Lund University

Department of Sociology

BIDS (Bachelor of Science Program in International Development Studies)

Framing migration – analysis of two policies implemented by the Australian Government

Author: Behnam Nofar

Abstract

The migration debate is discussed globally in today's society, and countries have chosen to deal with placement of migration in different ways. Australia has demonstrated a unique way of handling migrants through their two policies. One of them places and processes migrants on the islands of Manus and Nauru in the last decade instead of conducting this vetting process on their own soil. This offshore detention center policy was initiated under the Pacific Solution legislation in 2001 and it has been active ever since in similar forms. Simultaneously, Australia has implemented a STEM migration policy to attract highly skilled migrants.

The purpose of this qualitative case study is to research how the two policies - Pacific Solution legislation and STEM migration Act, that seem to have seemingly paradoxical purposes, are being framed. It is the alignment and misalignment of the framing of migration, migrants and the migration effects for Australia through these two policies that are the main focus of the thesis.

The thesis will utilize different theories and concepts such as Campbell's (2002) social movements theory and framing put forth by Dobbin et al. (2007) and Beland (2005). I will also apply the concept of brain gain and Bandura's (1999) theory of moral disengagement to explain framing of the policies.

The main findings of the thesis are that both policies align in their purpose of managing migration, however their main misalignment is in the way they define migration, migrants and migration effects for Australia.

Table of Contents

List of Abbrevations

DIPB-Department of Immigration and Border Protection

ICT - Information and Communications Technology

IELTS - International English Language Testing System

IMA - Irregular Maritime Arrival

NGO - Non-Governmental Organisation

OECD - Organisation for Economic Co-operation and Development

PNG – Papua New Guinea

STEM - Science, Technology, Engineering and Mathematics

TSS - Temporary Skill Shortage

1. Introduction

Migration is a very important contemporary topic in today's global world, influenced by the Syrian civil war that has been ongoing since 2011 which has led to millions of individuals being on the move and displaced from their home country. Some would argue that the topic of migration is so important that elections are won and lost on it, the latest examples, which could be attributed to the framing of migration are the US election outcomes and Brexit. These two examples showed how important framing of migration is since in those cases migrants were portrayed in a negative way and blamed for some of the issues in the countries, which led to a substantial number of citizens in those countries placing their vote on the ones utilizing that narrative. Therefore, I have chosen to study migration through two specific policies that are being implemented by the Australian Government, which arguably has a unique framing of migration as well. Specifically, there will be a multilevel framing conducted where the framing of migration, migrants and the migration effects for Australia through these two policies are being implemented.

The two policies I have chosen are the Pacific Solution policy and the STEM migration Act since they are very influential in the migration policy making in Australia, however they have seemingly paradoxical purposes to each other. The Pacific Solution is the offshore detention center policy that places migrants that come by boat on the islands of Nauru and Manus in Papua New Guinea, while the STEM migration Act consists of the laws that aim at recruiting highly skilled migrants to apply for visas in Australia.

One of the reasons why Australia constitutes a unique example of migration is due to it being the only country in the world that has a closed and indefinite detention for asylum seeking children trying to enter Australia (Triggs, 2014). I have selected Australia in particular since one could argue that it is the most extreme case since they implement a physical displacement of the migrants by placing them on two foreign islands and not on their own soil. It is a unique way of handling migrants which cannot be found in any other country, even though you can come across similar cases in UK and Italy (Warbrooke, 2014:341). Meanwhile, they also implement STEM migration programme that provides the opportunity of visa in Australia for highly skilled individuals.

The reasoning behind choosing the islands of Nauru and Manus as case studies was due to the fact of them being the most well-known detention centres among the ones that are affected by

Australia's migration policies. These reasons indirectly lead me to believe that those are the ones I can gather most relevant data from.

I will be using the terms asylum seekers, refugees and migrants interchangeably throughout the paper since they are the most common term used by the Australian Government when speaking about this issue. Asylum seekers who are relocated to the islands of Manus and Nauru are there mainly to be detained and processed to determine if they are eligible to receive refugee status.

The timeframe of this research is from when the policies were implemented until now since I want to research if and how the policies have been framed and changed throughout the years.

The introduction would be further outlined with the purpose and aims of the thesis. I would then introduce the reader to the research questions and the contribution of the thesis. Lastly, the disposition of the thesis will be presented.

1.1 Purpose and Aims

My purpose with this thesis is to examine how the two policies - Pacific Solution legislation and STEM migration Act, that seem to have seemingly paradoxical purposes, are being framed. It is the framing of migration, migrants and the migration effects for Australia through these two policies that are the main focus of the thesis. In theory, these policy approaches seem to have opposite functions, however they have managed to coexist and serve the singular purpose to regulate migration.

The reasoning behind choosing these particular policies rests on them being the most influential and well-known laws that have affected the migration debate in Australia. There have been other migration policies after these ones however I deem these particular legislations to have paved the way for current laws. The theories I will be using are also very applicable for explaining these two policies.

The factors that influenced the choice of this particular topic are connected to it being a fairly new issue, which has justifiably resulted in a lack of research to my knowledge on this interesting topic. Eva Orner, the producer of "Chasing Asylum", brought up this issue on a more mainstream media platform by explaining how the Australian Government has implemented a policy of secrecy when it comes to these offshore detention facilities. (SBS2Australia, 2016).

The previously mentioned film director Eva Orner focusing on the topic of offshore detention centres, who served as an inspiration for this thesis tells in an interview how her aim is to educate the Australian public and politicians through her documentary. Even though that is not the aim of this study, it is most certainly part of the purpose of why I am conducting this study. It is to inform the readers about a recently exposed issue which could hopefully broaden peoples´ view, while also portraying how Australia utilizes a unique approach to managing migration (TVO, 2016).

1.2 Research Questions

The research question (RQ) of the thesis is:

How is migration framed across two different policies in Australia?

And the sub-question, which would further assist me in answering my RQ is:

How do STEM migration policy and Pacific Solution legislation align and misalign in terms of framing of migration, migrants, and migrant effects for Australia?

