination countries.³⁴

A number of themes emerge from the limited evidence outside the Australia context. First, many irregular migrants have a quite restricted set of options, determined by factors such as geography, finances, available travel routes, and documentation. Second, for many of them chance is a significant factor – it should not always be assumed that irregular migrants have a particular destination in mind or necessarily end up there.³⁵ It is unlikely however that either of these conclusions applies to IMAs in Australia, who have undertaken long and relatively expensive journeys from their origin countries, and transited other countries where they might have remained in an irregular situation. The choice of Australia for most unauthorized maritime arrivals appears to be deliberate.

There are three other debates in the recent research outside the Australian context which are of more direct relevance. One concerns the extent to which policy settings really do act as a ‘pull factor’ for irregular migrants. Research findings on what irregular migrants and asylum seekers know about their destinations before they arrive are quite contradictory. A significant survey among recent asylum seekers in the UK in 2005, for example, that included respondents from Afghanistan as well as several other countries, found that most had little knowledge other than general impressions. Most had heard of Princess Diana and David Beckham, and had a notion that the UK was democratic and fair, but certainly did not appear to understand how the asylum or welfare system worked.³⁶ The study identified five reasons for limited knowledge among the respondents: few had family or friends in the UK; in some cases they had been provided misleading or false information; many had departed their country in a rush; most were relatively poorly educated; and some had not actually chosen their eventual destination, this decision instead being made on their behalf by family members or smugglers. Other studies, in contrast, have found that irregular migrants (and asylum seekers) arriving

³³ Koser (2010)

³⁴ Spinks, H. (2013)

³⁵ Barsky (2000)

³⁶ Gilbert and Koser (2006)

in the UK are relatively well-informed upon arrival.³⁷ The way this discrepancy in the research is normally explained is by focusing on the role of migrant smugglers.³⁸ One of the reasons potential migrants pay smugglers, it is suggested, is for their knowledge – about how to leave a country without detection, about the least risky routes, and about potential destination countries.³⁹

A second debate concerns the impact of information campaigns on the choice by irregular migrants on destinations. Most governments, including the Australian government, are aware that adjusting policy settings is only likely to have an impact if the changes are broadcast to potential migrants, and significant resources have been invested in information campaigns, explaining not just how the asylum and migration system work, but also what the risks are of trying to enter without authorization. A series of evaluations undertaken almost a decade ago of such information campaigns in a range of countries has concluded overall that at the best their impact is neutral.⁴⁰ It is likely that aspects were effective, and that some campaigns were more effective than others. The evaluations found that governments and international organizations were often not trusted by the people they are trying to reach; dissemination was often extremely difficult, not reaching beyond the capital city for example; there were practical issues concerning translation, illiteracy, and access. Another common problem was that policies and procedures change so quickly that information campaigns were quickly out of date. That said, information campaigns have evolved in line with changes in communications technologies. Online information campaigns involving social media have been developed in response to previously identified limitations and issues.⁴¹

A third debate revolves around the role of social networks in determining destinations for irregular migrants.⁴² Besides geographical proximity and pre-existing colonial, trade, or linguistic linkages, probably the most important variable that determines the choice (where choice is exercised) of a destination by irregular migrants is the presence there of family, friends, and co-nationals or co-ethnics. In practical terms, social networks provide information (that is far more trusted than that provided by official sources), lend would-be migrants money for their journeys, and can help with immediate challenges upon arrival like overcoming language and cultural barriers, and finding accommodation and work. Of particular relevance for this paper is that there is clear research evidence that once momentum develops around social networks, the scope for effective policy intervention is limited, and this has been found to be true in the Australian context too.⁴³

3.2.3 Key research questions

Among the significant research questions emerging from the current research are:

- Why do irregular migrants choose Australia as a destination?
- At what stage of the migration process is this choice made?

