Security threat or a fellow human being?

- A critical discourse analysis of the asylum debate in the Australian parliament

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Abstract

The world is currently experiencing a refugee movement of enormous scale with a necessity for assistance beyond comprehension. Simultaneously western states are becoming reluctant to host asylum seekers which have resulted in countries adopting restrictive asylum policies. In Australia the asylum seeker is framed as a security threat and a border control issue culminating in policies which serve the purpose to discourage asylum seekers from arriving. The development has been contested by civil society organization and advocates for human rights issues. This thesis investigates the political discourse on asylum to explore the growing resistance in Australia to accept asylum seekers. A critical discourse analysis is applied on speeches given in the Australian parliament debating asylum policy. The study operationalize Fairclough's three-dimensional model to conduct a textual analysis and explore what coinciding discourses influence the political asylum discourse. The analysis is based on a theoretical triangulation including Foucault's notions of the liberal rationalization of governmental practices, ideas on how symbolic power is utilized to represent the asylum seeker and finally Benhabib's theory on political membership is applied to advocate a rights-based discourse. The result of the analysis acknowledge two contesting discourses, the dominating discourse being securitization of Australian borders and an opposing discourse which defend a humane approach towards asylum seekers.

List of abbreviations

ALP	Australian Labor Party
CDA	Critical Discourse Analysis
CSO	Civil Society Organizations
CRSR	Convention Relating to the Status of Refugees
LPA	Liberal Party of Australia
NGO	Non-Governmental Organization
UNHCR	United Nations High Commissioner for Refugees
UN	United Nations

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1.0 Introduction

1.1 Introduction and background to research area

Displacement of people on account of war, conflict, human rights violations and natural disasters is a global issue and of considerable concern for states around the world. The United Nations (UN) 1951 Convention Relating to the Status of Refugees (CRSR) and its 1967 protocol is an international agreement initially established to handle the displacement of people in the aftermath of World War II and not a framework developed to manage the current global situation of massive displacement. However, it entails the definition of what is considered to be a refugee and the protection the refugee is entitled to. The definition of a refugee is defined by CRSR (article 1A(2)) to be a person who;

> Owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular group or political opinion, is outside his nationality and is unable or, owing to such fear, is unwilling to avail himself of protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (UNHCR, 2011:3).

The number of people that have been displaced has increased significantly since 2012 due to conflicts in Syria, Mali, and Afghanistan. Consequently, it has increased the resettlement needs considerably, though out of the 691,000 refugees that United Nations High Commissioner for Refugees (UNHCR) prioritized for resettlements in 2012, only 89,007 refugees were actually resettled. The situation has since then deteriorated owing to the civil war in Syria generating a refugee movement of enormous scale (Refugee council of Australia 2013:3). A person who is considered under CRSR to hold refugee status is entitled to be offered protection, however many must first apply for asylum. An asylum seeker is a person who is applying for refugee status in the country of arrival and is waiting to hear an outcome of their application. According to the principle of non-refoulement signatory countries to CRSR are prohibited to send back a refugee to a territory where their life could be threatened; consequently a refugee seeking protection should therefore not be prohibited from entering a country because it violates the non-refoulement principle. This deteriorating situation requires that countries expand their humanitarian assistance and increase their resettlement quotas to support and assist the world community (UNHCR 2011:5, 7). However, currently influential states as the United States, Canada and Australia are adopting restrictive policies to place

boundaries against asylum seekers to hinder them from arriving (Hamlin 2014). The necessity for assistance is almost beyond comprehension, and it has developed into a real issue where wealthy countries disclaim the responsibility to assist with helping people fleeing from unsustainable situations. Why are western states adopting restrictive policies? This question is broad and entails various economic, social and cultural factors, and it is beyond the scope of this thesis to offer a thorough answer. This thesis is aimed at posing that question on the Australian context, considering that Australia has adopted restrictive policies and are making significant changes to their immigration laws in order to stop the inflow of asylum seekers. Yet, a review of statistics displays that the increased flow of asylum seekers to Australia is relatively small in international terms. In 2012 they received 29,610 asylum applications; hence Turkey received 325,301 applications, Jordan 135,946 and France 97,643. According to UNHCR Australia provided refugee protection to 8,367 asylum seekers and resettled 5,937 refugees in 2012, and this represents only 0.99 percent of the total refugees recognized or resettled in 2012 (Refugee council of Australia 2013:24).

An examination of the Australian asylum discourse reveals that the upsurge of asylum seeker to Australia is viewed as a border control issue, which the government considers necessary to handle with solid asylum policies. Some of the measures instigated are maritime operations to stop boats carrying asylum seekers who are attempting to reach Australian shores, and the reopening of offshore detention centers to detain asylum seekers awaiting a decision on their application (Migration and Maritime Powers Amendment 2014). Non-governmental organizations (NGOs) have raised concerns of the general direction of Australian asylum policy, arguing that the overwhelming focus on border security and deterrence is at expense of protection of people (Refugee council of Australia 2013:45). Amnesty International has condemned Australia's arbitrary detainment of asylum seekers who are placed in offshore detention centers, where they are detained without individual assessment and without a definite time for release (Amnesty International, This is breaking people, 2013)

According to Pickering and Weber (2014) it becomes apparent when scrutinizing the discourse that increasing distrust and hostility has been directed towards immigrants and asylum seekers in recent years. In the political and public debate the asylum seeker is often accused of being frauds, criminals and a threat to national security. Development of restrictive policies indicates that there is a link between these discursive practices and policy. But it raises the philosophical dilemma, what came first, the hen or the egg? Thus what affects what? Increasing resentment displayed by the public to host asylum

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seekers may have obligated the government to modify Australian asylum laws. But on the other hand, these resentments may have emerged because the government has displayed a tougher attitude towards asylum seekers. It is beyond the scope of this thesis to account for this owing to time limit. The thesis concentrates on analyzing the political debate on asylum in Australia to investigate which discourses prevail.

1.2 Aim and Research questions

As considered in the introduction, people forced to flee in order to escape persecution as a result of conflict and wars has increased significantly worldwide since 2012, simultaneously as western states are developing a reluctance to accept asylum seekers (Hamlin 2014). In Australia asylum seekers are perceived as a border control issue, which has culminated in the formation of asylum policies which serves the purpose to discourage asylum seekers from arriving to Australia. The aim with this study is to scrutinize this development by focusing on the political discourse on asylum. This study enables a detailed investigation of the discourse and the political actors' employed positions towards asylum seekers and restrictive asylum policy.

The study is employing a critical discourse analysis, utilizing Fairclough's three-dimensional model to examine speeches given by Senators in the Australian Parliament debating asylum policy introduced in 2014. The critical discourse analysis is achieved by applying a theoretical triangulation consisting of the following theories; Foucault's notions of the liberal rationality of government to investigate reasons for the implementations of restrictive asylum policy. Symbolic power and how it is utilized to represent the asylum seeker in various ways. Finally, Benhabib's theory of political membership will include ideas of rights-based discourse. The overall research question is as follow:

How does the political landscape look like towards the contested question on asylum among the Australian political parties?

This study operationalizes the research question using the following sub questions:

Sub question 1. How do different parties diverge in the question on asylum from each other, and how is such differences manifested in the political discourse?

Sub question 2. What are the processes of creating a political consensus around the question of asylum among different political parties in Australia?

Sub question 3. What are the reactions both internationally and from civil society to different political perspectives suggested by different parties in Australia?

The importance of posing these questions is to analyze different processes cooperating in the political asylum discourse, and to improve understanding of the growing resistance in Australia to accept asylum seekers. As been described in the introduction significant changes are taking place which has severe consequences for the asylum seeker, and this study aims to accentuate the various arguments that are constructing the discourse. Understanding this development is important both for further research on the ongoing debate, but also to highlight the direction that western countries are taking in restricting access for asylum seekers.

1.3 The context of Australian asylum policy

In 2013 the conservative Liberal Party (LPA) supported by the Australian National party won the federal election and formed a coalition government, with Prime Minister Tony Abbott as leading figure. Asylum and illegal immigration was one of the Liberal party's top political priorities highlighted with the election campaign slogan "We will stop the boats" (Grewcock 2014:74). They were referring to the alleged "boat-people" which describes refugees arriving in boats to seek asylum. The phrase is constantly deployed by the Liberal party when discussing asylum seekers in the media or addressing the public (O´Doherty & Lecouteur 2007:2). People who arrive without a valid visa must be detained under Australia's Migration act (1958), the foundation of Australia's immigration law. The main forms of detention are community detention and immigration detention centres, where asylum seekers are placed awaiting the determination process. Asylum seekers arriving by boat are brought to offshore detention centres at Christmas Island, Nauru and Papua New Guinea. This mandatory detention can be prolonged for long periods, resulting in people being detained up to five years (Australian Government assistance to refugees: fact v fiction 2009:2-4)(Macmaster 2002:67). Overall, the debate on asylum has a prominent role in Australia, with political and public discussions concentrated on border security. The Liberal party assured the public that they would obtain control over the asylum issue and since their inauguration they has

implemented radical restrictive asylum policies (Pickering & Weber 2014:1022). According to a poll completed in 2014 by the Lowy institute in Australia, it was estimated that approximately 71 percent of Australia's population support the government's policy of turning back boats "when safe to do so". Around 59 percent of the population supported offshore processing of asylum seekers in places such as Nauru and Papua New Guinea. 42 percent believed that "no asylum seeker coming to Australia by boat should be allowed to settle in Australia", even if this group is not in majority it is still a significant part of the population who maintain this opinion (Lowy Institute, 2014).

A fear of illegal immigration of economic migrants has resulted in that asylum seekers are portrayed by politicians and media as an issue of border security. What the discussions often lack is a perspective on what immigrants and refugees can bring to the country, both economically and culturally (Mares 2011:415,418). The political asylum debate involves various actors which hold diverse opinion towards this development. The Australian Labor party (ALP) is the biggest opposition to the Liberal party and they have opposed the new asylum policies, even if they also have a history of opening offshore detention centers and implementing punitive asylum policies towards asylum seekers (Grewcock 2014:72). The Australian Greens are opposing these changes on the ground that the policies are violating human rights; instead they advocate the end of offshore detention centers and for a humane approach on asylum. The Greens possess small party status; however they have received a small but powerful role in legislative processes, when the mainstream Liberal and Labor parties disagree on political issues. This suggests that the Greens are becoming an influential voice with the ability to nuance the debate (Pickering & Weber 2014:1022-1023).

In this study the emphasis is placed on examining the debate concerning a new amendment which made significant changes to Australia's migration Act (1958). The Migration and Maritime powers legislation amendment (Resolving the asylum legacy Caseload) Act was implemented in December 2014 (Migration and Maritime Powers Amendment 2014). The amendment was debated by political actors in the Australian parliament and it was profoundly criticized by civil society. Amnesty International argues that the result of this amendment will be that Australians compliance with its human rights obligations will be drastically diminished and that it would significantly reduce the protection for asylum seekers already in Australia, as well as those who would seek protection in this country (Amnesty International, submission to the senate, 2014:2). This amendment results in changes which entails; that asylum seekers no longer can obtain a permanent protection visa since they are only offered a temporary protection visa, resulting in an extension of the

burdensome process of being permitted to stay in Australia. The amendment reinforce the support for maritime operations to increase border security and enhance the provision for turning back boats which results in that boats is refused to enter Australian territory. Furthermore, the amendment reinforces a faster removal of people who do not engage Australia's protection obligation, aiming at people who are assessed not to be a refugee under CRSR. Finally, the Liberal party have also introduced a new processing model which streamlines the review arrangements, and Amnesty International argues that it will consequently undermine the asylum seeker security in the process (Migration and Maritime Amendment, explanatory memorandum 2014)(Amnesty International, submission to the senate, 2014).

1.4 Delimitations

It is necessary to mention that the situation of asylum seekers, asylum policy and political asylum discourse can be studied by applying various approaches. If a field study would have been conducted, it would have been appropriate to study the current development from a bottom- up perspective; by addressing the people who are most afflicted by changes of policy, namely the asylum seekers. However, retrieving access to the informants for interviews and observations would be tremendously difficult, due to the current detention system in Australia. It would also be a possibility to conduct a thorough analysis of a specific policy, by examining the implemented adjustments in detail and specify the outcomes. Both approaches are engaging for diverse reasons, because it would provide various results and tell different stories.

