

Australian Asylum Policy: The Tampa Effect

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On 26 August 2001 a Norwegian freighter, the *MV Tampa*, rescued 433 asylum seekers from their vessel the *KM Palapa 1* that was in distress in the stretch of ocean between Christmas Island and the coast of Indonesia. At the insistence of the rescued passengers, the captain of the Tampa asked the Australian government for permission to land them on Christmas Island — a request that was refused. There followed a week-long standoff while the world watched the drama unfold. Eventually a settlement was reached under which a third of the passengers were taken to New Zealand and the remainder to the small Pacific island of Nauru, in exchange for an aid package of AUD 20 million from the Australian government. The Tampa saga redefined Australian asylum policy in the eyes of the world and it was watched keenly from Europe where stories about the clandestine entry of asylum seekers had been regularly hitting the headlines for a decade.

Throughout the 1990s the countries of the then EU-15 had grappled with the issue of mounting numbers of unsolicited asylum applications, a number that increased from 92,410 in 1982 to a peak of 675,455 a decade later before falling to about 300,000 per annum for the rest of the 1990s. European governments progressively toughened their policies in an atmosphere of popular backlash against asylum seekers that increasingly painted them as illegals and scroungers, or at best as ‘economic migrants’. Those policies took the form of tightening access to individual countries’ borders, toughening refugee determination procedures and providing conditions for asylum seekers that were less and less hospitable. They were aimed at deterrence and they were intended as a clear message to asylum seekers: ‘don’t come here’. Yet there is disagreement about the effectiveness of such policies in the European context. Some have found that asylum seekers interviewed after arrival had only the vaguest notion about their host country’s policy. Some suggest that the fall in applications after 1992 owed much to changing conditions in source countries and relatively little to policies in destination countries. And others point out that trends in applications across the countries of the EU apparently bear little relation to differences in the toughness and the timing of policy changes in the respective EU countries (see Zetter *et al.*, 2003; Theilemann, 2003; Hatton, 2004).

In this paper we examine the links between asylum policies and the flow of asylum applications in Australia. While Australia was the focus of attention (and

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a good deal of opprobrium) in August and September 2001, much less attention has been given to subsequent events. Here we look in detail at the evolution of policy and its effects on asylum applications before and after the *Tampa* incident. We shall argue that effective deterrence of asylum applications involves three elements, not just one. The first is the policy stance itself, which has a number of different dimensions and may be more or less draconian in its treatment of asylum seekers. The second is the enforcement of those policies. Policies that look tough but that are relatively easy to circumvent are unlikely to be an effective deterrent. And third, there is the effective communication of the country's policy stance to the world in general and to potential asylum seekers in particular. These three elements — tough policies, credible enforcement, and effective communication — are standard criteria for effectiveness in other areas of policy such as regulation. We shall argue that these elements came together in Australia after the Tampa affair. In this sense the Australian government achieved its goal of deterrence. Our purpose here is only to show that policy was ultimately effective in achieving its goal — we do *not* argue that the goal itself is desirable.

The Evolution of Policy in Australia

Like most other countries, the fundamental basis for Australia's asylum policy is the *Convention Relating to the Status of Refugees*, originally signed in Geneva in 1951. The two key provisions of the Refugee Convention are the definition of a refugee — someone who is outside his or her country of normal residence and has a 'well founded fear of persecution' (Article 1), and the so-called *non-refoulement* clause that prevents a refugee from being returned to a territory where his or her life or freedom would be threatened (Article 33). Countries that are signatories to the Convention are obliged to admit any foreign national who is on their territory, and who claims asylum, to a formal process that determines the status of the individual as a refugee. Those deemed to qualify must be granted refugee status under the terms of the Convention, although this does not necessarily mean permanent residence except insofar as it would be implied by the *non-refoulement* clause. In principle this right must be accorded to a potentially unlimited number of genuine refugees. But there are many ways that policy can be used to limit the numbers while still observing the letter of Convention law, if not its spirit.

Most of the refugees who were admitted to Australia were not 'spontaneous' asylum seekers who claimed asylum after arriving in Australia, but were part of organised resettlement programmes overseen by the United Nations High Commissioner for Refugees (UNHCR). In 1981 a Special Humanitarian Program was established that afforded sanctuary to those whose persecution would not be severe enough to qualify as a refugee under the Convention but who have close ties, such as relatives, in Australia. And in 1991 a Special Assistance Category was established for those escaping civil disorder but not necessarily in fear of persecution as defined under the Convention. A target of 12,000 admissions per year for these categories in total was established in the 1980s and continued in the 1990s. The other categories are for so-called 'onshore' refugees — those who

arrived in Australia, either legally or illegally, claimed asylum, and were granted refugee status.

The number of visas granted under these various categories in the decade from 1993/4 is shown in Table 1.