For a clear understanding of the research question, by alignment I mean in what ways do the policies have similarities and by misalignment - where the policies differ.

1.3 Contribution

The main theoretical contribution of the study is to help fill a knowledge gap in existing research that was discovered during the data collection. Furthermore, contribute to the field of migration by presenting the first comparative analysis of the two policies mentioned above, and the effects they have on the migration flow and the narrative about migrants in the public sphere. This have been achieved by providing extensive amounts of gathered and analysed data regarding the two approaches, which could later be used in order to further examine the issue and even compare it to various additional policies in other country cases.

Even though the thesis will not be able to completely fill this gap, it is going to help in the initial stages specifically by increasing the knowledge in the case of Australia. More importantly it could generate interest among other academics and provide them with the initial data collection that they would need. Thus, the contribution is mainly of a supportive nature for further development of the topic.

1.4 Disposition of the thesis

The following chapters of the thesis would start with the review of the existing research about the topic, highlighting what are the most relevant and used sources of information. In chapter 3 the theoretical grounding of the thesis would be provided. This would be followed by the methodology of the thesis. The methodology chapter would include the research design, the data collection, and the source bias of the thesis. The purpose of the 5th chapter is to familiarize the reader with the history of the two policies. The analysis of the thesis is the following chapter. The findings of the thesis together with some concluding words would be presented in the ending discussion chapter. The thesis would end with the chapters discussing the limitations and the future research for the thesis.

2. Existing research

The current research on this particular topic is limited, however there are policy documents, reports and articles that present the readers with in-depth knowledge and the history of the policies since their implementation (Philips, 2012). To my knowledge there has not been a comparative study where the framing of STEM migration legislation and Pacific Solution policy has been researched, while also comparing them to understand where the policies align and misalign. There has also not been any research on multilevel framing conducted on the two legislations that were previously mentioned.

The previous research consists of different policy documents either in the form of government reports or non-governmental organisations (NGOs) reports. There are articles as well that bring up the situation of the offshore detention centres, however they focus mainly on the conditions there and not so much on the policies themselves. Therefore, they are not relevant to the research question of the thesis.

2.1 Policy documents and reports

The most relevant research available now in regards to this topic is policy documents from the Australian Government. It is important to take into consideration that the reports and research that comes directly from the Australian Government or their government employees can be somewhat biased to benefit the Australian Government, since the employee are not usually inclined to take the whistleblower approach. Therefore, they would not jeopardize the image the Australian Government has and give them a negative reputation. They would be more

inclined to benefit the Australian Government's agenda and back up their government and their employees' legislation. This reasoning is further supported by the fact that there is a law called the Border Force Act that was implemented in 2015 which prevents whistleblowers from speaking out, therefore the repercussion for government employees might also have an impact on the lack of knowledge about this topic (Australian Government, 2016: 42).

Another example of present study that is relevant to utilize is the report from Australian Human Rights Commission considering that it highlights relevant information that is applicable for my thesis. The commission is an active participant working with migration on a regular basis, thus providing us with more in-depth information about the legislations and their possible effects on the asylum seekers that are settled in the offshore detention facilities. Their expertise regarding this field of research makes then a credible and factually accurate source of information (Triggs, 2014).

2.2 Articles

Most of the policy documents and the reports were regarding the Pacific Solution legislation, however due to a lack of similar resources about the STEM migration, additional resources had to be utilized. The lack of resources arises from the fact that this is still an active topic, due to the frequent policy changes throughout different government administrations. This results in a struggle from the researchers and experts to be up to date, to accumulate and present all the relevant information in the form of academic papers. In this case, I looked at several articles, some of them being from relevant journals or from various websites. The journal articles were from prominent authors in the field of migration and published in reliable journals. The websites had used government sources as a reference for their articles, thus making them as authentic and factual as they can be regarding the issue.

2.3 Documentary and video interviews

Current research such as video interviews with the director of "Chasing Asylum" Eva Orner and the documentary itself can be utilized as primary sources and are therefore very applicable to use. This is due to the fact that their content is related to different parts of the thesis and can be used in order to support the additional relevant information that was gathered for the purposes of the thesis. In one of her interviews, Eva Orner talks about the barriers that she needed to overcome in order to gather the footage from those facilities. Most of them consisted of hidden footage that she got exclusively for her documentary on the topic.

The difficulties that she experienced are applicable to the amounts of relevant information I can gather, which mean that in different sections throughout the thesis I would in some ways use her words from interviews and her documentary in order to emphasise my findings, especially considering the Border Force Act legislation (SBS2Australia, 2016). I have for example transcribed during my research process and quoted some of her interviews in my thesis when I have found it applicable and relevant in connection to my research question.

3. Theoretical grounding

In this section I will be arguing for the choice of these particular theories and concepts that I have been utilizing during my research process to answer the research questions of the thesis. For the purposes of this thesis, theories would be used only when applicable, because the topic is still relatively new and not many relevant theories have been designed for it. How policies are being framed in relation to the theories is relevant, however I am emphasizing the theoretical concepts such as brain gain more than individual theories. This is due to one specific theory not being able to entirely explain the particular policies I have chosen. Migration theories have been used sparsely since my study does not bring up the reasoning behind why individuals migrate (push and pull factors) or what the consequences of them migrating for the sending and receiving country are, which leads to many of those theories not being relevant for this particular thesis. Therefore, I have to use several concepts and theories to explain the multilevel framing of these policies and to analyse the alignment and misalignment among them.

I am using primarily Campbell's (2002), Beland's (2005) and Dobbin's et al. (2007) ideas about framing when discussing both these policies since their ideas are relevant for both legislations. Hunger's (2002) concept of brain gain will also be discussed in relation to STEM migration, while Bandura's (1999) theory of moral disengagement is being partially used specifically in connection to the Pacific Solution to explain a possible justification and framing for implementing the law. These theories and concepts would be further explained in the next section of the thesis.