However, the particular area of interest for this study is to focus on the relationship between language and power, thus the arena of political discourse was selected providing a top-down perspective of the complex asylum discourse. The rationale of examining political discourse is because politicians have tremendous influence and power in issues of immigration and asylum. Furthermore, analyzing discourse may affirm how a social phenomenon as asylum is talked about, and explain which power relations exist within the discourse (Van Dijk 1993:35)(Fairclough 2010:235). The literature and data in this study is centralized on the political discourse on asylum in Australia, and therefore material like reports from NGOs is not included to the same extent, however the reports are often

mentioned in the background, literature review and result. Not including reports focusing on the asylum seekers situation could be seen as a limitation of this study, on account that it cannot provide the whole picture. However, delimitation of the material is necessary to emphasize the political discourse on asylum and it allows the analysis to be more in depth, highlighting diverse areas of the political debate. The literature review focus on three themes; the first will shed light on the development of restrictive policy in the western world, the second theme examine how asylum seekers are portrayed by media and political actors and the third theme review the political influence in asylum discourse. These three themes may seem diverse; however they are selected because together they provide a more elaborate picture. The purpose of this approach is that the literature review will provide a comprehensive foundation, which will clarify the result and analysis of this study.

A critical discourse analysis was selected as the method of the study; a relevant approach considering that it allows the researcher to apply a critical perspective when examining a contested topic such as asylum policy (Winther Jorgensen &Phillips 2000:8). In this study the choice of data for analysis is speeches given in the Australian Parliament on the grounds that speeches are action oriented, because the speaker will use various discourses as resources depending on the context. Analyzing speeches will be useful when examining which discourses is employed by different speakers in the Australian parliament (Winther Jorgensen & Phillips 2000:115-116).

1.5 Definitions

In this study different concepts and keywords will be used. This section will provide short definitions and clarifications to these concepts and keywords in order for the reader to understand the context. The study concentrates on asylum policy and the political attitudes towards the asylum seeker in Australia, and it is therefore important to understand the definitions of refugees and asylum seekers. A *refugee* is according to the CRSR (and its 1967 protocol) a person who fled their home country and who are unable or unwilling to return because of well-founded fear of persecution due to five reasons; race, religion, nationality and membership in a particular social group or political opinion (UNHCR, 2011:3). An *asylum seeker* is a person who, because of the reasons mentioned above has left their country of origin, has applied for recognition as a refugee in another country, and is awaiting a decision on their application. They are in other words a person who seek international protection, but

within the country of arrival who has individualized procedures. Initially all refugees are asylum seekers, but not all will be recognized as refugees according to CRSR (UNHCR, 2011:3). Western states are increasingly adopting *restrictive*, *deterrence* and *punitive* policies to stop asylum seekers to entering their countries. Policies functioning as restrictive is limiting the asylum seekers options, could be that they have to respond to a specific procedure that they are not allowed to appeal. Deterrence policies are meant to be discouraging for the asylum seeker and be a warning for them not to come. Punitive policies are somehow punishing the asylum seeker who came, which can be exemplified by the use of detention centers to detain and hold the asylum seeker awaiting a decision for their application.

Discourse is a concept which will be frequently used in this study. The definition of discourse vary, hence this study will assume Foucault's idea of discourse being associated to power and knowledge regimes, a discourse determine what can be said and who may speak. *Discourse analysis* entails notions that our way of talking is not a neutral reflection of reality, identity and our social relations; instead it is part of creating and changing reality. Within *Critical discourse analysis* the researcher goes further by arguing that language is not only shaping reality, language is also shaped by reality. These notions of discourse all concern the idea that it is through language we get access to reality and therefor it is the basis of analysis.

1.6 Disposition of the thesis

Initially, the research problem is framed by providing an introduction to research area and present the context of Australian asylum policy. The following section will introduce the literature review organized in three different themes highlighting the development of restrictive asylum polices, how asylum seekers are portrayed in media and by political actors and finally discuss the influence of political actors in the asylum debate. The third section introduces the methodological framework, sample and collection of data. This study applies a critical discourse analysis operationalized by Fairclough's three-dimensional model of analyzing text, which will serve as the basis for analysis. This part will also account for the collection of data, which are speeches given in the Australian parliament in the asylum debate. The fourth section will present the theoretical framework appropriated for this study consisting of a triangulation of theories including; Foucault's notions of the liberal rationality

of government, ideas on how symbolic power is used to construct the asylum seeker and finally Seyla Benhabib's ideas on political membership. These theories are all chosen to function in synthesis in order to explain various aspects of the asylum discourse. The fifth section contains result and analysis which is linked to the theoretical framework, literature review and the critical discourse analysis. This section will present the analysis of the sample concentrating on two of the dimensions in Fairclough's model namely the text and the social practice; concepts which will be clarified in the methodological section. Finally, the last part will provide concluding remarks and a discussion in order to summarize the analysis and discuss the result of this study.

2.0 Literature review

The purpose of this literature review is to provide an extensive understanding of the context that this study is examining. The literature preferred for this section is academic articles, books and research studies that in various ways are applicable to the asylum discourse in Australia. The literature review is organized in three themes highlighting diverse aspects of the asylum discourse. The first theme addresses the current development towards restrictive asylum policies in the western world and academic literature is presented which will shed light on this current trend. The second theme scrutinize how the asylum seeker is portrayed by political actors and media within the asylum discourse and the main objective with this is to display that the asylum seeker is often categorized in various ways. The third theme concentrates on political talk and how actors within the political discourse influence the asylum debate.

2.1 Development towards restrictive asylum policy

In this section research articles and studies is introduced which debate the growing resistance in Western countries to receive asylum seekers. The first article presented is Peter Mares (2011) "Fear and Instrumentalism: Australia's responses to migration from the global south" in which he argues that border protection and immigration policies are driven by national interests. He contends that Australia has developed restrictive asylum policies due to a fear that the country will experience an escalation of illegal immigrants who arrive searching for

economic opportunities (Mares 2011:408-409, 412). Mares also claim that the CRSR (1951 Convention) can be viewed as a narrow instrument, considering that it entails a definition that does not protect people fleeing from natural disasters, civil wars and generalized conflict. Westerns countries are reluctant to reestablish a debate concerning the definition for the reason that it could lead to that states has to expand their obligations to assist. This development is discussed by Rebecca Hamlin (2014) is in her work "Let Me Be a Refugee: Administrative Justice and the Politics of Asylum in the United States, Canada, and Australia". Asylum seekers arriving in western countries anticipating to be offered protection is rarely welcomed with open arms, due to the reason that they arrive without an invitation, warning or legal documentation they are generally viewed as a burdensome concern for the receiving state. States which are signatory to the CRSR are obliged to allow these people to seek asylum, they are also obliged by the non-refoulement principle not to return these people to a country "where their life or freedom would be threatened". The CRSR also declares that asylum seekers should not be imposed to penalties on account for coming without authorization, if they present themselves to the authority without delay and show good causes for coming. However, the development in Australia reveals that they concentrate more on border protection than to follow these human rights (Hamlin 2014).

These notions is found in "New deterrence scripts in Australia's rejuvenated offshore detention regime for asylum seekers" by Pickering and Weber (2014) the third article introduced, who argues that in Australia it has become impossible to think beyond deterrence when discussing immigration and asylum policy. In 2001 Australia introduced the pacific solution which entailed offshore detention and processing, but enclosed in 2007 due to less asylum seekers coming. However, since 2009 the idea of deterrence reappeared because of more asylum seekers arriving again. This resulted in the reopening of offshore detention and maritime operations to stop boats. All these policies are punitive in its effect, because it excludes the asylum seeker to make rights-based claims. As mentioned, according to CRSR asylum seeker should not be imposed to penalties if they present themselves to the authority without delay and show good causes for coming, but then you must also allow them to arrive (Pickering & Weber 2014:1007).

States is attempting to have a proper balance between the need to maintain control over their borders and the requirement to protect refugees who seek asylum. It is within this context Seyla Benhabib is introduced for the first time; hence her theory of political membership will be introduced in the theoretical framework. In Benhabib's work "The rights of Others: Aliens, residents and citizens" she is concerned with the conflict

between state sovereignty and human rights. She argues that the right of the asylum seeker often is sacrificed for state interests and that they are treated as criminals by existing policies (Benhabib 2004:178-179). State are horrified to the idea of losing control over their border, so they try to establish stringent laws and fewer opportunities for people to exploit their generosity. This securitization of borders can be discussed linked to ideas deriving from the field of political science. Drawing on the ideas of Weaver (2011) who maintains that securitization is a (speech) act performed by a securitizing actor claiming something to be a threat. A perceived threat is thereby constructed in order to make the public tolerate measures that otherwise would not be acceptable. In other words, the construction of a threat or a security problem is done by discourse, which requires a securitizing actor, an issue and an audience (Waever, 2011). Developing on ideas of securitization is beyond the scope of this study; however it is relevant to explain that the idea of securitization could be a prerequisite for adopting restrictive policies against a perceived threat, the asylum seekers.

2.2 Constructions of the Asylum seeker

Ideas on construction of a perceived threat brought forward by Weaver (2011) are done in various ways. In the coming section it is discuss how numerous categorizations of the asylum seeker often is utilized in the asylum discourse, in order to justify the implementation of punitive and deterring policies. Categorization is a process in which an individual is placed in a constructed group and consequently treated as part of that group (Hall 2013:257). The literature introduced will focus on the public, political and media discourse to show that these constructions are utilized by different actor in the asylum discourse.

The first study presented in this context are "Common sense and original deviancy: news discourse and asylum seekers in Australia" by Sharon Pickering (2001:169). She observes that during the period when offshore detention centers where opened in Australia, media coverage on asylum issues often conferred to asylum seekers in a derogatory manner. Media frequently used the term boat-people to describe asylum seekers coming illegally by boats. This was an attempt to separate boat-people from those who were genuine refugees, which created a perceived difference between the group of boat-people who entered illegal and those who were officially recognized refugees. In discussion concerning asylum seekers this binary logic is often utilized to polarize differences. Arguing that a refugee can be legal or illegal is saying that those who arrive illegally deviate from those who genuinely require assistance (Pickering 2001: 172-173).

The second study which is analyzing the Australian media discourse is "Asylum seeker, Boat people and Illegal immigrant: social categorizations in the media" conducted by Kieran O´Doherty and Amanda Leouteur (2007:3) has similar findings. They arrived to the conclusion that all processing of asylum seekers requires categorization in some form. A notion found within in the school of social psychology is saying that good or bad treatment of a social group requires that they somehow can be identified or differentiated from other groups. Categorization of asylum seekers is often used interchangeably, boat-people, detainees, illegal immigrants, arrivals, which result in that the boundary between these terms is blurred. (O´Doherty & Lecouteur 2007:10). Mares (2011:415) who was introduced in the previous section, argue that the increasing fear of an excess of boat-people coming to Australia has resulted in that all asylum seekers are grouped within the same category labelling them illegal immigrants. This has resulted in the general perception that they are fake refugees who exploit the immigration system and not people who escape persecution searching for a safe community.

The third study introduced is "Taking advantage or fleeing persecution? Opposing account of asylum seeking" (2008). Danielle Every and Martha Augoustinos discursively examined Australian parliamentary debates and found that because asylum seekers is depicted as doing an illegal act, they are perceived as playing unfair. This result in a logical but unspoken conclusion that if they are not acting in a fair way, they should not themselves be treated with fairness. Every and Augoustinos (2008:574) argue that Australia often portrays itself as a "fair-go" nation, hence being open and reasonable to all people. A common occurrence in the asylum debate is to produce the asylum seekers in a degrading way, while portraying the nation in a positive light. In contrast to these constructed versions of the asylum seekers put forward by these studies, there is also an opposing side which formulates asylum seekers as compelled by persecution and who lacks any other choice than to flee and seek asylum. The opposition argues that Australia has a responsibility towards the asylum seekers (Every & Augoustinos 2008:655-657).

2.3 Political influence

The previous sections reviewed the growing resistance to accept asylum seekers in Australia which results in that they often is constructed in various ways which legitimizes the treatment of them. The rationale of investigating political discourse is that political actors possess a powerful role of framing the discourse and influence issues of immigration and asylum (Van

Dijk 1993:35) Teun Van Dijk(1993) presents in his study "Political discourse and racism: Describing others in the western parliament" relevant arguments useful in this context. Political actors are what he calls elites of society and white western elites dominate this sphere. They possess positions which entitle them to make decisions which have repercussions for minority groups, for instance implementing restrictive asylum policies. According to Van Dijk, when politicians portray the asylum issue as problematic and threatening they are participating in a subtle form of racism (Van Dijk 1993:31-32, 35). However;

> "White politicians know that the choice of even one wrong word may lead to angry reactions from minority groups as well as from white antiracists or other liberals" (Van Dijk 1993:36).

Since political elites in western countries is aware that every public statement and parliamentary debates must be thoroughly prepared, prejudices, racism and discrimination in the political sphere must be analyzed by examine the underlying attitude of what is actually expressed (Van Dijk 1997:33, 41). This introduces the article "Constructions of racism in the Australian parliamentary debates on asylum seeker" by Daniella Every and Martha Augoustinos (2007) in which they observe that indirect and subtle talk is often utilized in the Australian parliament. Prejudices are often masked by refined words in order for the speaker to not be accused of discrimination and racism.