Table 1: Refugee and Humanitarian Visas Granted in Australia, 1993/4 to 2002/3

<i>Year</i>	<i>Refugee</i>	<i>Special Humanitarian Program</i>	<i>Special Assistance Category</i>	<i>Onshore Refugees</i>	<i>Total</i>
1993/4	4,300	2,500	5,800	1,890	14,490
1994/5	3,990	3,680	5,500	1,480	14,700
1995/6	4,640	3,500	6,900	1,200	16,250
1996/7	3,330	2,580	3,700	2,250	11,900
1997/8	4,010	4,640	1,820	1,590	12,060
1998/9	3,990	5,350	1,190	1,830	11,360
1999/2000	3,800	3,050	650	2,460	9,960
2000/01	4,000	3,120	880	5,740	13,730
2001/02	4,160	4,260	40	3,900	12,350
2002/03	4,380	7,280	--	870	12,530

Source: DIMIA, (2003):29.

Note: The Onshore Refugees category includes a small number of temporary humanitarian visas.

Onshore refugees have only ever been a minority in the humanitarian program as a whole, but their share rose from 12.5 percent in 1995/6-1997/8 to nearly 28.6 percent in 1998/9-2000/1, falling sharply thereafter. To put this into the context of total migration, between 1995/6 and 2002/3 about 80,000 per annum were admitted under the various streams of the migration program. The share of the humanitarian program in total admissions (migration plus humanitarian) declined from 15.2 percent in 1995/6-1997/8 to 13.8 percent in 1998/9-2000/1 and 10.9 percent in 2001/2-2002/3.

In the 1980s a number of initiatives were taken under the refugee and humanitarian programs, mainly for refugees from such places as the Soviet Union, East Timor, Mozambique and Cambodia. In addition to these there were periodic arrivals of boat people that date back to the Vietnam War. The policy of mandatory detention for unauthorised boat arrivals, which had existed since 1958, was increasingly enforced, especially after the establishment of the first remote detention facility, Port Hedland, in 1991 and it was extended to all unlawful arrivals in the *Migration Reform Act*, 1992. The gradual toughening of policy on

detention and deportation was largely a response to periodic increases in the number of unauthorised arrivals. From 1996/7 onshore grants of asylum were included within the 12,000 target so that they would effectively reduce the numbers accepted through the offshore programs (see Table 1).

In response to a further surge of arrivals, legislation was passed in 1999 that created three-year Temporary Protection Visas (TPVs), with much reduced rights, for unauthorised arrivals who qualify for protection. TPVs confer the right to work and to certain benefits, including Medicare, but a TPV holder is not entitled to re-enter Australia, once having left, and is not entitled to bring to Australia other family members. TPV holders were eligible to apply for permanent protection after 30 months, a status that could be granted only where the need for protection was ongoing. Offshore refugees were normally given Permanent Protection Visas in the first instance, but from 2003 these were replaced with TPVs. Those who are accorded permanent protection are in a similar position to immigrants with Permanent Resident Visas, in that they can become eligible for family reunification and for citizenship. The introduction of TPVs was followed by legislation which imposed sanctions on people-smugglers and provided for the boarding, searching and detention of ships suspected of carrying unauthorised asylum seekers.

From 1996 the Australian government urged other countries, particularly Indonesia and Malaysia, to tighten controls on potential asylum seekers transiting through their territories, and it reached a formal agreement with the former to intercept asylum seekers on their way to Australia. In October 1999 the government initiated an 'overseas information campaign' aimed at discouraging unauthorised arrivals. It included posters, videos and media clips that were targeted at countries of origin and transit and distributed in local languages. This campaign was seen as largely ineffective. But the arrival of the *MV Tampa* on the scene was to change all that: it provided the kind of publicity that media campaigns could not buy at any price (see USCR, 2002; Hathaway, 2002). During the week-long standoff at Christmas Island the world's press feasted on the plight of the asylum seekers (mainly Afghans), and on the government's hard line in refusing to allow them to land. (Whether Australia's actions were consistent with international law is a debated issue — according to Hathaway (2002), it depends largely on the interpretation of the *non-refoulement* clause in the 1951 Refugee Convention.) Eight days after their rescue, the asylum seekers were transferred to an Australian naval ship the *Manoora*, which also picked up a further 200 (mainly Iraqi) asylum seekers from another boat, taking them all to Nauru. A further wave of publicity followed when some of the latter refused to disembark at Nauru. And the publicity continued with the arrival of a further six boats in the next month, several of which were 'pushed' back out to sea.¹ By that time the whole world knew about Australia's 'Pacific Solution'.

¹ One of these, carrying 187 Iraqis, was boarded by naval personnel from the Australian ship the *Adelaide*. The Prime Minister reported to the media that some of these asylum seekers had reacted by throwing their children overboard — a claim that was later denied by senior naval officials.

