The Context and Risk of Organised Illegal Immigration to New Zealand:

An Exploration in Policy Relevant Research

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Abstract

"People smuggling," or organized illegal immigration, is one of the new breed of transnational issues confronting states all over the developed world. Australia and New Zealand, while not experiencing the problem to the same degree as North America and Europe, nevertheless have not been immune to attempts to circumvent their normal immigration regimes. During the last several years Australia has experienced numerous attempts to land Chinese illegal immigrants by boat. During the last year, however, these attempts have taken a new direction and the boats have been ferrying Middle East and Southwest Asian nationals from Indonesia to Australia's northern coast. In New Zealand there has also been a relative upsurge, though much smaller in absolute terms, in refugee claimants at New Zealand airports from these same geographic regions.

While there is always a possibility of an illegal immigrant vessel arriving in New Zealand, the risk appears small. Most of the boats which have plagued Australia are too small and in too poor condition to make the trip and there is little of the right kind of employment to attract those paying for passage on ocean-going ships. The risk, as seen just recently, is from refugee claimants arriving by air with some form of assistance. For policymakers the problem is clearly difficult although not intractable. Appropriate actions which need to be taken include harmonizing New Zealand's laws with those of Australia, deploying more immigration officers overseas, and better training for primary processing officers at the point of entry into New Zealand.

About the Author

Greg Talcott is an independent analyst living in Wellington. He has a B.A. from the State University of New York and an M.A. from the University of Hawaii. Prior to moving to New Zealand he was a U.S. Foreign Service Officer. In addition to an early posting to Wellington, he served in South Africa, the Philippines, and Indonesia, with responsibilities as a Political Officer, and in Sierra Leone as Deputy Chief of Mission (Deputy Ambassador). As well, Greg had several assignments in Washington including as an Intelligence Analyst for Southeast Asia, Deputy Director of the Office of United Nations Political Affairs, with a special responsibility for the U.N. peacekeeping missions in Namibia and Cambodia, and as a Team Leader in the Department of State's Crisis Management Center. Greg's current substantive interests are in the political evolution in Indonesia and the fields of competitive intelligence and analysis.

Mr. Venkatesan threw himself into the planning. He didn't trust the man with the cauliflower ears. Routes circuitous enough to fool border guards had to be figured out. He could fly to Frankfurt via Malta, for instance, then hole up in a ship's cargo hold for the long bouncy passage on Canadian seas. Or he could take the more predictable (and therefore, cheaper but with more surveillance) detours through the Gulf Emirates.

The go-between or travel agent took his time. Fake travel documents and work permits had to be printed up. Costs, commissions, bribes had to be calculated. On each visit the man helped himself to a double peg of Mr. Venkatesan's whisky.

In early September, three weeks after Mr. Venkatesan had paid in full for a roundabout one-way ticket to Hamburg and for a passport impressive with fake visas, the travel agent stowed him in the damp smelly bottom of a fisherman's dinghy and had him ferried across the Palk Strait to Tuticorin in the palm-green tip of mainland India.

From Bharati Mukherjee, "Buried Lives," in *The Middleman and Other Stories*, London: Virago, 1989.

Introduction[*]

The surge in illegal migrant boat arrivals in Australia during the last several years has focussed attention on a problem many thought was limited to North America and Europe, organised illegal immigration. Known colloquially as "people smuggling," it is not that Australia and New Zealand had been immune to this problem, only that until recently the number of assisted illegal immigrants was relatively small. People generally trickled into each country individually or arrived in small groups, attracting little attention. The majority of these migrants also arrived undramatically on scheduled airline flights. However, the changes in organised illegal immigration during the last few years—in the volume, methodology, and source countries—have been significant enough to capture media, political and public attention.

Relative to Australia, New Zealand so far has been spared the same intensity of illegal arrivals. But, since this situation may not last, it is essential to develop an understanding of illegal immigration. To use James Scott's term, we need to make the problem "legible." Effective risk assessment and management cannot be undertaken without a better conception of the problem's dynamics. The alternative, as Scott points out, is interventions that often are "crude and self-defeating"[i].