The theories and concepts have been selected based on the fact that they resonate with explaining how these legislations were implemented and what are the differences and similarities between them.

3.1 Framing – Campbell's, Beland's and Dobbin's et al. ideas

Campbell (2002) sheds light on how some researchers that utilize concepts deriving from social movements theory are focusing on explaining how legislation is framed by policy makers in a way that makes them politically acceptable. Framing in this case means normative and in some instances cognitive ideas that are very prominent in the policy debates. Political elites have been constructing in a strategic way policy framing that legitimizes their policy implementations for the public while also making their policy programs validated in the Government (Campbell, 2002:26).

Campbell (2002) further argues that in the political science and political sociology world the advanced capitalist societies (such as Australia) have been focused on their self-interest which has affected countries' politics and policy implementations. The previous notion of ideas being the ones affecting legislation making has been argued to not matter as much (Campbell, 2002:26). Beland's (2005) understanding of framing is similar and supports Campbell's narrative by stating how: "The framing process is indeed a strategic and deliberate activity aimed at generating public support for specific policy ideas." (Beland, 2005:11). He further develops his thoughts by mentioning how ideological frames are present when politicians or their advisors make public statements, which can occur through televised speeches, press releases and slogans that serve the purpose of creating public support for legislation drafts (Beland, 2005:11).

Dobbin et al. (2007) argue that there are three influential methods that contribute to policy methods being socially accepted. One of them is that countries in a leading position pave the way for other countries to follow. The second approach is to give expert groups the opportunity to have theoretical discussions about possible effects deriving from a new legislation and through that convince policy makers to support the policy. Another option would be to let specialists put forward arguments that concern the applicability of the legislation and deeming it as suitable under certain situations (Dobbin et al., 2007, 452).

3.2 Theory of Moral Disengagement

The theory of moral disengagement explains that the only way for a person to commit actions that are considered to be harmful to someone else is for that person to be able to morally support those acts. These harmful actions are believed by the individual committing it to be serving a socially worthy or moral purpose, which during this process of moral justification

makes it both socially and personally acceptable for the individual committing the harm. The author argues how "people then can act on moral imperative and preserve their view of themselves as moral agents while inflicting harm on others" (Bandura, 1999:194).

This theory can possible be used in order to explain how the Australian legislators and the employees of those centres justify their actions and behaviours by saying that they are thinking for the greater good of the country. The Australian Government is doing this by not allowing migrants to enter their country, but instead placing them in one of the offshore centres. The moral disengagement theory is possible helping them to control the discussions about migration, while in addition to that implementing a "policy of secrecy" as mentioned by Eva Orner. The policy implementers are able to do that by separating their actions and the consequences that they would have on the physical and psychological state of the migrants. (SBS2Australia, 2016) Maybe this theory would not be so successful in helping them justify their actions as long as they have more publicly accessible information (like videos or photos) about the actual individuals that are living in those facilities. This is due to the fact that they are going to be able to see the asylum seekers more as people, by getting to know their stories, and not just as statistics or possible threats (Karp, 2016).

3.3 Brain gain

The concept of brain gain occurs when highly educated and skilled individuals migrate from a developing country to a developed one, which leads to them becoming a possible asset on a socioeconomic basis for the receiving state (Hunger, 2002:1). This further explains the STEM policy that the Australian Government implements to acquire brain gain to their country.

Brain gain can also be seen as something negative for the receiving country which is further motivated by some Malthusian economist and demographers who claim that there will be migrants using up more resources, land and capital which is meant to be for the natives of the country (Brettell and Hollifield, 2008:186).

4. Methodology

4.1 Research Design

I have chosen to conduct a qualitative study, specifically the case study method since I will be researching the Australian Government's two policies that have been a part of framing the

migration debate and the narrative on migrants in two contradictory ways. Bennet and Elman (2007) argue that qualitative methods such as ones that do a detailed research on one or several cases enables the possibility of having concepts that are more various and detailed. The researcher David Collier further argued how important it is to have "researchers who are experts at extracting new ideas at close range." (Bennet and Elman. 2007:178). He further discussed how these types of researchers take theory into much consideration when analysing the cases closely, which results in them understanding the general context in the particular case. One has to take into account that Collier was referring to country studies when mentioning this, however one could argue that his claims are relatable for detailed case studies that utilize data gathering approaches such as archival research (Bennet and Elman. 2007:178).

Moreover, Arend Lijphart (1971) argues that the benefits of conducting a case study are that you can go into depth about a case or cases and examine it thoroughly even though the research that is currently available can be somewhat limited. Lijphart further argues how "a single case can constitute neither the basis for a valid generalization nor the ground for disproving an established generalization" (Ljiphart, 1971: 691). The case study approach is suitable due to the fact that I am interested in Australia's case more than the theories explaining migration.

The reasoning behind choosing a single case study is that these two migration policies implemented by the Australian Government are very interesting by themselves so I did not feel the need to try and find another country that has similar migration policies like Australia. Even though it is a single case study, I will be using as examples the two remote islands Nauru and Manus since that is where the detention centres are located and the two islands have similar socioeconomic background. The detention centres in Manus and Nauru are similar in regards of their poor conditions so I did not find it relevant to have comparative approach where I compare them with each other (Al Jazeera, 2016). It is the policies of Australia that are the main interest and focus of this research.

Moreover, my study will be an atheoretical/configurative idiographic case study since it will not contribute or add directly to theory, however it will offer extensive explanations that have the possibility to be used for theory building in future studies, as was already mentioned in the contribution section of the thesis (George and Bennet, 2004).

Due to time and budget constraints there will not be any field studies in the form of interviews and field visits even though it would be an interesting method to conduct in the future. It would have been an approach where you could gather more data other than archive research and documentary collection. I will further on in the paper mention how these possible future interviews and field visits would pan out.