Exactly a month after the *Tampa* rescue, the Australian Senate passed six new Bills into law to toughen the asylum regime further. The first two involved the excision of Christmas Island, Ashmore Reef and some other small islands from Australian territory for the purposes of establishing claims to asylum in Australia, and they provided for such arrivals to be processed elsewhere. Applicants who had spent at least 7 days in a 'safe' country prior to arriving in Australia were denied eligibility for a permanent protection visa. Another Act significantly narrowed the definition of a refugee used in the status determination procedure to the minimum required by the Refugee Convention. Further provisions included introducing harsher penalties for people smuggling offences and limiting access to judicial review of migration decisions. With these new regulations in place the Pacific Solution was complete, and by most accounts it helped the Howard government to win the election held on 10 November 2001.

Asylum Policies in Other Countries

In the sections that follow, we assess the effects of policy by comparing trends in asylum applications to Australia before and after 2001 with those of other countries. Here we focus on the main English speaking countries of the developed world — Canada, New Zealand, the United Kingdom and the United States — as key comparators, plus France and Germany. Since a number of these countries also introduced changes in their asylum policies in 2001 we need to take those into account as well.

Like Australia, neighbouring New Zealand has onshore and offshore refugee programmes although on a much smaller scale, with an offshore quota of 750 per year. The number of spontaneous (onshore) applications was very small, but it rose sharply from the late 1980s, exceeding a thousand per year from the mid-1990s onwards. And like Australia, only a small proportion of these applications (about 10 percent) were approved, although larger proportion were granted temporary protection. In 1999 the *Immigration Amendment Act* provided that undocumented arrivals could be placed in a detention centre rather than being granted a temporary visa, and it strengthened the power to deport them without the right of appeal. But it was not until after the terrorist attacks on the World Trade Centre in the US on 11 September 2001 that this was enforced on the bulk of undocumented arrivals.

The United States and Canada also receive refugees through a combination of organised programmes and spontaneous applications. The US tightened its policy on unauthorised arrivals with the *Illegal Immigration Reform and Immigrant Responsibility Act* of 1996. In the wake of September 11th 2001 the *USA Patriot Act* introduced tougher measures against those with suspected links to terrorist associations and in 2002 the US commenced fingerprinting all asylum applicants. Canada followed with the *Immigration and Refugee Protection Act* 2001 that brought its legislation more into line with that of the US. The measures also included speeding up processing and tougher policy on removals. It also agreed with the US a 'safe third country' policy: that asylum seekers would have their

claims examined only by the country of first arrival. Most of the spontaneous asylum applicants to Canada filed their applications at ports of entry at the border with the US, having first travelled through the US. Under the safe third country policy an applicant whose claim was rejected in one country would not be eligible for consideration by the other country.

In the UK a series of reforms have been undertaken, most notably in 1993, 1996, 1999 and 2002 that progressively toughened UK asylum law in the face of rising numbers of spontaneous applicants. The 1993 Act introduced fast track procedures for claims deemed to be without foundation and it allowed detention for the first time. The 1996 Act introduced the 'safe third country' concept, thus denying claims from applicants who had previously travelled through safe countries where they could have sought asylum. It also restricted the availability of welfare benefits to asylum seekers. In 1999 the concept of 'manifestly unfounded' applications was introduced, sanctions against carriers of undocumented immigrants were increased and asylum seekers in reception centres were more widely dispersed. And finally, the 2002 Act introduced an 'asylum registration card' and required regular reporting of all asylum seekers. In addition, an official list was introduced of 'safe countries of origin', applicants from which have their claims certified as clearly unfounded.

The UK case is particularly interesting because the dramatic toughening of policy in the 1990s seemed to have so little effect on asylum applications (OECD, 2001:256). Although the vast majority of asylum applications were rejected, most undocumented asylum seekers were not kept under detention and a large proportion of those whose claims were rejected were not removed from the country. Many simply went underground, living (and often working) as illegal immigrants. In the wake of a record number of applications in 2002 the Prime Minister pledged in February 2003 that the number of applications would be cut in half by the following September. This statement was based on the expected effects of the 2002 legislation (which came into effect between November 2002 and February 2003) as well as a campaign within the government for more effective enforcement of existing deterrent measures. And it was accompanied by a good deal of publicity, most of which expressed scepticism about whether the Prime Minister's pledge was, in fact, deliverable.