The asylum seeker is frequently described as a "queue jumper". Drawing on the idea that a queue is something rationale and fair and that decision are taken according to certain rules; a queue jumper is someone who does not follow these rules. Presenting asylum seekers as people who jump ahead in the queue is stating that they are violating a unwritten rule of waiting in line, and thereby breaking an order of fairness. This is one strategy utilized in the political discourse on asylum which discredits the asylum seeker, hence done in a subtle way so that the one stating this not can be accused of prejudices (Every & Augoustinos 2007: 413). Van Dijk poses the interesting question if subtle talk, which on the surface seems reasonable and tolerant towards refugees is more influential in persuading the public opinion, rather than politicians who blatantly expressing prejudices.

Additionally he dispute that political elites are influencing the public through the media and what is expressed in public statements or interviews will influence the public's perception of a social phenomenon (Van Dijk 1993:31, 41). An argument reinforced in "Manufacturing consent: the political economy of the mass media" in which Edward Herman

and Noam Chomsky (1988) argues that elites in western societies are influential in manufacturing a public consent by utilizing the media as a tool. An underlying elite consensus structures all aspects of the news by constructing the topics and issues which media writes about. Media is thereby propaganda for the reason that it part of constructing a public consensus and thereby manufactures consent towards political decisions.

This literature review has outlined the current resistance in western states to accept asylum seekers and how political elites and media are part of constructing an image of asylum seekers as being a threat towards Australia. Opinion polls show that the majority of the Australian public approves recent changes in Australian asylum policy which is implemented to deter the asylum seeker from coming. According to Van Dijk notions this exists because political elites are powerful in influencing the public perception which they are able to do largely because of media output and the process of shaping a manufactured consensus towards their policies (Lowy Institute, 2014) (Van Dijk 1993:31-32, 35).

3.0 Methodology and Data

This study is based on a critical discourse analysis of transcribed speeches given in the Australian parliament debating the implementation of Migration and Maritime Powers legislation amendment (Resolving the asylum legacy caseload) Bill (2014). The complex debate will be manifested by various arguments from assorted speakers. The sample of speeches illustrates the opposing attitudes towards asylum seekers and asylum policy, which is analyzed in relation to the theoretical framework and the literature review. This will yield an extensive understanding of the political asylum discourse since diverse positions in the debate will be accounted for and discussed.

3.1 Critical Discourse Analysis

To comprehend the approach of critical discourse analysis we must first define what entails the concept Discourse. The definition of discourse is multifaceted and has been given several interpretations. Generally one can say that discourse is certain ways of talking about and understanding the world. The idea is that language is structured in diversified linguistic

patterns, which we individuals follow in the social practice and in the interaction with other people. However, this study will adopt Foucault's understanding of discourse as being associated to power. Foucault argued that constructed discourses controls humans by processes of exclusion which is not exercised by anyone but developed in relations between people, resulting in limitations for some people and opportunities for others. Foucault maintained that the truth is a social construction and that different knowledge regimes decide what is true or false, thus discourses determine what may be said and who may speak. A discourse analysis entails an investigation of these linguistic patterns, guided by the notion that our way of talking is not a neutral reflection of reality, identity and our social relations, on the contrary it is part of creating and changing reality (Bergstrom & Boreus 2012:358-361) (Winther Jorgensen &Phillips 2000:7,19).

This study employs a critical discourse analysis (CDA) to analyze transcribed speeches given in the Australian parliament debating asylum. The following part will introduce ideas within the field of CDA and then follows a presentation of the model utilized in this study and finally the sample will be introduced and the processes of collecting the data. The objective of CDA is to perform critical research by exploring and mapping power relations in society. CDA has a social constructive approach since it is critical towards knowledge which is considered self-evident and natural in society. Consequently, knowledge can never be an objective truth by virtue of it being conceived within our own conception of the world. Furthermore, our perception of the world and knowledge is always influenced by historical and cultural practices, which is constructed, changed and reproduced in the meetings with other people (Winther Jorgensen &Phillips 2000: 8, 11).

CDA defines discourse (language) as constituted as well as constituent, for the reasons that discourse not only construct reality it is also constructed by reality. Considering that discourse constructs reality then the language is the key which provides us with access to it (Winther Jorgensen &Phillips 2000:15-16) (Fairclough 2010: 3). This design of analysis emphasize both a theoretical and methodological foundation which should be combined and guide one another. When conducting the analysis it is preferable to combine different discourse analytical approaches as well as other perspectives from various research fields and within CDA this is called transdisciplinary research. This may contribute to a well conducted study which brings in different perspectives to enable an extensive understanding and awareness of a social phenomenon (Winther Jorgensen &Phillips 2000: 10, 16) (Fairclough 2010:5).

3.2 Method: Fairclough's three-dimensional model

Fairclough's critical discourse analysis is one of the most developed methodological frameworks within the school of CDA. The model he introduces is three-dimensional, outlined for the employment of analysis. Fairclough claims that how a social phenomenon is talked about in society, hence how discourses is constructed can be associated to power and unequal power relations. He then argues that identifying these asymmetrical power relations employing a critical analytic approach could influence people's consciousness and thereby their social practices (Fairclough 2010:235). These ideas produce CDA as a suitable method to employ in this study, because it will allow for the examination of how political discourses on asylum are connected to existing power relations.

Fairclough argues that analyzing discourse through the text permit the researcher to operate the three dimensions he presents in his model. According to him discourse analysis entails the three dimensions of social practice, the discursive practice and the text. The analytical procedure is therefore divided into these three parts which concentrate on analyzing the text, the processes around text production and finally the social practice (Fairclough 2010: 95). When operating the analysis the initial idea is to explore the diverse components of the text and the grammatical patterns. It is a systematic procedure in order to identify what can be discerned from the mode of the text. A text constantly represents the social world and by identifying the content of the text one can understand something about the role of the discourse in reality (Bergstrom & Boreus 2012:376) (Fairclough 2010:4-5).

Figure 1.1 Fairclough's three-dimensional model for critical discourse analysis
(Fairclough 1992:73, In Bergstrom & Boreus 2012:375).

SOCIAL PRACTICE:
Social and historical context

DISCURSIVE PRACTICE:
Production, distribution, consumption
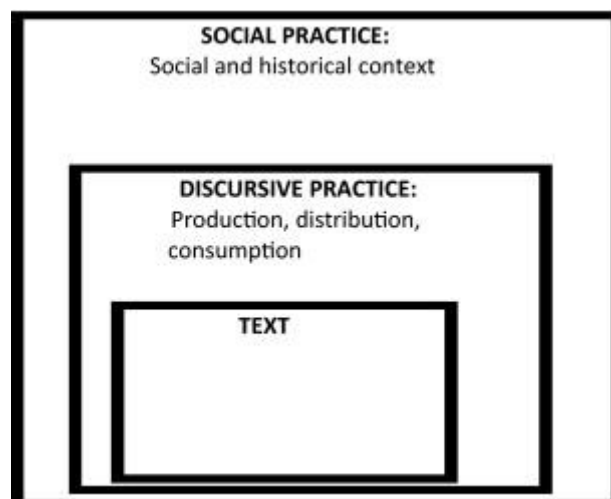
TEXT

Following the textual analysis is what Fairclough addresses as the discursive practice which implies the processes of text production and consumption of the text, thus who is the writer, who reads it and becomes influenced by the text. Fairclough maintain that all text is intertextual, hence built on and reproduce prevailing discourses and the reader view the text in the light of these prevailing discourses (Bergstrom & Boreus 2012:376).

The social practice is what connects the text and the discursive practice together, and gives meaning to the analysis. It locates discourse in a social context, where the analysis claims to be able to say something critical about existing power relations. The concept Order of discourse is used by Fairclough to describe that a text/discourse must be related to other discourses, hence what other discourses must the specific discourse take into account. Analyzing the social practice will provide a comprehensive understanding of how discourse is constructed and which discourse dominates within the specific investigation (Bergstrom & Boreus 2012:376) (Winther Jorgensen & Phillips, 2000:72-76).

There is no specific rule on how to perform the analysis and every researcher develops their own model and uses different tools. According to Fairclough it is not a necessity to utilize all the steps in the model; hence this study will focus on textual analysis and the social practice (Bergstrom & Boreus 2012:381). The textual analysis will be applied on speeches given in the Australia parliament debating asylum and the social practice will employ the political debate on asylum as context. The discursive practice will not be included in this study, though an analysis of the discursive practice could have revealed how other discourses influences the selected text. However, it is considered that this is not necessary for the reason that the analysis of the social practice will involve manifestation how other discourses prevail in the discourse on asylum. Furthermore, due to time limit it is necessary to narrow the analysis, so that the textual analysis and analysis of the social practice is properly executed and comprehensive.

3.3 Discussion on CDA

A critical discourse analysis is a plausible choice of methodology to study discursive power and complex social phenomena. However, the results from studies utilizing this approach must be correlated to other similar studies in the respective area of research, because it may enhance the validity of the study. This has been conducted by a comprehensive literature review which displays findings from the general asylum discourse in Australia (Bergstrom & Boreus 2012:408). CDA views discourses as influenced by external circumstances in the context of the social phenomena investigated, which leads to the need to understand the social

context in order to grasp the discourse. In this study these ideas has been employed by analyzing the political asylum discourse in conjunction with the general asylum debate (Bergstrom & Boreus 2012:403, 409).

An issue with adopting CDA is that it is often difficult to analyze how discourse is constructed by reality and constructing reality; a dialectical relationship often problematic to fully establish and display. However, this study has aimed at understanding how the political asylum discourse is influenced by the social context, while discussing notions on how the discourse also influence the perception of the asylum seeker. Other methodological approaches would have been possible to apply when analyzing the political asylum discourse; a comprehensive literature review could also have provided enough data to analyze the Australian asylum discourse. However it is considered that the critical discourse analysis of speeches given in the Australian parliament provide an extra dimension by analyzing primary data (Winther Jorgensen &Phillips 2000:15-16) (Bergstrom & Boreus 2012:403).

3.4 Sample

According to Potter and Wetherell speeches are action oriented, consequently a person will use various discourses as resources depending on the context and the actual speech given will then depend on this social context (Potter & Wetherell 1992 referenced in Winther Jorgensen &Phillips 2000:115). The sample in this study is speeches given in the Australian parliament debating asylum and Potter and Wetherells notions provide validity to this analysis, due to that it allows the researcher to examine which discourses is employed by the speaker as a resource. The selected speeches are given by political actors who have influential positions in their different parties and in the asylum debate; it may therefore be assumed that their opinions is the attitude of the party of affiliation. The different actors are possessing diverse political opinions which will provide a nuanced picture of the debate. The speakers are debating the passing of the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill, which was passed in December 2014.

Between the period of October 22nd to December 4th, a total of 32 Second reading speeches was given by senators discussing the bill. Of these speeches, 9 senators was from the Liberal party of Australia(LPA), 11 from the Australian Labor Party(ALP), 7 from the Australian Greens, 1 the Australian National party and 4 was independent speakers (Not affiliated to any political party). The selected speeches are given by senators from the two

mainstream parties LPA and ALP, as well as the smaller but influential Green party. The sample is clarified in the table below.

Table 1.1. Sample: Second reading speeches: senators in the Australian parliament

Political Affiliation:	Speaker:	Description of the speaker:
Liberal Party of Australia (LPA)	Senator Scott Morrison	Minister of Immigration and Border Protection. Influential actor in developing LPAs asylum policies.
Australian Labor Party (ALP)	Senator Lisa Singh	Labor senator since 2010. Advocate for humanity and fairness in the treatment of asylum seekers.
The Australian Greens	Senator Sarah Hanson-Young	Influential spokesperson for the Australian Greens and in the asylum debate. Forceful advocate for a humane approach towards asylum seekers.

Due to time limit it is difficult to include further material, which may make it problematic to draw certain conclusion. But making a narrow selection can also favor the study considering that it allows for a thorough analysis. The assessment is that this will be a sufficient selection to analyze with a critical discourse analysis, on the grounds that the selected speeches will highlight various positions in the debate which allows for an analysis of the discourses encompassed in this context.

3.3.1 Collection of Data

In the process of sampling speeches the parliament of Australia's website was utilized. The website is an explanatory forum on the internet providing information on parliamentary work on statistics, legislation and policy measures. Since the website is easy to access for

Australian citizens it makes the parliamentary work transparent for the public (Australian Parliament, Website, 2015). The collection of data is focused on the Migration and Maritime powers legislation amendment (Resolving the asylum legacy Caseload) Bill 2014. The data presented in this study, thus the speeches given by senators from ALP, LPA and the Australian Greens was all retrieved from the Australian Parliaments website.