4.2 Data collection

Taking into consideration my research position and understanding of the topic and due to the time constrains, this thesis contains documentary data and secondary sources in the form of research reports from institutions, articles, government papers, books, evaluation reports and conference papers (Holmén, 2010: xi). While reviewing my sources the main aim for me was to find common trends which would lead me to understand the co-existing nature of the policies. Thus, in the end would assist me in trying to understand the multilevel framing of the policies.

After I found the needed information I started analysing the data and aimed to find relevant theories that might explain my findings and further support them. Some of the government papers explaining the two different policies have been thoroughly analysed and researched to see how it can be interpreted and what its implications are (Australian Government: 2016).

In order to get to know the topic better I watched the documentary "Chasing Asylum" directed by Eva Orner and several of her interviews. Other forms of videos such as longer news segments that brought up the situation in the offshore detention facilities and expanded my knowledge in regards to the topic of migration policies. They were used as a form of primary sources and relevant to transcribe to some extent.

4.3 Source bias

Green (2016) has argued that all sources are biased to an extent and the question of how and what are the indications for those biases has to be taken into consideration. One's own biases are important to consider, for example in my case after viewing the previously mentioned documentary by Eva Orner I have a strong pre-understanding of the topic. Due to the critical portrayment of the offshore detention policy implemented by the Australian Government in the documentary, one's feelings and opinions must be taken into consideration. Even though my understanding of the situation has been influenced by the documentary the fact that I am

aware of that would help me keep my judgement as unbiased as possible. I would ensure that by emphasizing the empirical and scientific facts while putting aside my opinions and feelings. Moreover, I would try to use it as an advantage, as I already have seen one side of the spectrum and could therefore further broaden my knowledge of the issue (Bryman, 2012:39).

5. History of migration policies

5.1 Pacific Solution

The Pacific Solution was implemented in 2001 and was utilized as a tool for dealing with the growing arrivals of asylum seekers coming by boat. It was the prime minister Johan Haward and his Government that drove forward this legislation, which explained how asylum seekers that were travelling on unlawful or irregular maritime arrival (IMA) – vessels, meaning boats would be caught by the Australian navy and placed on the offshore detention centres on Nauru and Manus Island in Papua New Guinea (Philips, 2012).

There were three key legislations that the Pacific Solution law was built upon. One of them was the "Border Protection Act" that was passed in the parliament together with the other two legislations. The Border Protection Act stated that it would be "preventing the commencement or continuance of any civil or criminal proceeding challenging actions covered by the legislation" (Pennington-Hill, 2014:593). Meaning that the actions made on behalf of Australian Government regarding border control at sea cannot be challenged or prosecuted in trials. The Act did also enforce new border protection powers in the form of sanctioning and allowing officers to resettle individuals on board detained IMA vessels from Australia. Lastly the legislation also brought up how the "exercise of any executive powers of the Commonwealth to protect Australia's borders" was not stopped by the law (Pennington-Hill, 2014:593). Commonwealth is the collection of developed and developing countries spread over every continent and ocean in the world (The Commonwealth, 2017).

The other legislation that supported the Pacific Solution was the "The Migration Amendment (Excision from Migration Zone) Act", which presented a newly constructed concept of asylum seeker, place and removed offshore location. The legislation mandates the prime minister with the power to assess and decide which areas of Australia's offshore land is not included in the "migration zone". By implementing this, the Government can prohibit asylum

seekers from travelling to and utilizing those territories as a way to claim asylum. Examples of this are the Ashmore, Christmas, Cartier and Cocos (Keeling) Islands that are part of Australia's regions but not a part of their migration zone. If asylum seekers arrived through illegal pathways, they were given the label "offshore entry persons" and were not considered to have arrived in Australia's migration zone. This indirectly lead to them not being able to make legitimate visa applications to Australia, counting Protection Visas. The only way for that happening is that the prime minister changes the process of these types of visa applications. The visa disallowances also meant that asylum seekers could not appeal for other rights since the prime minister's decision could not be overruled. Pennington-Hill (2014) argues that the outcomes of this Act are the "[….] complete denial of access to refugee tribunals, appeal procedures, and legal representation-in short, to the refugee protection system of Australia." (Pennington-Hill, 2014:594).

The third legislation to help sustain the Pacific Solution was "The Migration Amendment (Excision from Migration Zone) (Cosequential Provisions Act)" which makes it possible for Australian Government officials to detain offshore entry person in Australia or displace them, with "legitimate" force if required, to one of the previously mentioned countries or locations. According to Pennington-Hill (2014), the Australian prime minister has the mandate to state that a particular country:

"(i) provides access, for persons seeking asylum, to effective procedures for assessing their need for protection; and

(ii) provides protection for persons seeking asylum, pending determination of their refugee status; and

(iii) provides protection to persons who are given refugee status, pending their voluntary repatriation to their country of origin or resettlement in another country; and

(iv) meets relevant human rights standards in providing that protection."

(Pennington-Hill, 2014: 594-595).

The declared countries that have been mentioned are Nauru and Papua New Guinea since the Australian Government came to an agreement with them to take in asylum seekers. The previously mentioned Act also expanded the Temporary Protection Visas from 1999 by newly establishing two visa classes, one for offshore entry persons and another for asylum seekers who were stopped when travelling to Australia (Pennington-Hill, 2014:595).

Important to take into consideration is that this policy was later taken away in 2008 but was brought back by the former prime minister Julia Gillard and her labor Government in August of 2012 (Pennington-Hill, 2014:585). It was a similar policy like the one implemented by the

Howard Government since it stated how asylum seekers travelling by boat were going to be placed and processed in the offshore detention facilities in Nauru and Manus Island. Approximately a year later in July 2013 this policy was updated by at that time the new prime minister Kevin Rudd and his Labor Party. The updated version of the legislation mentioned how all asylum seekers who came to Australia by boat and were found to be qualified for a refugee status would be placed in Nauru or Papua New Guinea (PNG). For those who did not get granted refugee status and were not able to find other settlement alternatives outside of Australia would also have to stay in these two detention centres. This new policy model was called "Regional Resettlement Arrangements" and it also indicated that there is a maximum number of asylum seekers that can be sent to these facilities. Then there was another national election on September 2013 which resulted in the previous prime minister Tony Abbott's and his Coalition Government to be elected. They were also in favour of the policy and by January 2014 there were already 867 asylum seekers in the Nauru detention centre and 1,259 on Manus Island, while in meantime there were 2,017 on Australia's Christmas Island that were in the waiting line to be transferred to one of the previously mentioned islands. The policy developed from being a short-term solution for detention and processing to a long-term displacement and vetting process. There was also a new narrative of not permitting any asylum seekers that were in these two detention facilities to enter Australia, which was different from the previous Pacific Solution policy that had led to over 70 % of them being resettled in Australia (Warbrooke, 2014).