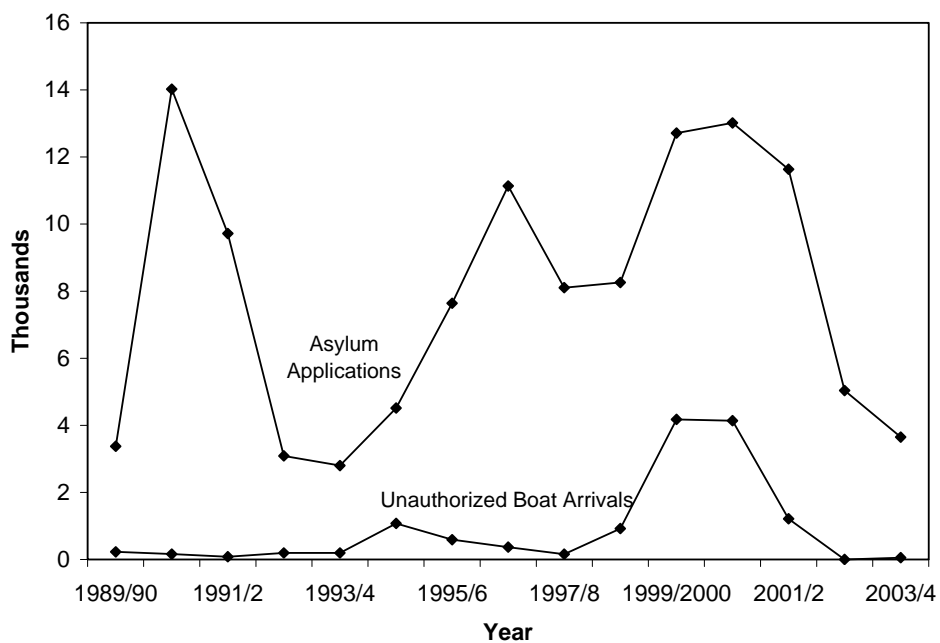
On the European continent, France and Germany both severely toughened their policies towards asylum seekers in the early 1990s. These policies included carrier sanctions, 'safe third country' rules as well as procedures for expediting manifestly unfounded claims. And, until very recently, both countries denied recognition to those who were persecuted by non-state agents. Both countries provide benefits to asylum applicants in reception centres and Germany has a policy of dispersing asylum seekers across provinces (Länder). But except for illegal immigrants apprehended at the border, neither country employs mandatory detention. In 2001 Germany introduced anti-terror legislation that strengthened detention and deportation measures against suspected terrorists and it began to restrict the granting of humanitarian status to those who did not qualify as

Convention refugees. But neither country introduced new deterrent measures comparable with those of Australia, New Zealand and the UK.

Asylum Applications in Australia

Annual data for the number of onshore asylum applications are shown in Figure 1. These may be compared with the figures in Table 1 for the number of applicants that were accepted as refugees in the onshore program.

Figure 1: Asylum Applications and Unauthorised Boat Arrivals in Australia, 1989/90 to 2003/4

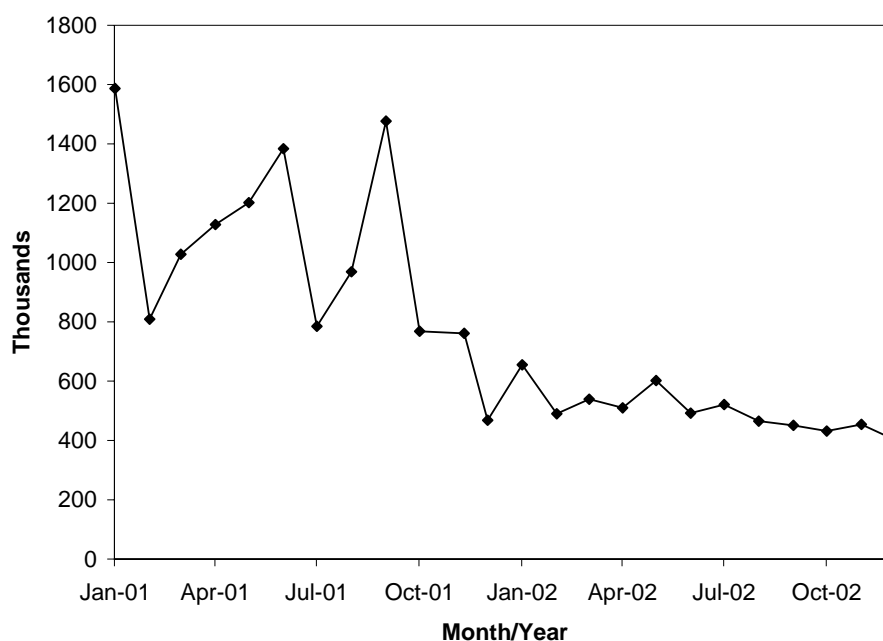


Onshore asylum applications peaked at over 13,000 in 1989/90 then fell off sharply before gradually rising to similar levels between 1999/2000 and 2001/2. The earlier peak is associated with applications from places like China and Cambodia, while the gradual rise from the early 1990s reflected increasing applications from a more diverse range of sources. The lower graph shows the number of unauthorised individuals arriving by boat. This figure increased sharply from 1997/8 to over 4,000 in each of the years 1999/2000 and 2000/1. The sharp fall in boat arrivals coincides with the much more restrictive environment post-*Tampa*. But it is notable also that the total number of asylum

applications decreased by a far larger number — from 13,000 in 2000/1 down to 5,000 in 2002/3 and only 3,500 in 2003/4.