³⁷ Robinson and Segrott (2002)

³⁸ Crawley (2010)

³⁹ Koser (2010)

⁴⁰ UK Home Office (2004)

⁴¹ See for example, <http://www.immi.gov.au/visas/humanitarian/dontbesorry>

⁴² Koser and Pinkerton (2002)

⁴³ Maley (2001)

- What is the evidence that information campaigns affect the selection and how can they be more effective?
- What proportion of IMAs has friends and family already in Australia?

3.2.4 Methodological approaches

In reviewing the various studies cited above, various methods have been adopted for establishing how (and whether) irregular migrants select their destinations. Some have involved survey and focus groups among irregular migrants in destination countries, although as alluded to above this approach is confronted by practical obstacles of identification, as well as methodological challenges for example related to identifying a representative sample from among appropriate target countries, and more ethical challenges such as to what extent respondents can be trusted and to what extent research risks compromising them. To supplement and in some cases substitute for these interviews, in some studies the main source of information in destination countries was migrant and refugee organizations, and these have proved quite effective sources of information. In other cases research has been undertaken in countries of origin, to try to understand the extent to which legal routes to migrate to particular destinations exist and how they are administered, and various governments communicated with potential migrants in these countries.

3.3. Transit

The term ‘transit’ is used here as a general heading to cover at least three aspects of the journey by irregular migrants between origin and destination countries: the route taken, the organization of the journey, and experiences in transit countries.

3.3.1 Policy relevance

The policy relevance of developing a better understanding of the transit phase of irregular migration is at least threefold. First, and importantly, it can help identifying and providing assistance and protection for vulnerable migrants in transit. Second, the limited research suggests that irregular migrants often revise their plans, including their choice of final destination, during transit – either voluntarily or involuntarily. One implication is that migrants in transit may be a potential target for information campaigns, if they can be identified.⁴⁴ Third, understanding the experiences of irregular migrants in transit countries may provide the basis for bilateral agreements between source, destination and transit countries, for example concerning capacity building, law enforcement, or readmission agreements.

3.3.2 Current research

Research on migration patterns points to four main factors that largely determine irregular migration routes.⁴⁵ One is geographical, meaning that irregular migrants may progress from country to neighbouring country as they move,⁴⁶ although this is of more direct relevance to regions with land

⁴⁴ Gilbert and Koser (2003)

⁴⁵ Bocker and Havinga (1997)

⁴⁶ Koser (1996)

borders between multiple countries than to Australia. A second and related factor is financial. On the whole travelling by air is more expensive than travelling by boat which is in turn more expensive than by travelling by land, whether or not a smuggler is involved, and this may be part of the explanation for why some IMAs may fly directly to Indonesia before their onward journey by boat, for example, where others may travel overland through South East Asia as far as they can. The role of smugglers is important, and it is clear from research in the European context in particular that often irregular migrants have no prior knowledge of, or control over, the route they take.⁴⁷ A fourth factor is the lack of harmonization between visa and entry procedures for countries *en route* to the final destination. There have been reports of irregular migrants taking significant detours in order to take advantage of preferential immigration procedures between particular sets of countries.⁴⁸ Changes to visa arrangements and more effective border control are likely to have a significant impact on travel.

While it is important to recognize that not all irregular migration is organized by smugglers (especially where migration is between neighbouring countries it can be self-organized), it seems likely that the majority of IMAs in Australia pay smugglers or intermediaries for at least part of their journey, and that worldwide migrant smuggling is an expanding industry.

Outside Australia there is a growing research literature on migrant smuggling, covering three main topics. One is how smuggling operations are organized. In-depth research on migrant smuggling has demonstrated how smuggling groups vary in their form and size from highly professional criminal enterprises that move large numbers across multiple borders to small 'mom and pop' operations that may work in limited locations with small numbers of migrants.⁴⁹ Smuggling networks comprise a range of agents or intermediaries, which might include an initial contact person, suppliers or forgers of passports and visas, airline staff and immigration officials at airports, as well as a third party who holds deposits in an escrow system.⁵⁰ Smugglers also work with a loose, though organized, transnational network to bring migrants long distances, particularly when they cross several transit countries and need local assistance for routes and safe houses. The smugglers provide an array of services, including assistance in clandestinely crossing borders, fraudulent documents needed to obtain visas, board planes or obtain jobs, and safe houses.