Lohana et al. (2016) claims that the offshore processing policy was strategically framed in a way to intimidate asylum seekers from trying to enter the country by boat (Lohana et al. 2016:177). The asylum seekers that got detained were granted Special Purpose Visas by Manus and PNG since they were not under the law of Australian Government or the previously mentioned islands. The visas were meant to ease the asylum seekers stay during the time of their vetting, resettlement or possible return (Philips, 2012).

One of the significant issues with the detention centres was the long duration of processing for each asylum seekers. The vetting process consisted of evaluating the asylum seekers health, verifying their identity, and assessing their arguments for being granted refugee status. Lohana et al. (2016) therefore argues that this proves policymakers had the intention to depict this issue to the public and media with the message that they will not give residency to asylum seekers who possibly can become a burden on the welfare system of Australia, while they

would be also using resources that deem to become scarce for the Australian population (Lohana et al. 2016:177).

He further argues that the basic reasoning behind processing asylum seekers in a third world region is to place the burden on them since they have to give protection to the asylum seekers. Lohana et al. (2016) references Moodley when mentioning how the Australian Government breaks the 1951 United Nations Refugee Convention and its 1967 protocol which they have approved since they do not allow migrants coming by boat. The long process of vetting on these detention facilities led to psychological issues for the migrants, while the centres were also affected by water shortage, electricity issues and lack of sanitation that resulted in some of the asylum seekers getting malaria. These circumstances were more detrimental for women and children which also caused individuals to self-harm and hunger strike (Lohana et al. 2016:178). There has also been criticism from refugee advocacy groups and human rights organizations that have stated the Pacific Solution legislation is "contrary to the spirit and the letter of international law, is inhumane, is largely ineffective in reducing/containing the number of unauthorised arrivals and ...economically very costly."(Pennington-Hill, 2014:586).

5.2 STEM migration

Since the 1970s Australia has implemented migration programmes that select individuals on the basis of skills. These types of migration programmes are not unique for Australia, many other OECD countries such as New Zealand, Canada, US, UK, Germany etc. implement similar initiatives (Hawthorne, 2014:5). The skilled migration to Australia can be classified as a so called "hybrid system" since it is either in the form of permanent or temporary stay. In the past, the individuals applying on a skilled migration basis were chosen due to their qualities and skills set while there was no need to acquire a job offer before being granted permanent residence. The process of selection utilises a points test that the Government provides and this method is called "supply-driven" migration (Cully: 2011:4).

Legislation in Australia has been reformed to be compatible with a "demand-driven" migration which indicates the previously mentioned hybrid and this has been done since the mid-1990s. There are two options for this system, one of them is to emphasise the request among employers for certain skills set by giving candidates certain advantages in relation to the points test. The other alternative would be to grant employers after they have meet certain

requirements the opportunity to choose migrants themselves, by using employer sponsorships for either temporary or permanent stay in the country (Cully, 2011:4).

The skilled migration that occurs on temporary basis is fully demand-driven. Which leads to employers who have some difficulties finding someone for the vacant skilled position in their company to sponsor a migrant by passing the sponsorship commitments and paying for their wage. According to Cully (2011) there is no limit to how many visas can be given out to skilled migrant workers. There are many cases of skilled migrants on temporary basis being granted permanent residence through the most common option which is that their boss sponsors them for a permanent stay. Between 2010-2011 there was almost twice as much skilled migrants (66,900) to be accepted through the demand-driven way compared to the supply-driven pathway (34,900) and that counts for both permanent and temporary stays (Cully, 2011:4).

The Australian Government have implemented a STEM policy approach as a way to attract migrants with high level of education and experience in STEM (Science, Technology, Engineering, Maths) and ICT (Information and Communications Technology). The Government chooses which migrants should be granted visa through a points test system that is similar to the system they have in Canada. This indicates that if a student with foreign background that is searching for a doctorate or a master's degree in the previously mentioned subjects at a university in Australia and has the intention to stay and work in Australia after finishing their studies, may be eligible to receive extra points when trying to apply for a skilled worker visa (Acharya, 2016).

There have been important changes to this policy recently which has resulted in graduates on a doctorate level and masters from a science, technology, engineering and mathematics (STEM) and ICT subject from an Australian university to be able to receive five additional points. This change will make it easier for students with the previous mentioned background to receive permanent residence according to a spokesperson from the Department of Immigration and Border Protection (DIBP) (Acharya, 2016).

Examples of degrees that students may gain extra points for are:

"biological sciences, earth sciences, chemical sciences, mathematics, physics and astronomy, computer science, information technology, aerospace engineering and technology, civil engineering, geomatic engineering, electrical engineering and technology, manufacturing engineering, maritime engineering and process and resources engineering." (Acharya, 2016).

The National Innovation and Science Agenda is a part of this amendment which is aiming to attract entrepreneurship and skilled migrants with ICT and STEM skills to Australia (Acharya, 2016).

The current situation of skilled migration in Australia rests much on the change that the current government of prime minister Malcolm Turnbull implemented on the 18th of April 2017. A new visa called Temporary Skill Shortage (TSS) visa will in March of 2018 replace the current Temporary Work (skilled) visa (subclass 457 visa). The newly introduced visa will implement the new "Australians first" method in relation to skilled migration in the form of two temporary skills shortage visas. These visas will require stricter labour market testing, harsher English language exams (IELTS), mandatory police assessments and a minimum of two years of working experience (MARA, 2017).