4.0 Theoretical framework

This study employs a theoretical triangulation which will guide the analysis of the political discourse on asylum. It is considered that the theories will complement each other to create a robust synthesis. The theoretical triangulation consist of the following theories; Foucault's notions of the liberal rationality of government to investigate reasons for the implementations of restrictive asylum policy. Symbolic power and how it is utilized to represent the asylum seeker in various ways. Finally, Benhabib's theory of political membership will include ideas of rights-based discourse. Applying these theories and the concepts connected to them will work as a pair of glasses when studying the debate and enable an in-depth analysis.

4.1 Foucault - The liberal rationality of government

Foucault theoretical notions concerning Governmentality provides this study with an alternative idea on how to analyze political power. Instead of only concentrating on state sovereignty and political consent in order to analyze political power, Foucault argued that one could analyze how the government tries to regulate the behavior of the population by using different rationalization processes, or what Foucault referred to as Biopolitics (Nilsson & Wallenstein 2013:11) (Hindess 1996:105-106). He maintained that an effective government avoids using domination, meaning a hierarchical power relationship where the subordinate person has little freedom. Instead a successful government applies power which is planned and considered, what Foucault called the "art of government". A government is concerned with managing the population of the state and its institutions and organizations; hence Foucault argued that they also aim to regulate the conduct of others (population) by influencing them to regulate their own behavior (Hindess 1996:105-106). This process depends on different rationalities which is an important concept connected to the governmental process. The rationality highlighted in this study is Liberalism or the liberal

rationality of government. Liberalism is an ideology focused on maximization of individual liberty with little involvement of state. Foucault argues that the liberal rationality of government influence how the government is trying to manage population, institutions and organizations. The liberal government is only successful if it uses appropriate restrictions which do not affect the freedom of the individual (Foucault 1987) (Hindess 1996:124-125, 128) (Nilsson & Wallenstein 2013: 23).

However, the liberal rationality also entails the idea that people must behave according to norms and values, consisting of politeness, reason and orderliness in order for the society to be well-functioning. In the interest of that the population follows these norms and values, it can be expected that everything deviating from it must be managed and dealt with in some way by the government (Hindess 1996:130) (Nilsson & Wallenstein 2013: 18). Applying Foucault ideas on the practices of the Australian government will provide an understanding how the liberal rationality is connected to the management of asylum seeker. Do the asylum seekers deviate from the liberal society's norms and values, and is that why the Australian government senses a need to protect Australia? Foucault notions of these power relations will be applied in the analysis of the political speeches, to determine if the liberal rationality of government is influencing the treatment of the asylum seekers. Furthermore, it is necessary to once again mention how Foucault perceived discourse. His understanding of discourse is that it is associated knowledge and power. Discourses control humans by processes of exclusion which is not exercised by anyone but developed in relations between people, resulting in limitations for some people and opportunities for others. Different knowledge regimes determine what is true or false which constructs reality, and discourse decides what may be said and who may speak (Bergstrom & Boreus 2012:361).

4.2 Symbolic power – representational practices

If the asylum seeker is deviating from the liberal society's norms and values, how is it manifested? To explain this, theoretical notions of symbolic power and representation will be utilized. Representation or representational practices is how something or someone is represented. The literature review demonstrated that a common occurrence in political talk on asylum is the use of categories like illegal, frauds and genuine (Every & Augoustinos 2007: 413). Categorization is a natural cognitive process in which individuals are placed into constructed groups. When someone is perceived belonging to a certain group, they are consequently treated as part of that group. This is also a process of representation and the

asylum seekers are represented by these various categories (Goodman & Speer 2007:167). These representational practices are often established by stereotypical ideas of what an asylum seeker is and a stereotype reduces people to a few essential characteristics which often are exaggerated, simplified and naturalized by the ones employing them. Stuart Hall (2013) argues that the power to represent someone or something in a certain way is a form of symbolic power, exercised through these representational practices. Political actors often utilize this symbolic power to construct categories of asylum seekers which is manifested in the asylum debate. The representations construct asylum seekers as deviant, creating a boundary between what is seen as normal or abnormal and acceptable or unacceptable, and the ones who do not fit in to the norm is often excluded in various ways. Stereotyping and categorization tend to occur where there are inequalities of power often directed at the excluded, subordinated group (Hall 2013:257-258)(Goodman & Speer 2007:168). Symbolic power and representational practices also constitutes a boundary between us and the other, namely does who belong in a society and does who do not belong in a society. This reproducing of otherness, construct differences which conceive it as easy to exclude does who do not correspond to the norm. This study aims to explore how stereotypical representations are manifested in the debate on asylum in the Australian parliament, in order to understand how it influences the constitution of restrictive asylum policies (Hall 2013:257-258).

4.3 Political Membership – A rights based discourse

The construction of otherness is discussed by Seyla Benhabib who maintains that in democratic states it exist a gap between us and the other. Us is defined by people living within the democratic state and who possess full membership to citizenship rights, and the other is defined by people outside the state who is excluded to take part of the citizenship rights (Benhabib 2004:220-221). This third theory presents the notion of people's rights to a political membership. Political membership is according to Benhabib a communicative freedom which should be a human right, because every person should be entitled to social and political rights to association and representation. A person who falls outside societal order is often categorized as being a criminal, which can be applied to the situation of the asylum seeker. Benhabib advocates a right-based discourse which entails that we have a moral obligation to include those who are excluded from the discourse (Benhabib 2004:50, 167-168). A pre-requisite in this right-based discourse is that the other, the asylum seeker is decriminalized and provided with the correct representation (Benhabib 2004:140). Excluded

and demonized people must be included into the discourse and obtain a political membership so they can argue for their own rights (Benhabib 2004:50, 167- 168). Benhabib's ideas are incorporated in this study because it brings a solution-based perspective, which is meaningful to include when analyzing a contested topic as asylum. This theory allows for a discussion of who is included in the political asylum discourse, and it can be linked to Foucault definition of discourse as being connected to power which controls humans by processes of exclusion, resulting in limitations for some people and opportunities for others.

5.0 Result and Analysis

In this section the result and analysis will be outlined. The critical discourse analysis is operationalized utilizing two dimensions in Fairclough's three-dimensional model, namely textual analysis and the social practice. The discursive practice is not included in this study for reasons of time limit and the analysis of social practice will provide a similar understanding from what could be achieved by analyzing the discursive practice. The textual analysis will be applied on three speeches given in the Australia parliament debating the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill, and will be analyzed using a grammatical element, namely Modalities. The social practice will employ the political debate on asylum as context and analyze the order of discourse, hence explore what coinciding discourses influence the political asylum discourse.

Table 1.2 Operationalization of Fairclough's Three-dimensional model

Dimension:	Analytical Tool:
Text (Speeches)	Modality
Discursive Practice	Not included
Social Practice	Order of Discourse

5.1 Operationalization of the textual analysis: Modal positions

The textual analysis if concentrated on examining a grammatical element in each speech, namely Modality. Modality deals with the extent to which the speaker identifies him/herself with the content of the statements and to the degree of certainty and assent the text communicates to the reader (Bergstrom & Boreus 2012:376). A speakers degree of affinity play a considerable part in construction of the discourse, not least if the person who produces the text is a person in a high social position which is assumed to possess a role with certain knowledge.

The modality the speaker embraces defines a certain truth, as an example; if the speaker chooses to say "too many asylum seekers come here illegally" instead of "Statistics show that some asylum seekers are coming without valid visas" it asserts a truth to their statement. It exist various degrees of modalities, displaying to which extent the speaker is related with his/her statement. This study applies the analysis of modalities to examine the different positions and attitudes the various speakers possess towards the asylum policy and asylum seekers. Hence, the examination of modal position is performed to clarify each speaker's position in the asylum debate. The result of the analysis is presented below (Winther Jorgensen &Phillips 2000:87, 88).

5.1.1 Result of the textual analysis

Liberal Party of Australia (LPA)

Overall, Scott Morrison the spokesperson for LPA pronounces a high modality when talking about the positive changes that the Migration and maritime powers legislation bill could bring, which indicates high confidence in what he conveys. He repeatedly points out that the bill contains necessary policy measurers and that it will strengthen the government's ability to manage illegal arrivals. He is consistent in calling the asylum seekers illegal arrivals or illegal maritime arrivals. He uses strong words as; ensure, deliver, ability, power, success, which all strengthen the notion that he is identifying himself with these statements. This shows that he is of the firm opinion that this bill, which is restrictive towards asylum seeker are an effective way to manage the situation. No statements of low modality are executed in this text.

Australian Labor Party (ALP)

This speech also point towards high modality, but with arguments opposing the policy measures presented in the bill. Senator Lisa Singh from the ALP is using words and sentences that reinforce her message; incredibly damage, government's dismissive attitude, attempt to walk away from responsibility, render children stateless, this appalling piece of legislation. She is consistent at blaming the government for this development and demand that the bill should not be supported and put forward several strong arguments to strengthen why it should not be passed. On the issue of attitude towards asylum seekers she is also rather consistent; she highlight the situation for asylum seekers in general and children specifically, by talking about the implications the policy measures suggested in the bill would have for children, parents and future refugees seeking asylum in Australia.

The Australian Greens

This speech is also given in order to oppose the bill. Senator Hanson-Young adopt powerful wording focusing on criticizing Morrison and the bill. With statements like; a smorgasbord of suffering, buffet of brutality, grabbing for power, dictate who will be a refugee, rip the refugee convention from the law books, gross, distasteful and sickening, she is manifesting a very high modality and she makes perfectly clear what she is opposing. Hanson-Young wants to see a more humane approach in the treatment of asylum seeker and is arguing for their human rights.

Table 1.3 Result of text analysis: Modal positions in the political discourse on Asylum

Political Party	Political position in the debate
Liberal Party of Australia (LPA)	Proponent of the Migration and Maritime powers Bill 2014. Contend that the policy measures in the bill is necessary to secure Australian Borders
Australian Labor Party (ALP)	Opposing the Migration and Maritime powers Bill 2014. Argues that the policy will have devastating implications for asylum seeker.
Australian Greens	Opposing the Migration and Maritime powers Bill 2014. Proponent for a more humane approach towards asylum seeker.

5.3 Social practice: Mapping the political discourse on Asylum

In this section the analysis of text modalities is related to the broader social practices, namely by placing it in the social context. The analysis entail examining what Fairclough referred to as the Order of discourse; hence explore what coinciding discourses influence the political asylum discourse. It is then imperative to apply the theoretical framework in order to interpret and accentuate the social practice. This particular investigation aims to identify the order of discourse, in order to understand what the dominating discourse is and which other discourses is opposing it (Winther Jorgensen &Phillips 2000:90, 135).

The analysis of the text modalities affirmed a noticeable pattern of the political actors possessing diverse positions in relation to the policy and the attitude towards how to manage asylum seekers. In this passage it is manifested by the illustration of different arguments from the assorted speakers, which is discussed and related to the theoretical ideas as well as previous literature.

The analysis of social practice is divided into three parts; the first part is discussing Foucault's notions of biopolitics, hence how the government is trying to regulate the behavior of population by using liberal rationalization processes. The second part is employing ideas of symbolic power to discuss how asylum seeker is often represented in various ways by political actors. The third part utilizes Benhabib's ideas of a rights-based discourse and theory on political memberships to explore alternative arguments presented in the Australian asylum debate.

5.3.1 The rationalization process of restrictive asylum policy

It is unmistakably evident that Scott Morrison and the Liberal party are determine to conceive it impossible for people to exploit the Australian asylum system. In his speech he often refers to the protection of Australian borders and that forceful adjustment to the asylum system is necessary for Australians to feel secure. It is evident that this talk about border protection is intensely associated with the concern of asylum seeker.

> The government is committed to Australia's national security and economic prosperity in its efforts to combat the illegal and dangerous practice of people-smuggling. These changes will further strengthen the government's ability to manage illegal arrivals and strengthen public confidence in Australia's protection and migration programs (MP Scott Morrison, Second reading speech, Migration and Maritime powers legislation Amendment, 25sept 2014:2).

In this passage Morrison declares that protection of Australian borders is an objective which is paramount to the government, and he is attempting to convince the senate that it is of utmost importance to take necessary measures against people-smugglers and what he calls illegal arrivals, referring to asylum seekers. Weaver (2011) has demonstrated that the construction of a perceived threat is a discursive strategy to convince the audience to tolerate certain measures. The discursive construction of asylum seekers as a perceived threat is often manifested in Morrison's speech. He frequently exaggerates the inflow of asylum seeker to Australia and argues that the policy measures will bring the situation under control; he is hereby committing a speech act which frames the asylum seeker as a security threat.