A second area of research interest concerns the conception of smuggling as a business. By looking at reports on the costs of migrant smuggling over a period of years, it appears that in most contexts costs to individual migrants gradually are decreasing.⁵¹ This would seem to be because there is increasing competition in the smuggling business, with smugglers constantly undercutting one another and adjusting their methods to attract more customers.⁵² There appear to be three main determinants of cost. One is the distance travelled – very approximately longer journeys cost more. A second is the mode of transport: flying is more expensive than travelling by sea or overland. A third determinant is reported to be the number of people travelling. The more people who travel at the same time, the less

⁴⁷ Koser (1997)

⁴⁸ Koser (1997)

⁴⁹ Kyle and Koslowski (2011)

⁵⁰ Bilger *et al.* (2006); Koser (2008); Neske (2006); Väyrynen (2003)

⁵¹ Petros (2005)

⁵² Salt and Stein (1998)

each appears to be charged. It is important, at the same time, to emphasize how patterns and processes of migrant smuggling appear to vary considerably in different regions of the world.

Third, recently published research has also begun to reveal the economics of migrant smuggling.⁵³ In the case study concerned, the range of intermediaries involved in smuggling, migrants themselves, and their families, all profited significantly. Arguably by finding work that enables them to earn enough money to send home remittances, migrants themselves also profit, although it is important not to underestimate the conditions in which many find themselves employed, nor the dangers of the journey. One policy implication is that a concerted and integrated approach to reducing migrant smuggling needs to focus on, and understand the motives of, not only smugglers, but also migrants themselves as well as other actors such as migrants' families. Where profit is the motive for all those involved, such research can also begin to inform policies specifically aimed at reducing profits. If the supply of forged or stolen documents can be reduced, smugglers will need to pay more for them and either accept a lower profit or offset additional costs by charging potential migrants a higher price. Presumably there will be a cost threshold beyond which the demand for the services of smugglers begins to decline. The same logic applies to efforts to clamp down on corruption among airline and immigration officials.

A final area of direct policy relevance during the transit phase of irregular migration concerns the experiences of migrants in transit countries (where they may be living and working either legally or in an irregular situation). Although transit migration is not a new phenomenon, it has only recently attracted serious research attention – mainly in the European context, although there is also a growing body of literature on transit migration in Central America. Current research focuses on three main issues.⁵⁴ One is the politics of transit, concerning the way that destination countries (especially in Europe) have developed immigration policies and bilateral agreements that may anchor migrants in transit countries.⁵⁵ A second area of research interest concerns how migrants cope in transit countries, focusing in particular on undocumented work and criminality. Often this research also considers the vulnerability of transit migrants, for example as exploited workers or through growing indebtedness to smugglers. Especially in the wake of the Libya crisis in 2011, there has also been recent attention on transit migrants caught up in political upheavals and crises.⁵⁶ A final area of research considers how transit affects the migration process, for example through changing the relationship between migrants and smugglers or agents, influencing intentions and timescales for onward journeys (or return), and influencing further migration from the country of origin.⁵⁷

3.3.3 Key research questions

There are fundamental policy-related research questions that remain unanswered in the context of transit, including:

⁵³ Koser (2011)

⁵⁴ Collyer *et al.* (2012)

⁵⁵ Lutterbeck (2006)

⁵⁶ IOM (2012)

⁵⁷ De Haas (2008)

- What factors determine the routes taken by irregular migrants to Australia, and how can policy intervene?
- How do experiences in transit influence subsequent migration patterns?
- How can migrants in transit be protected against exploitation?