It is important to present the statements that were made by the Australian prime minister Malcolm Turnbull in relation to this visa announcement:

"We are putting jobs first, we are putting Australians first,"

"We are an immigration nation, but the fact remains that Australian workers must have priority for Australian jobs."

"Australian workers must have priority for Australian jobs, so we are abolishing the 457 visa, the visa that brings temporary foreign workers into our country. We will no longer allow 457 visas to be passports to jobs that could and should go to Australians."

(Turnbull cited in MARA, 2017)

6. Analysis: Multilevel Framing

In order to conduct the alignment and misalignment between the framing of these two policies, I have implemented a multilevel framing approach were I analyse how the two policies are being framed in relation to migration, migrants and migration effects for Australia.

6.1 Problem/opportunity diagnosis: How is migration being framed across the two policies?

One could argue after researching this topic that the framing of these two policies mostly misalign, however their notion of implementing a method for managing migration is an area

of solid alignment. The previously mentioned migration policies coexist considering that they have the same purpose of regulating migration.

Migration is perceived and framed as something that needs to be regulated when analysing the two paradoxical policies. Migration is through these policies being carefully managed with targeted groups that receive different types of rights: Pacific Solution targets the boat migrants that are seen as a burden on the Australian society and therefore not welcome, while STEM migration targets highly skilled migrants and welcomes them to the country as additional labour force.

"If you come to Australia illegally by boat, there is no way you will ever make Australia your home" (Laughland, 2014). These are the words of Commander of the Operation Sovereign Borders Angus Campbell, which is important to mention especially in regards to the framing of Pacific Solution Act since it clearly states how under no circumstances an asylum seeker who travels by boat without a visa can enter the country. He also mentions in his video announcement how "the rules apply to everyone, families, children, unaccompanied children, educated and skilled, there are no exceptions" (Laughland, 2014). Meaning that even if one would be educated and skilled, they would not be allowed entrance into Australia if they arrived by boat and without visa. This indicates that the Pacific Solution policy will not be selective and discriminate by choosing to accept skilled asylum seekers, which might implicate reasons where the STEM migration serves its purpose. This narrative and framing could be explained by Dobbin et al. (2007) when mentioning how specialists (in this case Commander Angus Campbell) argue for the Pacific Solution policy by stating how the illegal pathways result in life-threatening situations for the asylum seekers and their relatives joining them. Which in a way provides the notion that the Act is helping the refugees and therefore supporting the legislation and its framing (Laughland, 2014).

On one hand, you have the Pacific Solution policy that is put into motion to lower the number of migrants that try to enter the country by boat, and on the other hand you have the skilled migration legislations with its visas that opens up borders for highly skilled migrants that can pass the requirements of the Australian Government. Both of the policies seem to therefore in theory have major opposite agendas which is a clear misalignment between them. However one could argue that both of these policies can operate without getting into conflict with one another.

Both policies seem to align in the sense of public and government support since both of them have been active for several years, which would not be the case if the public and the people elected politicians were not in favour of the legislation.

6.2 How are the migrants being framed?

One example of controlling the narrative is when the immigration minister of Australia Peter Dutton said how many migrants are illiterate and innumerate even in their own languages and this controversial statement can influence some of the viewers, especially when it is an important political figure such as the immigration minister who mentions these words. He also further discusses how refugees would be taking Australian jobs, increase the number of unemployed and utilize the countries health care, which indicates how recent administration has viewed migrants as a burden on the economy, labour and health care (Karp, 2016). Beland's (2005) ideas concerning this statement are relevant to mention since it claims how ideological frames are present when politicians such as Peter Dutton make public statements to create public support for policy implementations. One could argue that this strategic use of narrative by the immigration minister serves the purpose of influencing the framing of migrants and therefore justifying the construction of the policies. This statement clearly misaligns with STEM migration since it considers refugees to be low-skilled and uneducated. There might be a possibility of Peter Dutton not taking into account the STEM migration policy when choosing his words, and indicating migrants that come by boat since that is the narrative often being pushed in Australian media (Beland, 2005:11). This media influence is further argued by Lohana et al. (2016) which was previously mentione. One could argue that the Pacific Solution has overshadowed the STEM migration since it is usually negative topics in the media that are portrayed, which in this case are conditions at the islands, that are indirectly a possible effect of the offshore migration policies.

One instance where we can see that the policies find common grounds is that none of the policies are banning individuals from certain countries to be able to enter the country. It is not a question about ethnicity or country of origin when the Australian Government has implemented these policies, its more a question about the skill set of the migrants and what they can bring to the Australian society in a labour and work experience context.

There is misalignment between the two policies since one of them wants asylum seekers who are highly skilled to apply for visas, be processed and enter Australia while the other policy

wants to keep asylum seekers with unknown educational and career background away from the Australian soil.

6.3 How are the migration effects for Australia being framed in the two policies?

The STEM migration legislation could be linked to Campbell's (2002) idea of advanced capitalist societies putting much emphasis on their self-interest when implementing policies. One could argue Australia is implementing policies that are in their own self-interest rather than the global world when allowing high skilled migrants into their labour force, while making it more difficult for low-skilled migrants to enter. In one context, the migrants that are highly skilled are seen as an opportunity and a benefit for the country, while in another context the migrants arriving by boat are considered to be an economic and social burden on the Australian society. In STEM migration's case, it is Hunger's (2002) previously mentioned concept of brain gain which indicates how migrants are considered to provide capital to the Australian economy while also giving certain expertise needed in the Australian labour force (Hunger, 2002:1).