The exact timing of the decline in asylum applications can be seen more clearly in the monthly data for asylum applications plotted in Figure 2. The monthly figures are more volatile but they averaged around 1000 a month up to September 2001 and then fell sharply thereafter to an average of close to 500 a month in 2002. The timing of the fall strongly suggests that it was the *Tampa* incident and the raft of legislation that quickly followed it that was the cause. Although the monthly numbers were volatile in the period up to September 2001 they fell decisively and remained relatively stable at the lower level thereafter.

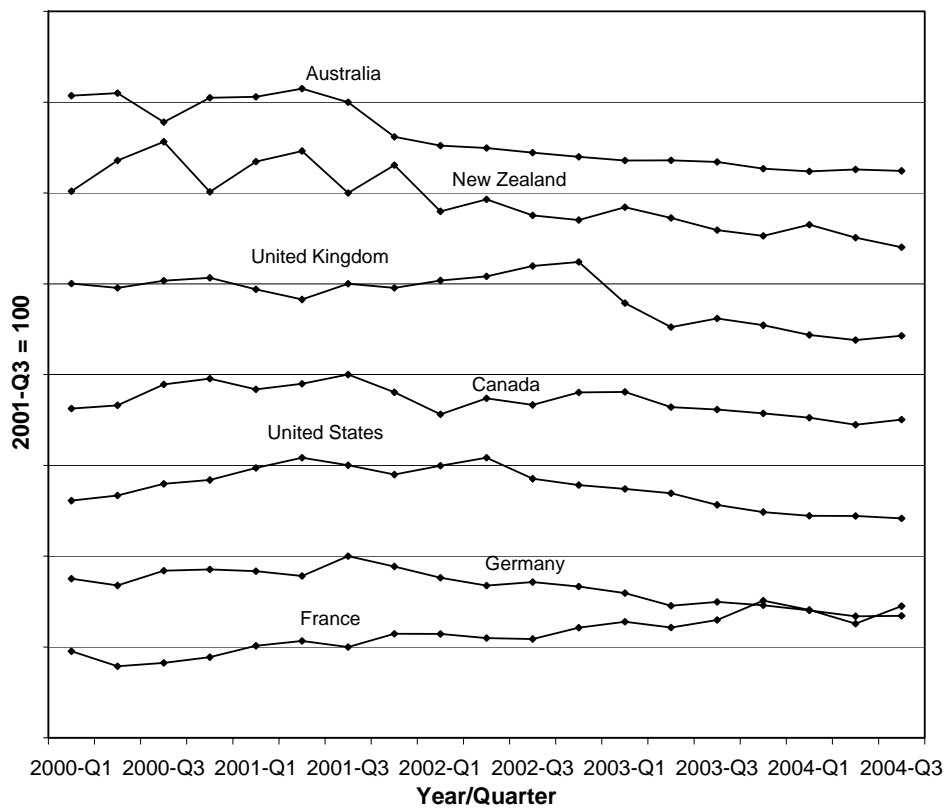
Figure 2: Monthly Asylum Applications to Australia, 2001 and 2002



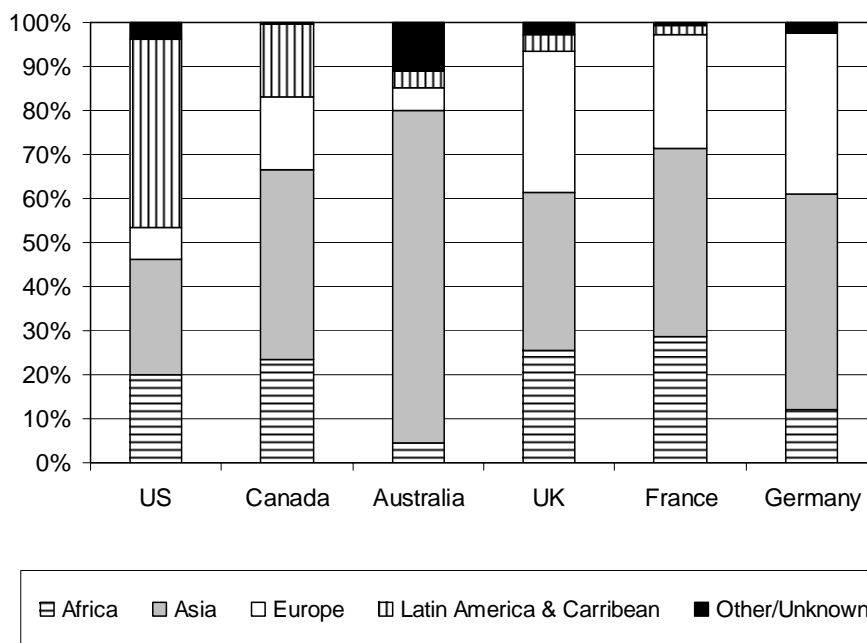
In part this may reflect a decline in applications worldwide. Figure 3 shows the trends in applications in each of the five countries mentioned above, with Quarter 3, 2001 set at an index of 100. The graphs show that asylum applications to the English speaking countries were generally lower in 2002 and 2003 than before, but that applications to Australia fell more dramatically than any of the other countries. Applications to New Zealand and Canada both drifted downwards from the end of 2001 and the same was true of the United States from the middle of 2002. As we have seen, these countries each enacted legislation in 2001 or 2002 and so part of the decline may be due to tougher legislative conditions facing asylum seekers rather than a fall in the desire to seek asylum.