3.3.4 Methodological approaches

It is fairly self-evident that gathering detailed and reliable information on transit is challenging. Migrants in transit are usually there with irregular status, and reluctant to make themselves known. Asylum seekers in destination countries are often advised by smugglers not to impart any information about their journey, in case they might be returned to transit countries through readmission agreements. Equally migrants may often be reluctant to speak about their smuggling experiences, for fear of reprisals by smugglers aimed either at them or their families, and especially where they are still indebted to the smuggler. Speaking to smugglers is also potentially dangerous for researchers, while evidence provided by those who have been caught may not be reliable or made available. Three methodological responses have emerged from these challenges, although none of them has yet proved to be particularly robust. First, irregular migrants who now have secure status – for example because of regularization or a successful asylum application, may be more willing to talk about their journey and the role of smugglers – although these experiences will often be some time ago. Second, migrants who have returned to their country of origin have been found to be willing to discuss at least some aspects of their failed journey – presumably they now have little to lose. Finally, there has been some success in identifying and speaking to smugglers in certain origin countries, where smuggling may sometimes take place more or less in the open.

3.4 Return

3.4.1 Policy relevance

The Expert Panel on Asylum Seekers noted that the ‘...return of failed asylum seekers is an integral part of Australia’s migration and border management regime’⁵⁸, recognized that voluntary return is preferable to involuntary removal and return, and identified some specific obstacles to return including the cooperation of the individual concerned as well as of the origin country, and practical challenges for example regarding obtaining travel documents. While DIAC has data on the removal of IMAs, and the International Organization for Migration (IOM) Australia has data on take-up for AVR support programs, there has been very little published research on the return process in the Australian context. There are however at least two areas where further research would assist in informing more effective return policy. One is how to promote voluntary return, recognizing the political and financial challenges of involuntary return. The second is how to try to ensure that return is sustainable.

3.4.2 Current knowledge

What is clear from the existing literature is that it is impossible to predict accurately whether or not any individual will return voluntarily to their country of origin. The return decision is always complex. It is

⁵⁸ Report of the Expert Panel on Asylum Seekers (2012), page 117.

often made on the basis of multiple factors that are hard to disentangle even for the person making the decision. It can depend on individual experiences and propensities that are virtually impossible to measure. It can also be irrational.

A working 'model' of the factors determining the decision to return voluntarily has been developed on the basis of previous research on migration decision-making and return (Figure 3).⁵⁹ The 'model' suggests that there are two key components to the individual decision whether or not to return. One is information about the options available to the individual. The decision to return – as long as it is voluntary – is typically made after comparing conditions and prospects in the host country with those in the country of origin.⁶⁰ These may be economic (employment, housing), political (security), or social (welfare, healthcare) conditions. In the particular case of irregular migrants or rejected asylum seekers, an additional element in this decision is information about policy interventions, in the form of extra incentives or disincentives to stay or return.⁶¹ These can take the form of incentives to return, for example through providing assistance with travel costs, reintegration grants and loans and training. They can also take the form of disincentives to stay, for example through removing legal status and withdrawing assistance.

The second key component to the individual return decision is depicted as a series of 'inputs', relating to individual attributes such as age and gender,⁶² and to the broader context of social relations. The wider migration literature⁶³ suggests, for example, that the decision to return is often linked with the life-cycle. Men and women may also adopt very different perspectives on the prospect of return.⁶⁴ In reality the decision to return is rarely simply an individual decision. Certainly where migrants are married or have partners, and have children, then a decision may be made to the best advantage of the collective as opposed to the individual. Even where a migrant is single and childless, his or her decision may be influenced by a wider social network.⁶⁵

Research in the UK among asylum seekers and refugees from a variety of countries of origin to test this model revealed the following main conclusions, which are broadly corroborated by research findings in other contexts.⁶⁶ First, the most important factors cited in determining return motivations are consistently, security, employment, and the location of family members. Second, younger respondents are more willing to consider return than older respondents, as are single people as compared with those with partners or children in the destination country. Third, assistance programmes are not a decisive factor in return motivations for any respondents. They are too limited to genuinely sway the decision, and furthermore it is often the case that potential returnees do not know about them.