In a society comprised of liberal values, it is according to Foucault essential that the freedom of the individual is sustained. The government will only be successful if they are able to uphold order which allow the individual to enjoy their freedom and at the same time feel confident that societal norms and values are upheld (Hindess 1996:124-125, 128). Asylum seeker is by the Liberal party defined a security threat which must be managed and Morrison speaks about the commitment to Australia's national security adopting words like; committed to, effort to combat, strengthen, manage, ability and confidence. All these words indicate that the government promises the Australian public their safety which will be manifested by the protection against illegal arrivals.

This protection mechanism does not have implications for the individual freedom for the reason that the feeling of security allows the individual to exercise their freedom. Morrison describe how the measures in the policy would; strengthen public confidence in Australia's protection and migration programs, which is an example of what Foucault named as the Art of government. The ability to exercise power which is carefully planned and considered and appeals to the audience so that they feel secure in that they may trust their government to manage state issues (Hindess 1996:105-106).

> It has been a clear policy of this government to ensure that those who flagrantly disregard our laws and arrive illegally in Australia are not rewarded with a permanent protection visa (MP Scott Morrison, Second reading speech, Migration and Maritime powers legislation Amendment, 25sept 2014:2).

Repeatedly the asylum seeker is portrayed as conducting an illegal act, and this statement clearly displays that for that reason they should not receive any advantages. This rhetorical conduct has been observed as being a common occurrence in political talk. Pickering (2001) demonstrates it with the illustration of "boat-people" describing people who enter illegally by

boat, an attempt to separate these so-called boat-people from "genuine" refugees. The Liberals presents the asylum seeker in a similar way by calling them people who; flagrantly disregard laws and arrive illegally. They are repeatedly attempting to convey the message that the asylum seeker behaves different than people who follow the law. According to Foucault ideas, the asylum seeker is deviating from the liberal society's values and norms of being a civil, reasonable and orderly person, values which are crucial to maintain for the society to function. They thus become a threat to society's well-being, which result in the logical solution that they must be managed somehow in order for the government to maintain order (Hindess 1996:130).

> This new approach to review will discourage asylum seekers who attempt to exploit the current review process by presenting manufactured claims or evidence to bolster their original unsuccessful claims only after they learn why they were found not to be refugees by the department. (MP Scott Morrison, Second reading speech, Migration and Maritime powers legislation Amendment, 25sept 2014:4).

This section presents asylum seekers as liars who are exploiting the asylum system by presenting false claims. So now, they are not just a threat or criminals, they are also frauds. Once again the asylum seeker is deviating from values crucial for the liberal society; however they become all of these things because they are manufactured in that way, by the discursive practices that Morrison and the Liberals employ. They emerge as a real problem which has to be managed somehow, in order for the Australian community to feel safe and trust their government. This assumption can be substantiated and supported by the fact that in recent years Australia's migration act has been amended several timed, in order to implement policies which are increasingly restrictive and punitive towards asylum seekers. The Migration and Maritime Powers amendment Bill 2014 debated by these political actors, contains measures which serves the purpose to deter asylum seekers from arriving to Australia. An asylum seekers coming by boat can no longer obtain a permanent visa by virtue of arriving without a valid visa. Instead they will be pushed-back or detained without knowing if they are going to receive a temporary protecting visa or be sent back to the country of origin. However, these measures only strengthen the governments' ability to manage the current situation and display for the public that they are perfectly capable of securing Australian borders. This liberal rationalization process is part of operationalizing what Foucault referred to as biopolitics, hence regulating the behavior of the population by virtue of the sense of security the government provides to the public. As long as the population feels

secure and trusts their government, the order of society is maintained and it will also make them not to question the measures implemented by the government towards asylum seekers.

5.3.2 Discursive constructions of the asylum seeker

Highlighted in the previous section is that the asylum seeker often is portrayed as someone deviating from norms and values of the liberal society, in order to legitimize implemented measures which are punitive in its effect. This section will discuss how these manufactured deviations are manifested through different representational practices. The Liberal party represents asylum seekers a threat, criminals, liars and rule benders by arguing that they violate laws by arriving in Australia without valid visas. Thus the Liberals have determined that they are in the position to represent the asylum seeker in these different ways, which can be described as an exercise of symbolic power.

> The government has a clear mandate for these changes. There are no surprises here; this is the government keeping its election commitments to stop the boats—upon which we are delivering—and to resolve the legacy caseload efficiently, quickly, fairly and with integrity. (MP Scott Morrison, Second reading speech, Migration and Maritime powers legislation Amendment, 25sept 2014:5).

What is noted in this paragraph is that Morrison says that he will stop the boats and not that he will help the people on these boats. After what has emerged in this analysis it is for the Liberals a valid argument, why help someone who is doing something illegal? However, it must be highlighted that somehow Morrison and the Liberal party has established this as the truth. They consider asylum seekers to be illegal and therefore they can decide how to represent them, a symbolic power which gives them the opportunity to present the asylum seekers after what suits their purpose. This reveals an asymmetrical power relation which according to Fairclough is the main aim of conducting critical research. Observing that this unequal power relation exist enable a possibility to open up peoples consciousness concerning these kinds of issues. However, there is also another discourse maintained by other actors in the asylum discourse, and representational practices are not always involved with arguments structured to represent someone or something in a negative fashion.

> No matter what their background, we feel we should treat our fellow human beings as we would have them treat us. We are better than this, but it seems this government is not. It seems this government does not like people or at least it has forgotten people. (Senator Lisa Singh, Second reading speech, Migration and Maritime powers legislation Amendment, 4 Dec 2014:4).

Labor spokesperson Lisa Singh is with this argument trying to undermine the negative representation which has been prevalent all through the first section of this analysis. She establishes another view of the asylum seeker as a fellow human being which does not deserve to be treated as anything less. Singh does not agree with the representation of asylum seekers that the Liberals has presented. However, these representational practices utilized by the Liberals are often founded on stereotypical ideas of what an asylum seeker is, which is hard to change because they often become naturalized in society. Stereotypes tend to reduce people to a few essential characteristics, often exaggerated and simplified.

As already established asylum seekers are manufactured as conducting a criminal act. But according to international law this is an invalid claim for the reason that refugees have a right under CRSR to apply for asylum, and should not be punished for doing so. The Liberal party simplifies this complex situation by arguing that people without valid visas is illegal and violates Australian law. This is exaggerated in the statements Morrison makes by often referring to asylum seekers as illegal or illegal maritime arrivals. A speech act, part of a process of normalizing that kind of talk and in that process this stereotype becomes naturalized in society. Stereotypes often emerge when asymmetrical power relations exist and are directed at the excluded, subordinated group (Hall 2013:257-258).

> These measures are a necessary extension and consolidation of the government's successful border protection policies and are part of a broad package of measures which will tackle the management of the backlog of illegal maritime arrivals, known as IMAs, and bring important enhancements to the integrity of Australia's protection regime. (MP Scott Morrison, Second reading speech, Migration and Maritime powers legislation Amendment, 25sept 2014:5).

Morrison states that the broad packages of measures will tackle the backlog of illegal maritime arrivals known as IMAs, by which he again categorize the asylum seeker as an illegal arrival and consequently they should be treated thereafter. Every and Augoustinos (2007) found that in the Australian parliament this is a recurring rhetorical strategy applied by political actors. They observed that asylum seekers coming by boat is often described as queue-jumpers for the reason that they arriving without using a "legal way", jumping ahead all other refugees who come the "legal" way. A queue should be rationale and fair and decision is made according to certain rules, a queue jumper is consequently someone who does not follow these rules. These metaphors are used to discredit the asylum seeker; hence it shows that it is not always expressed bluntly. Prejudices directed towards asylum seekers are often masked by refined words as the queue-metaphor. Expressing clear statements of

prejudices and discrimination is often avoided by political actors, since knowing that they can be accused of holding a prejudice attitude towards the group they are talking about. Consequently it is necessary to examine the underlying meaning of what is expressed by the speaker (Van Dijk 1997:36) However, the analysis of Morrison's speech make it evident which position he holds in the debate when he frequently refer to asylum seeker as illegal. Hence, for him it seems to be an established truth that the asylum seeker is illegal and it is therefore not a controversial statement to make.

> Effective tools must be available to ensure that those who do not engage our protection obligations can be removed from Australia. Prompt removal of failed asylum seekers from Australia supports the integrity of our protection program. (MP Scott Morrison, Second reading speech, Migration and Maritime powers legislation Amendment, 25sept 2014:4).

The analysis of Morrison speech displays evidence of the Liberals involved in a process of rationalizing the exclusion of the asylum seeker, performed by utilizing various representations which manufacture them in a dehumanizing manner. Since they seem to be lacking an understanding of the asylum seekers situation these stereotypical images may prevail and influence how they will manage asylum seekers in the future.

5.3.3 A more humane approach?

> Here we stand, out on our own, as this inhumane, rich nation putting up the walls, saying: 'We are not a country of compassion. We are not going to care for refugees. We are going to be fierce and tough and hard.' What kind of message does that send? (Senator Lisa Singh, Second reading speech, Migration and Maritime powers legislation Amendment, 4 Dec 2014:4)

The debate exposes a divide in the attitude towards asylum seekers which Labor Senator Lisa Singh makes perfectly evident with this statement. She is arguing that the implementation of new policy is signifying that Australia is going from being an open and tolerant nation, to becoming the totally opposite. What is evident in the speeches given by Labor and Greens are their frustration with this development. They believe that the bill disputed in this debate is an opportunity for the government to bypass international law and avoid responsibility to assist the international community. The opposition is consisting of Labor and Greens who is advocating that a refugee has a right to seek asylum according to CRSR which Australia signed over 50 years ago. They maintain that this development is lacking a humane approach

which will have implications for Australia's international reputation, as a nation standing up for fair and humane values.

> He wants to rip the refugee convention from the Australian law books. He wants to change the very definition of who is and who is not a refugee. He wants to fast-track the refugee determination process to remove the right of review, meaning there would be less protection for people who deserve it, less protection for people who may, as a result of mistakes, be sent back to death and torture (Senator Sarah Hanson-Young, Second reading speech, Migration and Maritime powers legislation Amendment, 3 Dec 2014:2).

In this passage the green party with senator Sarah Hanson-Young as spokesperson is clearly opposing the new policy which she believes is a creation that contains measures harmful for the asylum seeker, a statement encouraged by human rights advocates. The development of Australian asylum policy has been highly controversial and met excessive critics internationally, often by NGOs who believe that mandatory detention and the unwillingness to accept asylum seekers is violating human rights. Amnesty International submitted their inquiry to the senate, in which they claimed that passing of the bill into a law would mean that Australia's commitment with their human rights obligations would be drastically diminished (Amnesty International, submission to the senate, 2014:2). Although it exist a strong movement who oppose the liberals policy measures, the majority of Australian population support them on the grounds that it protects the Australian borders and effectively manage the asylum issue (Lowy Institute, 2014).

> Australia is very much a successful multicultural nation. It is a multicultural nation built on migrants and its first people. Many of those migrants are refugees and they have contributed greatly to this nation over decades upon decades, and they will continue to, and that includes the refugees who have come to settle in Australia in recent times.(Senator Lisa Singh, Second reading speech, Migration and Maritime powers legislation Amendment, 4 Dec 2014:3).

What is often lacking in that debate is the view that the asylum seeker could bring something positive and that including them could result in they contributing to the Australian society. Instead Australians harbors a fear of the undocumented illegal immigrant who only arrives searching for economic opportunities, which prevents them from seeing the possibilities (Mares 2011:412). This is a bit paradoxical, in the sense that Australia is a nation built on immigrants, as the statement by Singh display. The analysis indicates that two separate discourses prevails, on side argue that the inflow of asylum seekers must be limited and the

other maintain that Australia has a enormous responsibility towards asylum seeker, who is compelled by persecution and lacks any other choice then to flee and seek asylum (Every & Augoustinos 2008:655-657).

> We have thousands of refugees living in the Australian community desolate, without work rights, without the ability to study and without even the right to be able to volunteer. All these people want to be able to do is get on with the rest of their lives (Senator Sarah Hanson-Young, Second reading speech, Migration and Maritime powers legislation Amendment, 3 Dec 2014:2).

The dehumanizing representations of asylum seeker utilized by the liberals, result in that they do not gain the respect and treatment they are entitled to as a fellow human being. Asylum seekers are undeniably vulnerable as a result of obtaining a criminalized status, being stateless and excluded from citizenship rights. According to Benhabib (2004) their vulnerability increases because they also are excluded from the discourse concerning them. The discourse is constructed by other actors which have been acknowledged in this study. Political actors possess a position of power to shape this discourse and according to Van Dijk (1993) ideas; it is the white western elites who dominate this sphere by producing decisions which have severe consequences for asylum seekers. They entitle themselves to make claims which disparage the asylum seeker, and they discuss the asylum issue without involving the group which it concerns.