The UK profile is particularly interesting because the numbers decline after the end of 2002, when legislation was followed by Tony Blair’s public commitment to halve the number of applicants. Finally Figure 3 shows very divergent trends in two other EU countries, Germany and France. While the trend of applications in Germany follows that of Canada and the United States, France appears to buck the trend, with a continuing rise in applications after 2001.

Figure 3: Quarterly Asylum Applications in Selected Countries 2001-2004



One important difference between these countries is that origin country composition of their asylum applications varies widely. Figure 4 shows the composition of applications by continent for 1997-99.

Figure 4: Origin of Asylum Applicants by Region, 1997-1999

The first bar in Figure 4 shows that the United States has a larger proportion of applications from Latin America and a smaller proportion from Asia than the other countries. By contrast, Australia has the largest proportion from Asia and relatively small proportions from elsewhere. The origin of asylum seekers varies widely across destinations for a variety of reasons, including proximity, language affinity and past history. Since the eruption of civil wars and other sources of persecution vary year by year and country by country, the trends in total applications at different destinations will depend where in the world those conflicts occur as well as on differences in asylum policy. Any assessment of the effects of policy needs to take this into account.

Regression Analysis

We first examine the quarterly data for total asylum applications that is shown in Figure 3. Because the absolute numbers vary widely across countries, we take the log of total applications as the dependent variable and we include a dummy for each destination (not reported). We estimate with a separate fixed effect for each quarter (19 fixed effects). This accounts for the variations in applications that are due to changes in the conditions that affect refugee flights world-wide, and hence it avoids the need to find an aggregate measure for wars and upheavals in origin

countries. The effects of policy are captured by destination specific dummies that change from zero to one in the quarter after the policy takes effect. Since we also include individual destination country dummies over the whole period, the policy effects are essentially measured as differences-in-differences.

The regressions in the first two columns of Table 2 include only the English-speaking destination countries. We include policy dummies taking the value one for Australia from 2001-Q4 onwards, for New Zealand, from 2002-Q1 onwards and for the UK from 2003-Q1 onwards. Thus the trends captured by the period dummies also reflect the post-September 11th tightening of policy in the US and Canada and this serves as a benchmark of comparison for the policy effects in other countries. As column (1) shows the policy dummies have statistically significant negative effects on applications for New Zealand from the beginning of 2002 and for the UK from the beginning of 2003. These seem consistent with the policy changes outlined earlier and with the patterns displayed in Figure 3. For Australia the coefficient on the dummy that represents the ‘Tampa effect’ is large and highly significant. This coefficient implies a drop in asylum applications of 55.5 percent as compared with 28.8 percent for New Zealand and 24.4 percent for the UK from 2003.

Table 2: Estimates of Policy Effects: Quarterly Data

(Fixed effects regression; Dependent variable: log applications)

	(1)	(2)	(3)	(4)
New Zealand Dummy (from 2002-Q1)	-0.34 (4.1)	-0.27 (2.5)	-0.35 (3.7)	-0.21 (1.9)
UK Dummy (from 2003-Q2)	-0.28 (3.3)	-0.25 (2.8)	-0.34 (3.7)	-0.27 (2.7)
Australia Dummy (from 2001-Q4)	-0.81 (9.7)	-0.77 (8.3)	-0.82 (8.7)	-0.74 (7.4)
Germany Dummy (from 2002-Q1)			-0.19 (2.0)	-0.22 (2.4)
France Dummy (from 2002-Q1)			0.52 (5.4)	0.58 (5.9)
Unemployment rate (t-1)		0.04 (1.0)		0.08 (2.2)
R ² (within)	0.89	0.89	0.82	0.83
No. Obs.	95	95	133	133
HETERO, χ^2 (1)	0.00	0.03	0.19	1.09
RESET, F(3, n-k-3)	0.25	0.23	1.38	0.45

Note: Absolute value of t-statistic in parentheses. Nineteen quarterly country observations by 5 countries in columns (1) and (2) and by 7 countries in columns (3) and (4). Also included is a fixed effect for each quarter and a set of country dummies.