Quite a large and well-established literature on the difficulties faced by return migrants has focused both on the economic, social, and political conditions that return migrants experience, and on their

⁵⁹ Black *et al.* (2004)

⁶⁰ Koser (1998), Faist (1999), Muus (1999), King (2000)

⁶¹ von Arb (2001), Bloch and Atfield (2002)

⁶² King (2000), von Reichnert (2002)

⁶³ King (1978), King *et al.* (1983)

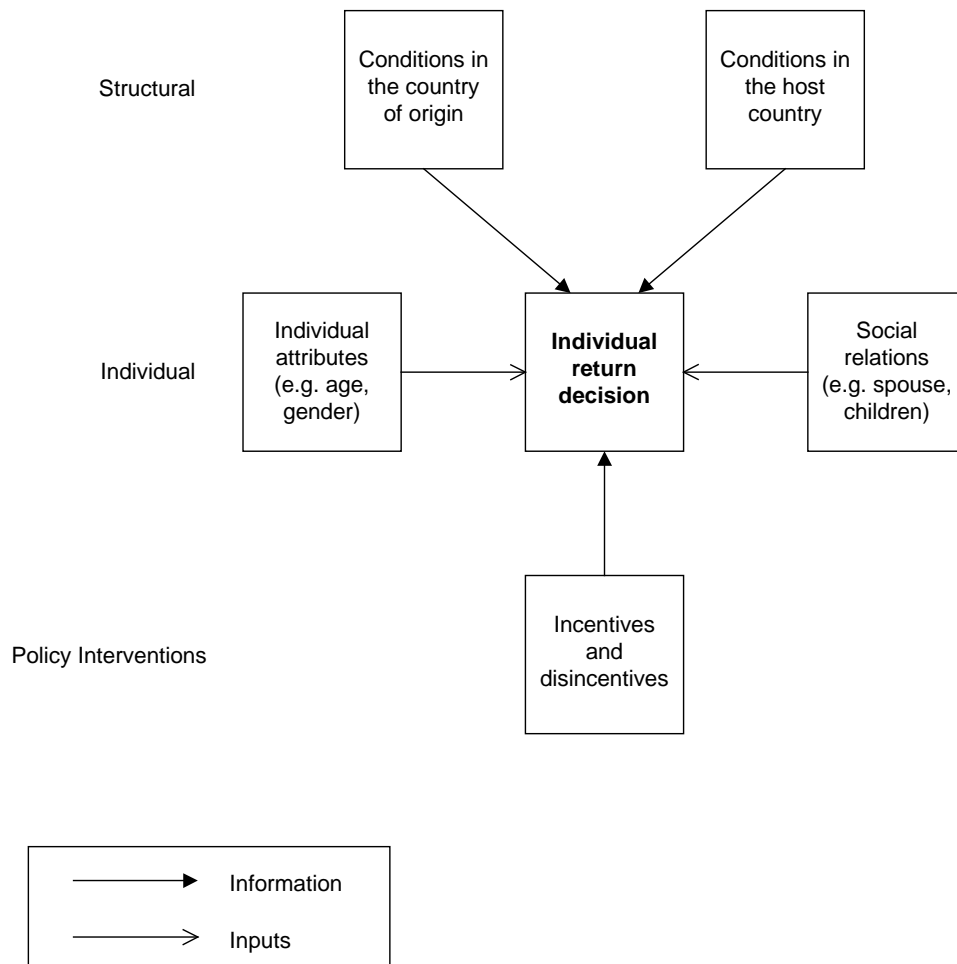
⁶⁴ Manuh (2003)