The statement by senator Hanson-Young highlights the problem of not allowing this vulnerable group to be included in to society, since they end up in a desolate position. Benhabib argues that liberal democracies must include these people and give them citizenship rights; *"Just as you cannot render individuals stateless at will, nor can you, as a sovereign state, deny them membership in perpetuity. You may stipulate certain criteria of membership, but they can never be of such a kind that others would be permanently barred from becoming a member of your polity"* (Benhabib 2004:135). She is arguing for people's right to obtain a political membership, in other words the right to make their voices heard in the discourse. This communicative freedom would entail their social and political right to association and representation. If we are to overcome the exclusion of asylum seekers from discourse, a change must occur from within the current discourse. The status of stateless people must be decriminalized and instead they should be provided with a correct representation. The process of obtaining political membership should be transparent to the person seeking membership, followed by legal procedures through which this membership can be obtained. Once again,

and this cannot be said enough the criminalized status of these stateless people must be wiped out, so that they have a possibility to be involved in the discourse concerning them (Benhabib 2004:140).

> As it basks in its own self-described glories about stopping the boats and saving lives at sea, the adults and children who fled their homes and countries because they thought they were going to be killed, or that they were endangering their children's lives, spend an average of 413 days behind barbed wire. Some of those people have lost their sanity in all of that time. Some have lost their lives. Most of the children have lost their childhood (Senator Lisa Singh, Second reading speech, Migration and Maritime powers legislation Amendment, 4 Dec 2014:2).

This passage highlights the necessity of Benhabib's ideas; people flee from persecution in search for a safe place but end up being detained, without knowing if they will be allowed in to the Australian community or be sent back to fear. However, the asymmetrical power relations which exist within the Australian asylum discourse allows political actors, namely the liberal government to frame the discourse in ways which serves their own interest and not take into account that they also have a responsibility to the world community. Though, if these vulnerable people could be included in the discourse it would not be easy to ignore their voices and the reality of their situation. Political decisions would need to be reassessed when the actual impact of their decisions would be addressed. To conclude with Benhabib (2004:120) thoughts; more porous borders should not be viewed as a security threat, rather it should be seen as enriching the nation with cultural diversity which would open up for different understandings and perspectives.

6.0 Concluding remarks and discussion

This study has investigated the political asylum discourse in Australia. The proposed data was three speeches given by actors relevant to the political debate, namely because they are influential in the asylum discourse and possess a powerful position within their party affiliation. It was thereby assumed that their opinions reflect the attitude of their party towards asylum policy and asylum seekers. The aim of the present investigation was to explore the political landscape on the contested question of asylum among Australian political parties, and examine how their different opinions are manifested in the asylum debate.   The primary

analysis of the speeches namely the textual analysis, affirms which positions the speakers hold in the debate towards the asylum policy and the asylum debate. The Liberals is proponents for restrictive asylum policies and view asylum as a border control issue. The Labor party is opposing this development on the account that it entails a punitive approach towards asylum seekers, and is strongly opposing how the Liberals construct the asylum seekers in the debate. The Greens is ambushing the Liberals, arguing that they are implementing policies which serve their purposes and not following human rights principles. The result is consistent with the finding from the literature review and the general debate on asylum in Australia. This displays that the investigation has proved fruitful in highlighting the debate and how different parties are trying to create a political consensus towards diverse views on how to manage asylum seekers.

The boundaries of this study were clearly defined as the political asylum discourse. This made it possible to investigate the competing discourses in the debate and to find which discourses dominate, hence able to acknowledge an Order of discourse. The primary observation is that the Migration and maritime powers amendment bill (2014) debated in this study has severe implications for asylum seekers. Yet, the Liberal party implemented the policies on the grounds that it is a necessary to secure Australian borders. They frame the asylum seeker as a security threat, which can be a way to convince the audience that extreme measures are necessary. This implies that securitization of Australian borders is the dominant discourse on asylum.

The liberal rationality of government requires them to uphold order, security and provide the freedom for individuals in the Australian society. However, this functions in an excluding way towards the asylum seeker since they deviate from the norms and values, on the grounds that they are manufactured as illegals, queue-jumpers and as a threat to societal order. The liberal rationality include the idea that it is essential that order and freedom are maintained which legitimizes extensive measures, and carefully thought-out policies is the instrument which endorse this order. The Liberals is exercising a form of symbolic power when they decide their right to construct and represent the asylum seekers in various ways. When manufacturing asylum seekers as a security threat, it may contribute to influence the Australian population's view of what an asylum seeker really is. From a human rights perspective they are fellow human beings who are compelled to flee from war and conflict to seek asylum. It should be mentioned that not all asylum seekers have the right to refugee status; however they are entitled to be treated with decency and respect, something which seems to be currently lacking in Australian asylum policy. Stereotypical ideas flourish when

they are manifested in such a way that the Liberals do, they exaggerate the current situation and simplify the asylum seeker position which could result in that the discourse may become normalized in society. Asylum seekers are manifested as violating Australian law when they actually have a right to seek asylum under international law.

This study displays a competing discourse, manifested by arguments of the Labor party and the Greens. They compete with the Liberals representation of asylum seeker by saying that they must be seen as fellow human beings who should be treated with respect and decency. This discourse entails ideas about Australia's responsibility towards asylum seekers and the international community. Framing asylum seekers as a security threat is a violation of human rights of the refugee, since it will hinder the person to seek asylum and it produces Australia as a nation going from being open and tolerant, towards becoming a country that punish the asylum seeker.

A liberal democracy as Australia could instead decriminalize their status, include them in the discourse and allow them to obtain a political membership. This change must occur within the current discourse and the asymmetrical power relations must be noticed for it to alter. Hence, the political elite who dominates this spheres seems to be busy to serve their own interest and constructing the discourse after this, and the Australian population is supportive of the restrictive policies and views it as their right to secure Australian border. However, if asylum seekers receives the correct representation and is invited in to the discourse it would be much harder to dismiss their rights. This would also open up for the possibility to view them as people who can enrich the Australian nation, which may enhance the understanding for one another and broaden perspectives which could bring down the boundaries between us and those who are perceived as others.

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8.0 Appendices

8.1 Second reading speech - Liberal party of Australia

8.2 Second reading speech - Australian Labor Party

8.3 Second reading speech - The Australian Greens

8.1 Second reading speech - Liberal party of Australia

BY AUTHORITY OF THE SENATE: Second Reading speech

BILL: Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014

Thursday, 25 September 2014

Speaker: MP Scott Morrison – Liberal Party of Australia (LPA)

Mr MORRISON (Cook—Minister for Immigration and Border Protection) (09:22): I move:

That this bill be now read a second time.

The Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014 honours the coalition's commitment to restore the full suite of border protection and immigration measures, abolished by the former, Labor government to stop the boats. This bill will amend the Migration Act 1958, the Migration Regulations 1994 and the Maritime Powers Act 2013 and make minor changes to the Immigration (Guardianship of Children) Act 1946 and the Administrative Decisions (Judicial Review) Act 1977 to support the government's key election commitments to stop the boats and resolve Labor's legacy case load of around 30,000 cases. These measures are a necessary extension and consolidation of the government's successful border protection policies and are part of a broad package of measures which will tackle the management of the backlog of illegal maritime arrivals, known as IMAs, and bring important enhancements to the integrity of Australia's protection regime.

The government is committed to Australia's national security and economic prosperity in its efforts to combat the illegal and dangerous practice of people-smuggling. These changes will further strengthen the government's ability to manage illegal arrivals and strengthen public confidence in Australia's protection and migration programs.

Specifically, the bill reintroduces temporary protection visas and introduces a safe haven enterprise visa, which is also a temporary visa. It reinforces the government's powers to undertake maritime turn backs and introduces rapid processing and streamlined review arrangements. The measures deliver on the government's election commitment to introduce temporary protection visas and ensure that no illegal maritime arrival will be granted a

permanent protection visa. It will also ensure efficient processing of Labor′s backlog of 30,000 IMA asylum claims, as we promised we would do.

The amendments to the Maritime Powers Act strengthen Australia′s maritime enforcement framework and the ongoing conduct of border security and maritime enforcement operations. Enforced turn backs are a critical component of the governments suite of border protection measures that have been so successful to date in stopping the boats. These measures affirm and strengthen the government′s ability to continue the success of our maritime operations. This will help ensure that the tap stays off, that it will never return and that we will never go back to the cost, chaos and tragedy that was present under the previous government and was created under the arrangements put in place by that government.

The amendments in schedule 1 of this bill reinforce the government′s powers and support for our officers conducting maritime operations to stop people-smuggling ventures at sea. They provide additional clarity and consistency in the powers to detain and move vessels and persons. They further clarify the relationship between the Maritime Powers Act and other laws and clearly state that ministers can give directions in respect of the exercise of maritime powers. Finally, as was parliament′s original intent, the amendments support our Navy and Customs personnel to continue to do their difficult jobs efficiently, effectively and safely on the water.

The amendments to the Maritime Powers Act are just one element of this bill.

It has been a clear policy of this government to ensure that those who flagrantly disregard our laws and arrive illegally in Australia are not rewarded with a permanent protection visa. The reintroduction of temporary protection visas, or TPVs, in schedule 2 of this bill is fundamental to the government′s key objectives to process the current backlog of IMA protection claims. The government is not resiling from providing protection but, rather, is providing temporary protection to those IMAs who are found to engage Australia′s protection obligations. TPVs will be granted for a maximum of three years and will provide access to Medicare, social security benefits and work rights, as occurred under the Howard government. TPVs will provide refugees with stability and a chance to get on with their lives while at the same time guaranteeing that people smugglers do not have a ′permanent protection visa product′ to sell to those who are thinking of travelling illegally to Australia.

However, consistent with this government′s principles of rewarding enterprise and its belief in a strong regional Australia, a new visa, the Safe Haven Enterprise Visa, will also be created. The Safe Haven Enterprise Visa will be will be open to applications by those who have been processed under the legacy case load and are found to be refugees. I stress that that does not relate to people who may seek to come to Australia in the future by this method. They of course are subject to offshore processing and resettlement, as well as our turn-back measures and other arrangements. The SHEV, as it is known, will be an alternative temporary protection visa to the TPV and encourages enterprise through earning and learning in regional areas.

IMAs granted a SHEV will be required to confine themselves to designated regions—either a state or territory government or local government area, or an employer in a regional area can request to be designated. This would be identified through a national self-nomination process. No region would be required to compulsorily participate in such a scheme. The visa will be valid for five years and, like the TPV, will not include family reunion or a right to re-enter Australia. SHEV holders will be targeted to designated regions and encouraged to fill regional job vacancies, where they exist, and will have access to the same support arrangement as a TPV holder.

SHEV holders who have worked in regional Australia without requiring access to income support for 3½ years will be able to apply and if they meet eligibility requirements be granted other onshore visas—for example, a family or skilled visa as well as temporary skilled and student visa. However, I stress: they will not be able to apply for a permanent protection visa. Consultation with state, territories and local government will inform the details of the criteria for this visa. Details will be included in the regulations subsequent to the passage of this bill.

Schedule 2 of the bill also includes the creation of authority in the Migration Act to make deeming regulations. The first time this authority is being used is to make regulations that deem IMAs who have a current on-hand permanent protection visa application to instead have applied for a temporary protection visa. It also includes a minor amendment to the Migration Act to make clear that there may be multiple classes of protection visas and to include an amended definition of protection visas.

Schedule 3 of the bill will create an express link between certain classes of visa that are provided for under the Migration Act (including protection visas) and the criteria prescribed under the regulations in relation to those visas, and ensure that noncitizens can only apply for those visas in accordance with the criteria set out in both the Migration Act and in the regulations.

The government is of the view that a 'one size fits all' approach to responding to the spectrum of asylum claims made under Australia's protection framework is inconsistent with a robust protection system that promotes efficiency and integrity. It limits the government's capacity to address and remove those found to have unmeritorious claims quickly while diverting resources away from those individuals with more complex claims. The government has no truck with people who want to game the system. A new approach is warranted in the Australian context. The fast-track assessment process introduced by schedule 4 of this bill will efficiently and effectively respond to unmeritorious claims for asylum and will replace access to the Refugee Review Tribunal with access to a new model of review, the Immigration Assessment Authority—to be known as the IAA. These measures are specifically aimed at addressing the backlog of IMAs—some 30,000—and will ensure their cases progress towards timely immigration outcomes, either positive or negative.