A number of studies have found that the flow of asylum applications also depends on labour market conditions in the destination (see Hatton 2004). Accordingly, column (2) includes the unemployment rate lagged one period, but contrary to expectation, this turns out to be positive and insignificant. Column (3) extends the dataset to include Germany and France and it includes 'policy' dummies for these countries that take the value one for 2002-Q1 onwards. Although the policy effects for the English-speaking countries are not much changed, the dummies for France and Germany are significantly positive and negative respectively. Adding the unemployment rate has little effect on these coefficients although unemployment itself now becomes significantly positive, as shown in column (4).

These results for Germany and France caution us that the destination-specific dummies that are interpreted here as policy effects may, in fact, owe something to other underlying trends specific to each destination. As noted earlier, one of these is differences across destinations in the mix of asylum applications by country of origin. In order to investigate further we turn to analyzing data for applications by origin and destination. Here, only annual data are available and we have to drop New Zealand as a destination since there are too few observations for different origins. Our dataset for the years 1997 to 2003 includes 17 source countries, drawn from Asia, Africa and Eastern Europe (see Data Appendix).

We take as the dependent variable the log of the number of applications from a given origin to a given destination and we include destination-specific dummies. The policy dummies take the value one for 2002 and 2003 for each destination (2003 only for the UK). In order to account for the ebb and flow of origin-specific conflict we estimate using a fixed effect for each source and time period (17 sources \times 7 years = 119 fixed effects). But we also need to allow for the differences in applications across destination/origin pairs that are due to factors such as proximity or historic and cultural links. We allow for these effects by including an additional variable: the stock of source country nationals who were living in the destination country in 1996 — immediately preceding our data period. This can be viewed as a variant of the migrant stock or 'friends and relatives effect' that is often found to be important in studies of migration (Hatton and Williamson, 2005).

Because there is a larger cross-sectional element in these regressions, the coefficients in Table 3 are not as precisely estimated as those in Table 2 and the overall explanatory power (as reflected by the R^2) is lower. Again the US and Canada are taken as the baseline for comparison. The result in column (1) for the English speaking countries alone gives a coefficient on the policy dummy for Australia that is similar to that obtained with quarterly data. The coefficient is significant and it implies that the *Tampa* effect was to reduce applications by 62.1 percent. The policy effect for the UK is similar to that found in the quarterly data but it is not significant. In column (2) the coefficient on unemployment is still positive but its inclusion has little effect on the magnitudes of the other coefficients. In these regressions the stock of origin-country population living in the destination country is strongly significant, as other studies have found. The

coefficient implies that increasing the stock from an origin country by 1,000 increases the annual flow of asylum applications by 9.2 persons per annum.

Table 3: Estimates of Policy Effects: Annual Data

(Fixed effects regression; dependent variable: log applications)

	(1)	(2)	(3)	(4)
UK Dummy (2003)	-0.35 (1.0)	-0.30 (0.7)	-0.31 (1.0)	-0.37 (1.0)
Australia Dummy (2002-3)	-0.97 (3.1)	-0.91 (2.7)	-0.97 (3.3)	-1.01 (3.2)
Germany Dummy (2002-3)			-0.54 (1.5)	-0.53 (1.5)
France Dummy (2002-3)			0.50 (1.8)	0.46 (1.5)
Log Foreign Stock (1996)	0.44 (9.4)	0.44 (5.1)	0.51 (9.1)	0.51 (9.1)
Unemployment rate (t)		0.04 (0.2)		-0.04 (0.3)
R ² (within)	0.31	0.32	0.37	0.37
No. Obs.	469	469	700	700
RESET, F(3, n-k-3)	3.03	3.14	1.22	1.22

Note: t-statistics based on robust standard errors clustered by origin and date. Seven annual observations by 17 origin countries by 4 destinations in columns (1) and (2) and by 6 destinations in columns (3) and (4). The full dataset is reduced from 714 to 700 observations because of missing data on applications from Indonesia to the UK and France. Also included in the regressions are fixed effects for each origin by year and dummies for each destination

Extending the dataset to Germany and France in columns (3) and (4) affects the policy dummies for the other countries only slightly. The dummies for France and Germany in 2002-3 are positive and negative respectively, just as they were in the quarterly data regressions. And although the coefficients are large, neither is significant. Overall, the results are consistent with those that were obtained from the quarterly data in one important respect: they consistently indicate that asylum applications fell after the *Tampa* affair by more than half. But the effect for the UK in 2003 has become insignificant, perhaps because it is identified from only one year of data. While the coefficients for France and Germany in 2002-3 remain surprisingly large they also lose significance. It seems likely that the negative coefficient for Germany reflects a shift in applications towards the EU accession countries, which received a growing number of applications in anticipation of the eastward expansion of the EU's borders. But there is no obvious explanation of the upward trend for France.