⁶⁵ Van Andel (1999)

⁶⁶ Ammassari and Black (2001)

degree of ‘satisfaction’ or ‘dissatisfaction’ in comparison with their expectations of return.⁶⁷ Yet despite its policy relevance, very few studies have focused specifically on the sustainability of return for irregular migrants or rejected asylum seekers, or have even clearly defined ‘sustainable return’. One exception is a study of the return of undocumented migrants and failed asylum seekers to various Eastern European countries, which drew a distinction between measures of ‘sustainability’ and ‘re-integration’. This study argued that: “Sustainability” implies that the returning migrant does not feel compelled for social, economic or security reasons to re-migrate immediately after his or her return,’ and that ‘Sustainability does not necessarily imply that the returning migrant has been successfully re-integrated’ (p.10).⁶⁸ A study commissioned by the UK Home Office elaborated the definition of sustainable return, distinguishing three perspectives (the subjective perception of the returnee, objective conditions of the returnee, and aggregate conditions of the home country) and three dimensions of sustainability (physical, socio-economic, and political-security).⁶⁹

Figure 3: Factors Determining the Decision to Return



⁶⁷ Gmelch (1980), King (2000)

⁶⁸ IOM (2003)

⁶⁹ Black *et al.* (2004)

The definition is more than semantic: it matters as it determines the benchmarks against which sustainability can be measured. From an individual point of view, is a return only sustainable when an individual's likelihood of re-emigrating, or life chances, or security are equivalent to those he or she enjoyed in the country of destination? Alternatively, is return sustainable when a returnee's situation is equivalent to those who remained behind in the origin country, or to the conditions enjoyed by the migrant before they left? Should housing, jobs, and full participation in national life be expected for returnees when these are not available for all other members of society? It has been suggested that one starting point for thinking about possible benchmarks is the concept of a 'sustainable livelihood', which in development policy is usually considered to be the case when an individual or family livelihood can be maintained without external inputs, and if it is sufficiently robust to withstand external shocks. Equally one of the lessons from the development literature is that measuring sustainability, even against clearly defined benchmarks, is difficult and context-specific.

3.4.3 Key research questions

The following key questions may help guide the development of a research project on return:

- How can irregular migrants be encouraged to return voluntarily?
- How can sustainable return be defined and measured?
- What factors determine the sustainability of return?

3.4.4 Methodological approaches

The complexity of the decision-making process and the variety of possible factors influencing the sustainability of return make a multi-method approach important. Previous studies in both these areas used both quantitative and qualitative methods, interviews with asylum seekers and organizations involved in the return process in the country of destination, and interviews with both returnees and key stakeholders origin countries. As emphasized in other sections considering methodological approaches in this paper, *caveats* apply about access and the reliability of interviews especially with asylum seekers and irregular migrants.

The UK Home Office study cited above developed a set of indicators on the sustainability of return (Table 1), intended to guide the development of *ad hoc* and regular surveys. While recognizing the challenges of identifying a representative sample of return migrants, it suggested that it should be feasible in the context of a specific assisted return program to include a monitoring process whereby the location of a random sample of returnees *is* tracked after their return, on a regular basis. This would ideally include follow up over a period of months and years after return. Such a follow-up survey of returnees could also include regular sampling of other socio-economic and political indicators of sustainability for those who had not re-emigrated or moved on from their return address.

Table 1: Indicators of the sustainability of return

Dimension of sustainability	Key indicators
Physical	Wish to re-emigrate Plan to re-emigrate Re-emigration of family members Plan of family members to re-emigrate
Socio-economic	Employment Income level Receipt of humanitarian assistance Receipt of remittances
Political	Feeling of security How reality of return compares to expectations

Source: Black *et al.* (2004)

1. CONCLUSIONS

In recognition of the need for a stronger evidence-base to respond effectively to the challenge of Irregular Maritime Arrivals in Australia, this paper launches an occasional paper series of the new Irregular Migration Research Program, established on the recommendation of the Expert Panel on Asylum Seekers. After assessing recent evidence on the scale, relevance, and policy challenges presented by IMAs in Australia, the paper has presented a review of research on irregular migration outside the Australian context, identifying specific research gaps and suggesting tested methodological approaches for filling them. This is intended to inform further research to be commissioned and published by the Irregular Migration Research Program. The main conclusions of the review are summarized in Table 2.