All fast-track applicants will have their protection claims fully assessed by my department under the Migration Act. However, it is the government's policy that, if fast-tracked applicants present unmeritorious claims or have protection elsewhere, their cases will be channelled towards a direct immigration outcome rather than accessing the broader merits review process to prolong their stay in Australia. Such fast-track applicants will be known as 'excluded fast-track review applicants' and will not have access to those broader forms of merits review.

The IAA will be established as a separate office of the Refugee Review Tribunal. Eligible fast-track review applicants will have their refusal cases automatically referred to the IAA and will not have to apply for a review by it. The IAA's primary function will be to conduct a review 'on the papers', only considering the material which was before my department when it made its refusal decision under section 65 of the Migration Act.

The government recognises that a review applicant may have a genuine reason for not presenting all relevant claims in the first instance. In limited circumstances, the IAA has a discretionary power to get new information where the information is considered to be relevant, however, the IAA is under no duty to accept or request new information or interview an applicant. In keeping with this model of limited review, the Immigration Assessment Authority will not accept or consider any new information presented at review by a fast-track review applicant unless exceptional circumstances apply and the IAA is satisfied that the new

information was not, and could not have been, provided to the department before the section 65 decision was made.

This new approach to review will discourage asylum seekers who attempt to exploit the current review process by presenting manufactured claims or evidence to bolster their original unsuccessful claims only after they learn why they were found not to be refugees by the department. This behaviour has on numerous occasions led to considerable delay while new claims are explored.

These measures will support a robust and timely process, better prioritise and assess claims and afford a differentiated approach depending on the characteristics of the claims.

Effective tools must be available to ensure that those who do not engage our protection obligations can be removed from Australia. Prompt removal of failed asylum seekers from Australia supports the integrity of our protection program and reduces the likelihood of applicants frustrating and delaying removal plans.

The current view put forward by some advocates that a person who simply claims to be a refugee is a refugee, despite multiple assessments to the contrary, is actually undermining the refugees convention. Those not found to be refugees have no right to stay in Australia and must depart.

Schedule 5 of the bill will make clear that the removal power is available independent of assessments of Australia′s non-refoulement obligations, which are addressed in the broader assessment process where a noncitizen meets the circumstances specified in the express provisions of section 198 of the Migration Act. This change is in response to a series of court decisions which have found that the Migration Act as a whole is designed to address Australia′s non-refoulement obligations, which has had the effect of limiting the availability of the removal powers. Asylum seekers will not be removed in breach of any non-refoulementobligations identified in any earlier processes. The government is not seeking to avoid these obligations and will not avoid these obligations, rather it seeks to be able to effect removals in a timely manner once the assessment of the applicant′s protection claims has been concluded.

Schedule 5 of the bill will also create a new, independent and self-contained statutory refugee framework which articulates Australia′s interpretation of its protection obligations under the refugees convention. The government remains committed to ensuring it abides by its obligations in respect to the refugees convention and this change does not in any way compromise this commitment. The new statutory framework will enable parliament to legislate its understanding of these obligations within certain sections of the Migration Act without referring directly to the refugees convention and therefore not being subject to the interpretations of foreign courts or judicial bodies which seek to expand the scope of the refugees convention well beyond what was ever intended by this country or this parliament. This parliament should decide what our obligations are under these conventions —not those who seek to direct us otherwise from places outside this country. The new framework clearly sets out the criteria to be satisfied in order to meet the new statutory definition of a ′refugee′ and the circumstances required for a person to be found to have a ′well-founded fear of persecution′, including where they could take reasonable steps to modify their behaviour to avoid the persecution.

Let me be clear, the government is not changing the risk threshold required for assessing whether a person has a well-founded fear of persecution. Under the new framework, refugee claims will continue to be assessed against the ′real chance′ test, which has been the test

adopted by successive governments, in line with the High Court's decision in Chan Yee Kin v Minister for Immigration and Ethnic Affairs [1989] HCA 62.

The bill also clarifies the interpretation of various protection related concepts such as:

the standard of effective state and non-state protection;

the test for assessing whether a person can relocate to another area of the receiving country; and

the definition of 'membership of a particular social group'.

The new framework will also clarify those grounds which exclude a person from meeting the definition of a refugee or which, upon a person satisfying the definition of a refugee, render them ineligible for the grant of a protection visa.

The amendments contained in schedule 6 reinforce the government's view that the children of IMAs who are born in Australia are included within the existing definition of 'unauthorised maritime arrival', known as UMA, in the Migration Act. This will ensure that, consistent with their parents, these children are subject to offshore processing and are unable to apply for a visa while they remain in Australia, unless I have personally intervened to allow a visa application.

The government will also extend the definition of a UMA to the children of IMAs born in a regional processing country. This amendment supports the government's intention that IMA families in regional processing countries should be treated consistently and that children born to an IMA ought not be treated separately from their family in the protection assessment process.

Amendments will also be made to the Migration Act to ensure provisions relating to 'transitory persons' operate consistently.

From time to time, successive governments have found it necessary to cap certain classes of either the migration or the humanitarian visa programs in order to ensure that government annual targets are not exceeded. This is a vital program management tool, particularly when exceeding targets may resolve in budget overspends. As a result of a recent High Court judgement regarding my use of the cap for the onshore component of the humanitarian program, it has been necessary to make minor amendments to the Migration Act. The amendments in schedule 7 of the bill will put it beyond doubt that I may cap classes of the migration or humanitarian program when necessary.

Schedule 7 will also repeal the 90-day limit for deciding protection visa applications at both the primary and review stages of processing. The associated reporting requirements will also be repealed, as they consume time and resources without adding value to the overall government objectives.

The bill deserves the support of all parties. Just like our community continues to benefit significantly from the constant update in technology, the current management and assessment process of asylum seekers should equally be deserving of a commitment to innovation and improvement. The changes in this bill will benefit the Australian community by providing us with the assurance of an effective, orderly and managed protection program.

The government has a clear mandate for these changes. There are no surprises here; this is the government keeping its election commitments to stop the boats—upon which we are delivering—and to resolve the legacy caseload efficiently, quickly, fairly and with integrity.

I commend the bill to the House.

Debate adjourned.

8.2 Second reading speech - Australian Labor Party

BY AUTHORITY OF THE SENATE: Second Reading speech

BILL: Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014

Thursday, 4 December 2014

Speaker: Senator Lisa Singh – Australian Labor party (ALP)

Senator SINGH (Tasmania) (19:45): I rise to oppose the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014 and to stand with the Labor Party, a party which certainly represents humanity, dignity of self-worth and compassion. I would like to start by acknowledging that this is an incredibly significant piece of legislation. If we go into the depth of it, we can see very clearly that it does incredible damage not just to the value of humanity but also to Australia's international reputation as a country which signed the refugee convention 50 or more years ago now. The bill is complex in its nature but it will also leave a legacy for this government that will not in any way leave it in a good stead. That is why Labor does not accept this bill.

There is much in this bill which, in effect, is a legislative response to actions of the judiciary—some of which is still occurring and the courts ought to be allowed to do their work—and some of it demonstrates very clearly this government's dismissive attitude to its international obligations. There is a stark difference between the Labor Party and the coalition and it can be seen very clearly in the nature of this bill—that is, the Labor Party like people and we want to help people. No matter what their background, we feel we should treat our fellow human beings as we would have them treat us. We are better than this, but it seems this government is not. It seems this government does not like people or at least it has forgotten people. As it basks in its own self-described glories about stopping the boats and saving lives at sea, the adults and children who fled their homes and countries because they thought they were going to be killed, or that they were endangering their children's lives, spend an average of 413 days behind barbed wire. Some of those people have lost their sanity in all of that time. Some have lost their lives. Most of the children have lost their childhood.

There are two young Iranian men who we know very clearly have died as a result of their detention in PNG. Hamid Khazaei was declared brain dead in September following a severe infection to his cut foot, when his life support was turned off. How did someone in Australia's care die from a cut foot? Reza Barati was beaten to death by a mob comprising camp guards and PNG local residents who had broken into the centre. Again, how did someone in Australia's care get killed by a mob? It seems to save the lives of refugees this government is prepared to destroy them, but this government is also prepared to ignore international law in order to destroy the hopes of people who asked for its help.

A self-evident truth over the course of Australian political history has been the conservatives' fear of engaging fully in the international community. Australia had to wait in fact until Gough Whitlam introduced us to the world and the world to Australia. The election of the Whitlam government was a turning point in Australia's international outlook and, perhaps most importantly for our global standing, Gough Whitlam engaged deeply with the United Nations. The Whitlam government brought a new emphasis to the United Nations processes and engaged with that organisation more deeply than previous governments. It was under the

Whitlam government that Labor first made contributions to United Nations funds to support education and other development programs in Africa and signed a range of significant multilateral treaties, conventions and covenants, a number of which have been left unsigned or unratified by the Australian government for many years.

There are some 130 of them, including the Convention relating to the Status of Stateless Persons of 1954, the 1961 Convention on the Reduction of Statelessness, the 1966 international Convention on the Elimination of All Forms of Racial Discrimination and the 1967 Protocol Relating to the Status of Refugees. Curiously, the Whitlam government was not responsible for the signing of the 1951 Convention relating to the Status of Refugees, defining who is a refugee, their rights and their legal obligations as states. That was an achievement of the Menzies government in 1954. As I have noted above, in 1973 Gough Whitlam's government was responsible for appending Australia's signature to the 1967 Protocol Relating to the Status of Refugees, which of course removed geographical and temporal restrictions to the convention. It is primarily the refugee convention approved by Menzies which this government now seeks to comprehensively reject in this bill. This bill contains a brazen attempt to walk away from this government's responsibilities under that convention. I want to make clear for the Senate the convention's description of a refugee. I quote: … owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Clearly, this has been too much responsibility for this Abbott government—too much pressure to be humane for this Abbott government; therefore, unable to cope with the basic need to be compassionate, the Abbott government is attempting to wipe the refugee convention out of Australia's mind. I would like to add, as Senator Ludlam highlighted, that Australia is very much a successful multicultural nation. It is a multicultural nation built on migrants and its first people. Many of those migrants are refugees and they have contributed greatly to this nation over decades upon decades, and they will continue to, and that includes the refugees who have come to settle in Australia in recent times. We should note that and note the fact that this is a bill that is trying to destroy the future of those refugees in this nation—refugees who, under the convention signed by Menzies, were able to rebuild their lives. Why? Because this bill deletes references to the refugee convention from the Migration Act, the primary domestic act with which Australia engages—or did engage—with the refugee convention. This bill replaces those references with a new independent and self-contained statutory framework setting out Australia's own interpretation of its protection obligations under the refugee convention. In any event, by well established, accepted and respected principles of international law, this government has no right to self-interpret the scope of its international treaty obligations. It simply does not.

According to Jane McAdam, Professor of Law and Director of the Andrew and Renata Kaldor Centre for International Refugee Law at UNSW:

Basic rules of treaty interpretation state that a treaty must be interpreted in good faith, and in accordance with the ordinary meaning to be given to its terms in their context, and in the light of the treaty's object and purpose. Furthermore, asserting that a treaty obligation is inconsistent with domestic law is no excuse for breaching it.

What follows are some comments, by no means all, from the UNHCR's submission to this bill, setting out very clearly its concerns:

UNHCR is concerned that the proposed amendments to the Migration Act would narrow the personal scope of the refugee definition, and lead to a restrictive application of rights to Convention refugees.

The proposed amendments specify that a person does not have a well-founded fear of persecution if reasonable steps could be taken to modify his or her behaviour so as to avoid a well-founded fear of persecution, unless a modification would conflict with a characteristic that is fundamental to the person's identity or conscience; or conceal an innate or immutable characteristic of the person.

The UNHCR recommended the deletion of those proposed amendments, as they are fundamentally at odds with the purpose of the refugee convention. Let me repeat that: fundamentally at odds with the purpose of the refugee convention—a convention signed and ratified by Australia for over 50 years, first signed by Sir Robert Menzies himself. It is fundamentally at odds, the UNHCR has highlighted. Why? Because:

… a person cannot be denied refugee status based on a requirement that he or she can change or conceal his or her identity, opinions or characteristics in order to avoid persecution.

The fact that this bill is putting forward that a person should change his or her identity, opinions or characteristics in order to avoid persecution is in itself a bizarre piece of legislation to put forward for people wishing to seek asylum in this country—as the UNHCR states, and I completely agree, is fundamentally at odds with the purpose of the refugee convention. Further:

UNHCR is not aware of any other Contracting State to the 1951 Convention which has removed Article 1D from being a basis for determining the refugee status of Palestinian refugees.