One of the alignments that is present when analysing these two policies are that both of them are trying to prevent low skilled migrants to enter the country. Considering that the highly skilled migrants have the opportunity to enter Australia legally when applying for skilled worker visa, while on the other hand you have low-skilled migrants that do not have much legal options when travelling to Australia, and therefore they have to opt for illegal pathways such as human smuggling by boat. This is further argued by Brettell and Hollifield (2007) who put forward the argument that if the uneducated and most impoverished individuals that have low levels of human and social capital migrate, then those can be seen as threats for the receiving states. On the other hand, one can make the claim that migrants should not be seen as threats for the receiving country since they provide human capital and entrepreneurial skills (Brettell and Hollifield, 2007:186).

The previously mentioned prime minister Malcolm Turnbull makes however a clear statement of Australian workers being prioritised for jobs, which can be connected to Brettell and Hollifields (2007) ideas of brain gain not always being considered positive. There might be a possibility that the STEM migrants are perceived as using the countries resources, land and wealth which is for the country's natives (Brettell and Hollifield, 2007:186).

7. Ending Discussion

To sum up, the purpose of this thesis was to examine the two migration policies in Australia, specifically the Pacific Solution legislation and the STEM migration Act. In order to do that I looked at the way they misalign and align through their framing of migration, migrants and the migration effects for Australia.

My purpose helped me in designing my research question, which is: "*How is migration framed across two different policies in Australia?*" In order to be able to answer that question I used an assisting sub-question: "*How do STEM migration policy and Pacific Solution legislation align and misalign in terms of framing of migration, migrants, and migrants effects for Australia?*"

To answer both questions a qualitative case study approach was used which resulted in the gathering of extensive amount of data. The data was collected mainly from government reports and documents, different relevant journal articles, documentaries and videos.

The main finding that could be outlined is that even though people might believe that the two policies mostly misalign in their framings this is not always the case. They do misalign frequently in their view of migrants, since the STEM migration sees them as an asset, while the Pacific Solution legislation views them more as a threat and someone that would use their limited resources. The aspect where they align is in their notion of implementing a way to manage migration. This is what makes it possible for them to coexist together – their common purpose of regulating migration.

It is important to notify that there are stated plans of closing the detention facility on Manus Island, however it is still relevant to present the island since through history it has been heavily affected by the Pacific Solution policy (Domonoske, 2016; Davidson and Doherty, 2017). The future of these policies seems to be sustainable even though the previously mentioned island is closing its facility. Australia is now making agreements to resettle asylum seekers in Cambodia so the method of offshore detention legislations does not seem to be going anywhere soon in relation to Australian policymaking (Doherty, 2016).

Implications of policy framing could potentially lead to additional categorisation and selectiveness of migrants. This phenomenon of migrant selection (in relation to STEM migration) is not just occurring in Australia, but also in most OECD countries such as Canada, US, United Kingdom and EU countries with their blue card, which is similar to the US green card (EU-BlueCard, 2017). And with the growing fear of terrorist attacks in the world, some

states might follow US lead and impose a travel ban for certain ethnicities as a way to deal with it.

8. Limitations

The biggest limitation of the thesis is the time that I had in order to conduct the entire research. As I had around two months due to a ten-week internship I was partaking in that was not connected to my thesis. However, I had worked with this similar topic in previous courses which helped when constructing my research questions and limit of scope.

Additional limitation that resulted from my time and budget constrains led to my inability to conduct any field work or interviews. This would have further enriched my understanding of the topic. In addition these methods of data collection would have provided me with the opportunity to not only help in the process of supporting future researchers with the data to fill the research gap.

9. Future research

Due to the previously mentioned time and resource constrains, I will not be able to conduct field studies and interviews. However I believe they are worth mentioning for future research opportunities. This is due to the fact that those methods provide a more in-depth knowledge and understanding regarding the specific issue, which in this case is the framing of migration (Easterby-Smith, Thorpe & Jackson, 2015).

The interviews and field visits would be carried out in Canberra since it is Australia's capital and in the islands of Manus and Nauru if granted access. Depending on the setting, interviewee and timeframe, the interviews would be flexible in the form of either semi-structured interviews or focus groups.

The potential interviewees would be everyone from a sample of citizens in Manus, Nauru and Canberra, asylum seekers themselves if possible and former or current detention centre workers. Other interviewees who would be of interest are politicians, Eva Orner herself, relevant journalist who have researched this topic, individuals working at Australians Human Rights Commission who have extensive knowledge about this subject and human rights lawyers.

Additional suggestion for future research would be to conduct the study in a different country. Taking into account their policies and the way they might differ from the once presented in this study. Even if the policies are somehow similar this could again illustrate the difference that the environment and the culture of the country can present to the way individuals perceive and treat migrants. One interesting example that can be used is European Union. To investigate how the member states, have to follow the same broad regulation, but still there are some differences in the manner that they interpret and utilize those legislations. Example of a law that can be in some way connected to the Australian STEM policy is the EU blue card (EU-BlueCard, 2017).

Bibliography

Acharya, Mosiqi. (2016). "International students studying STEM, ICT to get extra points for Skilled Migration to Australia". Department of Immigration and Border Protection (DIBP). Available at: <http://www.sbs.com.au/yourlanguage/hindi/en/article/2016/09/13/international-students-studying-stem-ict-get-extra-points-skilled-migration>. [Accessed 26 Apr. 2017]

Al Jazeera News And Agencies. (2016). "Nauru camp torture: Australia PM says claims are false". Available at: <http://www.aljazeera.com/news/2016/10/nauru-camp-torture-australia-pm-claims-false-161018073952565.html>. [Accessed 06 Nov. 2016]

Alexander L, George. Bennett, Andrew. (2004). "Case Studies and Theory Development in the Social Sciences". MIT Press Cambridge, Massachusetts, London, England.

Australian Government. (2016). "Australian Border Force Act 2015". Available at: <https://www.legislation.gov.au/Details/C2016C00650>. [Accessed 06 Apr. 2017]

Bandura, Albert. (1999). "Moral Disengagement in the Perpetration of Inhumanities". Stanford University.

Beland, Daniel. (2005). "Ideas and Social Policy: An Institutionalist Perspective.". Social Policy & Administration. Vol. 39 Issue 1, pp. 1-18.