Conclusion

There has been a significant tightening in asylum policies all over the world in recent years. Most developed countries have increased their scrutiny of arrivals since 11 September 2001, especially those from regions that generate asylum seekers. Certain countries have implemented more draconian policies, with Australia being the best-known example, followed by New Zealand and the UK. In each case the data reveal a decline in applications, suggesting that the respective governments achieved their aims of effectively deterring asylum applications. But given changing conditions in source countries and the changing attitudes towards asylum seekers and refugees worldwide, it is not sufficient simply to observe the trend in applications for one country alone. The effects of policy can only be isolated by comparing different destinations and by controlling for changing conditions in origin countries.

Our estimates largely confirm the trends that are observed in the raw data. The analysis of quarterly data gives particularly clear results: the '*Tampa* effect' for Australia was to reduce asylum applications by more than a half. There were also significant reductions in applications to New Zealand from the beginning of 2002 and to the UK from the beginning of 2003. But the results also indicate a significant fall in applications to Germany and a significant increase in France from the end of 2001. When we disaggregate by country of origin, these results are largely confirmed although they are weaker in the annual data. The fall in Australian applications after 2001 remains large and significant, although the policy effects for the UK seem to be much weaker in the annual data.

The results presented here suggest that, when tough asylum policies are enforced and when they are widely publicized, the effects on applications can be dramatic. The most important deterrent policies are restricting access to territory combined with punitive detention and deportation policies that prevent illegal arrivals from assimilating into the host community even though their asylum applications are unsuccessful. In addition, the *Tampa* incident served to communicate Australia's tough stance to the world and it seems to have discouraged applications even among legal arrivals. There are two remaining caveats. First, even when the ebb and flow of conflict in source regions is taken into account, there are other forces that determine the trends in asylum applications that are still not fully understood. The second is that while policy seems to have been particularly effective in reducing applications in Australia, and to a lesser extent in New Zealand and the UK, this should not be taken as an argument in favour of such policies. The fact that they are effective does not necessarily mean that they are desirable.

Data Appendix

The main sources of data for asylum applications were UNHCR reports that can be found on the UNHCR website at <http://www.unhcr.ch/cgi-bin/texis/vtx/statistics>. Data for quarterly asylum applications for the first quarter of 2000 to the fourth quarter of 2002 can be located in Table 2 of the UNHCR report, *Asylum Applications Lodged in Industrialized Countries: Levels And Trends, 2000 — 2002* while data for the remaining quarters until 2004:3 were extracted from Table 1 of *Asylum Levels And Trends In Industrialized Countries – Third Quarter 2004*. The former report also provided annual figures for asylum applications disaggregated by the origin of asylum applicants and their country of asylum for the years 2000 to 2002. Annual data preceding these years were taken from the statistical annex of *Asylum Applications in Industrialized Countries: 1980 — 1999*. It is not possible to extend the dataset to the years before 1997 because the Australian data on applications by origin are not sufficiently detailed, with just a few origin countries listed and the rest included under ‘other and unknown’. We acquired the 2003 data from Table 8 of the *2003 Global Refugee Trends* report. Additional data that were not available in the published reports were kindly provided by Christian Oxenboll of the UNHCR. For the UK revised annual data were obtained from UK Home Office, *Asylum Statistics, United Kingdom 2003* (2nd edn): <http://www.homeoffice.gov.uk/rds/pdfs04/hosb1104.pdf>.

The 17 source countries used in the annual analysis are: Afghanistan, Bangladesh, China, India, Indonesia, Iran, Iraq, Pakistan and Sri Lanka from Asia; Algeria, Nigeria and Somalia from Africa; and Albania, the Russian Federation, Turkey and Ukraine from Europe. Data for the stock of migrants from these 17 source countries who were residing in one of the 6 destination countries in 1996 were drawn from two main sources. The data for the UK, Germany and France on the stock of foreign nationals were obtained from the Council of Europe *Demographic Yearbook for 2002* at: <http://www.oecd.org>. For France the closest available year is 1999. For the US, Canada and Australia the stock of the foreign-born population was taken from the *Migration Information Source* website at: <http://www.migrationinformation.org/GlobalData/>. Missing observations for the US were estimated by adjusting the 1990 Census numbers using the change in the foreign-born from the origin region between 1990 and 1996. US 1990 Census data were taken from Census Bureau, Population Division, Technical Working Paper No. 29, *Historical Census Statistics on the Foreign-born Population of the United States: 1850-1990* (by Campbell Gibson and Emily Lennon) at: <http://www.census.gov/population/www/documentation/twps0029/twps0029.html>.

All unemployment data were drawn from the OECD. Quarterly unemployment rates were accessed through the dX database, while the annual rates were taken from the statistical annex of the *OECD Economic Outlook No. 76* (2004) EO76 Annex Tables at <http://www.oecd.org>.

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