As such, 'UNHCR recommends that Australia gives effect to its international obligations to Palestinian refugees by codifying, in full, Article 1D of the 1951 Convention in the Migration Act 1958'—agreed to and signed by Sir Robert Menzies and the Liberal and National parties. The UNHCR also recommended the deletion of the parts of the proposed amendments on temporary protection visas which require convention refugees to re-establish their continuing need for international refugee protection. No distinction should be made on the basis of mode of arrival in respect of rights. All refugees are entitled to the 1951 convention rights agreed to and signed by Sir Robert Menzies—someone very familiar to those in the coalition government.

The UNHCR also recommended the deletion of the proposed amendments which operate to limit the entitlement of a convention refugee to the rights and obligations specified in articles 2 to 34 of the 1951 convention agreed to and signed by Sir Robert Menzies. I have noted for the Senate just some of the many problems—indeed downright contradictions—that the UNHCR has identified in this bill with our refugee convention.

In the brief time I have left I would like to focus on children, because I know that this bill has a focus on children. No-one does that better than UNICEF, who have outlined very clearly what these proposed changes to the migration law mean for children, how they would widen the immigration minister's powers, how they would marginalise our international law, which I have just outlined, and how they would wind back the ability of Australian courts to scrutinise the government's treatment of asylum seekers. In their joint submission with the Human Rights Law Centre, Save the Children, Plan, the Human Rights Council of Australia and Children's Rights International, they outlined the grave human rights risks posed by this bill. They said

very clearly that, under the proposed changes, children born in Australia would be classified as unauthorised maritime arrivals if one of their parents is a UMA, leaving those children subject to mandatory detention and transfer to Nauru. These children will be born right here in Australia, in Australian hospitals, yet they will be treated as if they arrived on a boat. Not only does that defy logic; it is incredibly cruel and again is a clear breach of international law.

These changes would render children stateless and deprive them of access to health care, education and their fundamental rights. UNICEF's submission clearly outlines further that, as I just highlighted, the bill would remove references to the refugee convention from the Migration Act and replace them with the government's own very watered-down interpretation, which I have gone through. The refugee convention is the cornerstone of international refugee protection and has now been signed by some 145 countries. The government should therefore not just unilaterally redefine it to suit its own purposes. That is what it is doing. It is out on its own, outside the 145 countries it joins in ratifying and signing the convention, trying to unilaterally define it for its own political purposes. I thank UNICEF, the Human Rights Law Centre, the Refugee Council, Save the Children, Plan and all of those organisations. Many of them have written to me; many of them I have met. They are at the coalface. They know a lot more than we in this place know about the real effects that this bill would have on children, on parents and on future refugees that seek asylum in this country.

This is a wealthy country. We have the capacity to take a humane approach to refugees in this country. That is what we have been known for for decades upon decades. Why now do we have to bear this government making us this most embarrassing and humiliating country, a country to be ashamed of in its approach to the treatment of people seeking asylum and their children, whether they come on a boat, whether they come in any way, shape or form; they are coming because they are fleeing persecution and they need our support. This is no way to treat them. This appalling piece of legislation completely guts them of any hope of being able to settle and rebuild their lives in this very rich country that we all take for granted and benefit from every day. That is why Labor will not support this bill. That is why we see very clearly that this bill does nothing to support the values that we stand for—the values of humanity and compassion.

I simply cannot understand why a government would do this to so many people that need our support and help and, on top of that, breach our obligations under the refugee convention, take the refugee convention out of the Migration Act. The long legacy that started under Sir Robert Menzies with the signing of this refugee convention was continued by great leaders such as Gough Whitlam, with all the conventions we signed under his short leadership, only now to have it all undone. One hundred and forty-five countries have ratified this convention, and here we stand, out on our own, as this inhumane, rich nation putting up the walls, saying: 'We are not a country of compassion. We are not going to care for refugees. We are going to be fierce and tough and hard.' What kind of message does that send? That is why Labor will not support this bill. It is an appalling piece of legislation

8.3 Second reading speech - The Australian Greens

BY AUTHORITY OF THE SENATE: Second Reading speech

BILL: Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014

Wednesday, 3 December 2014

Speaker: Senator Sarah Hanson-Young – Australian Greens

Senator HANSON-YOUNG (South Australia) (10:35): Today I stand here with the overwhelming majority of legal and human rights experts in this country to condemn the regressive and dangerous Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014 before us today. This piece of legislation, if it were to pass, would be a fundamental shift from what are known as due process, fairness before the law, a fair go under the refugee system and, of course, the proper checks and balances to make sure whoever is the government of the day is abiding by our international obligations as well as the basic rules and values of decency and fairness.

This bill should not be called the asylum legacy case bill. It should be called the immigration minister's outrageous grab for power bill. That is all that is in this piece of legislation. This bill is all about Scott Morrison, as the Minister for Immigration, grabbing more power for himself to dictate who will be a refugee, under what conditions they will be a refugee and whether or not they get access to a visa. Of course, overarching all of this is whether children and families remain languishing in terrible conditions on Christmas Island.

When it comes to the way we treat refugees in this country, never before have we seen a bill as insidious, as deceptive and as downright dangerous as this. It is a smorgasbord of suffering, a buffet of brutality, and it should not be allowed to pass this place today. Within this bill the immigration minister wants to make babies that are being born in Australia stateless. He wants to send those babies to camps of cruelty offshore.

He wants to give himself a licence to break international law. He wants to rip the refugee convention from the Australian law books. He wants to change the very definition of who is and who is not a refugee. He wants to fasttrack the refugee determination process to remove the right of review, meaning there would be less protection for people who deserve it, less protection for people who may, as a result of mistakes, be sent back to death and torture.

He wants to deny protection to as many refugees as possible. He wants to introduce temporary protection visas for those who have been found to be in genuine need of protection, making them suffer even more for the fact that they dared to dream of freedom and safety for their families. That will leave thousands of refugees—genuine refugees who have been through the proper process, who desperately need protection and have every right to start putting their lives back together—in limbo effectively for the rest of their lives.

He wants to trick the Senate crossbench into thinking that a new visa that is being offered is a pathway to permanency when there is no detail of the safe haven enterprise visa in this legislation. If the minister thinks he can continue to trick this Senate and the crossbenchers in this place, he better think twice because he cannot. It is as clear as day that this minister has no intention of following through with the agreement that was made with the Palmer United Party

and with the statements that have been made. He wants only more power for himself and less protection for refugees.

This is an unbelievable grab of power from the minister, and senators in this place have the opportunity to stop this minister, who is so arrogant and so drunk with power, from being able to have even more unfettered discretion. The immigration minister wants to give himself the ability to play God. He wants to be the judge, the jury and the executioner in all these cases. He wants to send refugees, including families and children, back to danger in their homelands. The whole point of this bill is to give as few refugees as possible the opportunity for protection. Even if they are granted protection, he will not even bother to give them a permanent visa that will allow them to rebuild their lives and allow them to contribute to this country. We have thousands of refugees living in the Australian community desolate, without work rights, without the ability to study and without even the right to be able to volunteer. All these people want to be able to do is get on with the rest of their lives—

Senator O'Sullivan: What about the 1,200 who can't?

Senator HANSON-YOUNG: and this minister wants to start shipping them offshore.

The ACTING DEPUTY PRESIDENT (Senator Lines): Senator Hanson-Young has the right to be heard in silence. I would appreciate her being able to continue in silence.

Senator HANSON-YOUNG: Right now there are about 30,000 asylum seekers waiting for processing in Australia. Disturbingly, there are also 559 children in detention facilities across the country. In total there are 3,084 people in detention here in Australia. To our great shame, there are 167 children locked up on Nauru and in total 1,095 people are detained on Nauru and 1,056 on Manus Island. There is no question that these people need to have their claims processed immediately and be taken out of detention, put into the community and given the opportunity to start contributing to this country and rebuilding their lives. This bill does none of that.

Astonishingly, the immigration minister is using the suffering of these children in detention as a disgusting bargaining chip. He is trying to blackmail the Senate crossbench into accepting this cruel bill by threatening to send each and every one of them to the hellhole on Nauru. How appalling to see the minister who already has so much power—the power to keep people in detention—and who is keeping these children locked up, threaten this place today by saying: 'If you do not pass the bill the way I like it, it is my way or the highway. The children will remain in jail.'

What kind of human being uses children as his pawns in a game of politics? How gross, distasteful and sickening is the minister if he is willing to do this? These are children and they are being destroyed by these policies. The immigration minister is threatening to turn the screws on them even harder. He says that until he gets his own way he will keep them locked up in appalling conditions—conditions that have been condemned by the United Nations and condemned by our own Human Rights Commission here in Australia. That is not being a leader; that is being a bully and a coward.

What the immigration minister does not want senators in this chamber to understand is that he can release all of these children today if he wants to. He has the power to keep them in detention or to release them into the community. You do not need a bill that condemns them to a life of uncertainty just to get them out of the locked gates and out from behind the barbed wire. He can have them in the community and be processing their claims as we speak. He is

actually obliged to do that under the current domestic law, but in fact he is refusing to act as the law currently prescribes to process people's claims, to get on with assessing them.

If they are genuine refugees, let them stay and let them get on with their lives. If they are not, then send them home. No-one is arguing that anyone should get a free ride here. Get on and process their claims. If they are refugees, they can stay. If they are not, deport them. At the moment we have the worst of both worlds. We have a minister who is keeping children locked up, incarcerated in immigration prisons, and babies being born to asylum seeker parents being told they have no right to protection in Australia. Despite being born in Australian hospitals, they will be on the next flight to Nauru, where we know children are being abused and are witnessing abuse every single day.

The Senate inquiry into this bill heard from thousands of human rights lawyers, refugee advocates, academics and community members, all of whom object to this outright. Over 5,000 submissions were made to this Senate inquiry and every single one of them bar the immigration minister's own department said this bill was wrong, said this bill would set Australia up for failure when it comes to looking after some of the world's most vulnerable people.

The overwhelming evidence from experts and the community was that this bill cannot pass, must not pass. Who does this minister think he is to delete the refugee convention from our law books—to say that we will delete the refugee convention from our law books and it will be he who interprets our obligations? Scott Morrison, the Minister for Immigration and Border Protection, wants this Senate to give him the power to dictate who is a refugee and who is not—unfettered, unchecked and not able to be appealed.

Australia is obliged to provide protection to those who arrive on our shores. We are obliged to do that under international law, but we are actually required to do it as part of being a good global citizen—as a nation that stands for fairness, as a nation and that cares about the rule of law, as a nation who proudly drafted the refugee convention 60 years ago because we did not want to see vulnerable people turned away and deported back to danger. And here we have a bill that in the midst of the political heat of the refugee issue here in Australia we have the Abbott government wanting to undermine and delete those very values from our law books.

There are some ways forward in how we manage the needs of refugees and asylum seekers in this country. There are 30,000 people who need their claims assessed. Get on and assess them, find out whether they do need protection or not. If they do, we resettle them and we let them get on with our lives—we get them into the workforce, we get the students and the children into school, we allow families to rebuild here in Australia and contribute to our local communities. If they are not refugees, finish their application process and send them home. But give people who do need assistance a fair go—and that means a genuine pathway to permanency.

The SHEV visa that has been spoken about and was part of the Palmer United Party's deal on this piece of legislation is not what is before us today. There is no detail about how the safe haven enterprise visa would work. Why would that be? It is because the minister has no intention of following through on his obligations. If he did it would be in the legislation or there would be substantial amendments that would have been circulated and talked through in this place. But we see none of that from the government. This is, 'My way or the highway,' according to the immigration minister and the Prime Minister, Tony Abbott.

There is nothing in this piece of legislation that upholds the original deal between the Palmer United Party and Scott Morrison. In addition to that, they have stapled on six other schedules

in this piece of legislation that fundamentally undermine the spirit of that arrangement in the first place: more people will be in detention, children born here in Australia sent off to the detention camps on Nauru, deleting the refugee convention, handing ultimate power to the minister to make a decision as to who he thinks deserves his tick of approval and who does not. We know the track record of this minister on these issues and he doesn't give two hoots about the humanitarian needs of those who have come to our shores. Why do we know that? Because we see that he is keeping children locked in appalling conditions every day. Every day those children remain in detention they are damaged further. Mr Morrison keeps them there locked up.

The Australian Greens agree with the majority submitters to the inquiry into this bill that this is a radical deviation from Australia's longstanding commitment to international law and human rights. If this bill passes, it will seriously endanger the lives of many thousands of asylum seekers. The Greens strongly recommend that this bill be rejected by this place today. There would need to be substantial amendments made to this bill if it were to proceed. Six of the seven schedules would need to be deleted and the remaining schedule would need to have a genuine pathway to permanency, so that if people are found to be refugees—after all this time they have spent in detention, all this time they have been left dumped in the community—they should be able to stay, work, pay their taxes and send their kids to school. It is simply asking for a fair go and for people to be treated with dignity and respect. As this bill stands none of that is in here. I strongly urge this place to vote it down at the second reading.