Bennet, Andrew. Elman, Colin. (2007). "Case Study Methods in the International Relations Subfield". Comparative Political Studies Vol 40, Issue 2, pp. 170 – 195.

Brettell, Caroline B. & Hollifield, James F. (2008). "Migration Theory: Talking across Disciplines". Second edition, New York & London: Routledge.

Bryman, Alan. (2012). "Social research methods". Oxford: Oxford University Press.

Campbell, John L. (2002). "Ideas, Politics, and Public Policy". Annual Review of Sociology, Vol. 28, pp. 21-38.

Cully, Mark. (2011). "Skilled migration selection policies: recent Australian reforms". Migration Policy Practice. Vol. 1.

Davidson, Helen. Doherty, Ben. (2017). "Manus Island detainees told to 'consider options' as closure of centre begins". The Guardian. Available at: <https://www.theguardian.com/australia-news/2017/may/15/manus-island-detention-centre-to-close-by-30-june-detainees-told> [Accessed 20 May. 2017]

Dobbin, Frank. Simmons, Beth. Garrett, Geoffrey. (2007). "The Global Diffusion of Public Policies: Social Construction, Coercion, Competition, or Learning?". Annual Review of Sociology, Vol. 33, pp. 449-472.

Doherty, Ben. (2016)."More refugees leave Cambodia, further straining $55m deal with Australia". The Guardian. <https://www.theguardian.com/world/2016/mar/08/more-refugees-leave-cambodia-further-straining-55m-deal-with-australia>. [Accessed 05 Jan. 2017]

Domonoske, Camila. (2016). "Australia, Papua New Guinea Agree To Close Refugee Detention Camp". NPR. Available at:<http://www.npr.org/sections/thetwo-way/2016/08/17/490320114/australia-papua-new-guinea-agree-to-close-refugee-detention-camp>. [Accessed 05 Jan. 2017]

Easterby-Smith, M., Thorpe, R. & Jackson, P. (2015). Management and business research. (5. ed.) London: SAGE.

EU-BlueCard. (2017). "EU Blue Card". Available at: <https://www.apply.eu/BlueCard/>. [Accessed 25 May. 2017]

Green, Eric. (2016). UTVC16 - "Source criticism". Retrieved from: <https://liveatlund.lu.se/departments/humangeography/UTVC16/UTVC16_2016HT__-99___/Pages/default.aspx>

Hawthorne, Lesleyanne. (2014) "A Comparison of Skilled Migration Policy: Australia, Canada and New Zealand". University of Melbourne

Holmén, Hans (2010). "Snakes in Paradise. NGOs and the Aid Industry in Africa." Kumarin Press, Sterling, Virginia.

Hunger, Uwe. (2002). "The "Brain Gain" Hypothesis: Third World Elites in Industrialized Countries and Socioeconomic Development in their Home Country". The Center for Comparative Immigration Studies, University of California, San Diego.

Karp, Paul. (2016). "Peter Dutton says 'illiterate' refugees would be 'taking Australian jobs"." The Guardian. <https://www.theguardian.com/australia-news/2016/may/18/peter-dutton-saysilliterate- refugees-would-be-taking-australian-jobs>. [Accessed 07 Jan. 2017]

Laughland, Oliver. (2014). "Angus Campbell warns asylum seekers not to travel to Australia by boat". The Guardian. Available at:

<https://www.theguardian.com/world/2014/apr/11/angus-campbell-stars-in-videos-warning-asylum-seekers-not-to-travel-by-boat> [Accessed 10 May. 2017]

Ljiphart, Arend. (1971). "Comparative Politics and the Comparative Method", in American Political Science Review, vol. 55, no. 3, pp. 682-693

Lohana, Kamleshwer. Khaskhely, Ambreen Zeb. Khan, Abdul Razzaq. Razzaq, Sadia. (2016) "Policy Analysis Of The 'Pacific Solution / Offshore Processing 'Component Of Immigration And Asylum Seeker/ Refugee Policy Of Australia" Government: Research Journal of Political Science. Vol. 5 Issue 5, pp. 173-184.

Migrants Agents Registration Authority (Mara). (2017). "457 visa to be abolished by Government". VISA AUSTRALIA. Available at: <http://www.visaaustralia.com.au/work-skilled-visas/457-visa-abolished/>. [Accessed 23 Apr. 2017]

Pennington-Hill, Kaitlyn. (2014). "Australia Makes a U-Turn with the Revival of the Pacific Solution: Should Asylum Seekers Find a New Destination". Washington University Global Studies Law Review, Vol. 13, Issue 3, pp. 585-603.

Phillips, Janet. (2012). "The 'Pacific Solution' revisited: a statistical guide to the asylum seeker caseloads on Nauru and Manus Island". Parliament of Australia Department of Parliamentary Services. Available at: <http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/PacificSolution>. [Accessed 17 Apr. 2017]

SBS2Australia. (2016, June 9). "Eva Orner talks Chasing Asylum - The Feed". YouTube. Available at: <https://www.youtube.com/watch?v=8CaLE6fL1lU>. [Accessed 05 Nov. 2016]

The Commonwealth. (2017). "About us: The Commonwealth". Available at: <http://thecommonwealth.org/about-us>. [Accessed 20 May. 2017]

Triggs, Gillian. (2014). "The Forgotten Children: National Inquiry into Children in Immigration Detention 2014". Australian Human Rights Commission. Available at: < https://www.humanrights.gov.au/sites/default/files/document/publication/forgotten_children_2014.pdf >. [Accessed 07 Nov. 2016]

TVO. (2016, May 3)."Refugees Down and Under". Available at: <http://tvo.org/video/programs/the-agenda-with-steve-paikin/refugees-down-and-under>. [Accessed 18 Dec. 2016]

Warbrooke, Aulden. (2014). "Australia's ' Pacific Solution': Issues for the Pacific Islands.". Asia & the Pacific Policy Studies. Vol. 1 Issue 2, pp. 337-348.