Table 2. A 'toolkit' for establishing an evidence-base for future policy development on irregular migration in Australia

Irregular migration to Australia			
Themes	Policy relevance	Key research questions	Suggested research
Citizenship-specific analysis of irregular migrants	<ul style="list-style-type: none"> Understanding irregularly migrating populations in a broader context Ensure policy responses are adequately able to take into account differences between citizenship groups 	<ul style="list-style-type: none"> All of the research questions below by citizenship group What patterns of migration do citizenship cohorts have internationally, including within their region, for example, for work? How do the migration patterns, traditions and behaviour of the key citizenship cohorts affect irregular migration? 	<ul style="list-style-type: none"> Research findings be clearly articulated along citizenship lines rather than generalised
The decision to leave the country of origin	<ul style="list-style-type: none"> Addressing root causes More effective return policies Targeting of information campaigns 	<ul style="list-style-type: none"> Under what circumstances is the decision to leave their countries by irregular migrants voluntary or involuntary? What is the role of family members in making the decision? How important are smugglers in the decision-making process? How can policy support people to stay at home? How can policy support people migrate lawfully rather than unlawfully? 	<ul style="list-style-type: none"> Surveys with families of irregular migrants in origin countries Interviews / surveys with irregular migrants who now have secure status
The choice of destination	<ul style="list-style-type: none"> Evaluating the impact of 'pull' and enabling factors Content of information campaigns 	<ul style="list-style-type: none"> Why do irregular migrants choose Australia as a destination? At what stage of the migration process is this choice made? What is the evidence that information campaigns affect the selection and how can they be more effective? What proportion of IMAs has friends and family already in Australia? What is the role of diaspora in influencing migration decisions? 	<ul style="list-style-type: none"> Interviews with migrant and refugee organizations Interviews with bilingual workers (e.g. interpreters) Interviews / surveys with irregular migrants who now have secure status

Transit	<ul style="list-style-type: none"> • Providing assistance and protection for vulnerable migrants in transit • Targeting information campaigns in transit countries where migration decisions often evolve • Informing bilateral agreements between destination and transit countries 	<ul style="list-style-type: none"> • What are the routes taken by irregular migrants to Australia? • What factors determine the routes taken by irregular migrants to Australia, and how can policy intervene? • How do experiences in transit influence subsequent migration decisions? • How can migrants in transit be protected against exploitation? 	<ul style="list-style-type: none"> • Interviews / surveys with irregular migrants who now have secure status • Interviews with returnees • Interviews with migrants who have returned to their origin country • Interviews with smugglers • Interviews with bilingual workers (e.g. interpreters)
Returns	<ul style="list-style-type: none"> • Promoting voluntary return • Ensuring sustainable return • Continuing involuntary returns of those found not to be in need of protection 	<ul style="list-style-type: none"> • How can irregular migrants be encouraged to return voluntarily? • How can sustainable return be defined and measured? • What factors determine the sustainability of return? 	<ul style="list-style-type: none"> • Multi-method • Definition of indicators on sustainability
Policy responses elsewhere	<ul style="list-style-type: none"> • Informing policy development based on comparative policy responses by other governments 	<ul style="list-style-type: none"> • How do global factors, such as the global economic crisis, affect irregular migration? • How do other countries address irregular maritime migration? What has worked and not worked in terms of addressing irregular migration? 	<ul style="list-style-type: none"> • 'Natural experiments' • Desktop-based study • Information gathering with other governments

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