In a number of respects the experiences of Australia offer a valuable window on one possible future scenario for New Zealand. Australia clearly is not an exact analog for New Zealand. Its economy and labour market are much larger, it has a greater population, and its ethnic communities are bigger and more established. Simply put, in economic terms it is a more attractive destination for immigrants, legal or illicit. Nevertheless, even though New Zealand might not be as appealing in this respect, not all illegal immigrants choose their destination solely using economic criteria.

Australia is also relevant to New Zealand in another key respect. It has recently begun strengthening its laws relating to illegal immigration and enhancing its ability to protect its border[ii]. As the probability of successfully circumventing Australia's normal immigration process declines and the likelihood and costs of detection increase, people smugglers may seek out easier targets. The disparities between the Australian and New Zealand border control efforts conceivably could lead to increased flows of putative refugees to this side of the Tasman.

This paper will look first at the general factors underlaying international migration and then focus on the current outbreak. It will then examine Chinese illegal migration, which has received the greatest amount of publicity and is often considered the major threat, and then consider more closely the experience of Australia as a target for organised illegal immigration to see what it reveals of predictive and prescriptive value. The last topic covered will be New Zealand's situation.

General Background

"People smuggling" is hardly a new phenomena. In the antebellum United States the "underground railroad" smuggled large numbers of black Americans out of the slave

states of the South. Closer in time, in the early stages of World War II the Danes smuggled their entire Jewish population into neutral Sweden right under the noses of their German occupiers. Numerous dissidents were smuggled out of communist states to freedom in the West during the Cold War as well. Whether current people smuggling carries the same moral weight as these historical examples is arguable and constitutes one of the major cleavages in the debate between those who seek more open and welcoming immigration regimes and those who desire stricter ones. Depending on your perspective, illegal migrants are either oppressed people attempting to escape despotic and economically exploitive regimes or opportunists trying unfairly to circumvent immigration laws, to jump the queue, or seeking to better themselves economically by disingenuously claiming political or religious persecution.   In either case, what clearly differentiates contemporary people smuggling from historical examples is that it is now a "for profit" business, giving it an ethically much more ambiguous quality.

From a practical standpoint, the contemporary smuggling of people does not differ in any fundamental way from the illicit movement of other commodities across borders. In some respects, smuggling people is less risky and more profitable for the smuggler than transporting other commodities such as narcotics.   Penalties for evading immigration laws are considerably more lenient than those imposed for smuggling narcotics, in many states merely a couple of years imprisonment, and the rewards can be greater. For example, smuggling drugs to Singapore is punishable by death and smuggling 150 people to the U.S., each paying U.S.$ 30,000, may result in gross earnings of U.S.$4,500,000[iii].

Like other goods, people are smuggled by a variety of means; they are driven across land borders, transported by vessels over seas, and flown great distances by aircraft. In a literal sense, the term "smuggling" is not apposite for what is occurring. Traditionally it conjures up the image of someone or something hidden that is transported surreptitiously over a border.   In current usage, however, "people smuggling" has come more broadly to comprehend various forms of deliberate attempts by people to circumvent border controls with assistance from third parties—normally for a profit[iv].

Contemporary people smuggling is commonly divided into two broad categories, smuggling in which the person being "smuggled" is complicit, usually referred to as "people smuggling," and forms in which participation is involuntary, trafficking in people[v]. This is something of an artificial distinction since people smuggling may shade into trafficking if those smuggled are, for instance, exploited sexually. However, for the moment it is analytically useful to distinguish between the two types of smuggling to sketch more starkly the broad outlines of the organised illegal immigration enterprise. Thus, in this paper I am not concerned with issues such as slavery, debt bondage[vi], trafficking in women for prostitution, etc.   They are sufficiently different and important to require separate study.

During the last five or so years, people smuggling by boat has received a great deal of publicity and has attained a high degree of political salience. It has also been the focus of both academic and journalistic study and there is a fairly significant amount of information about it. There is less information available on overland smuggling, but still enough information to illuminate the process. To a certain extent, these

modes of smuggling are available for study because they often involve rather complex operations, requiring many participants and multi-faceted systems.

Smuggling by air has proven more difficult to study and to deal with because it requires less elaborate organisations and therefore fewer intervention points. Although probably the most common technique for contravening immigration requirements in Australia[vii] and New Zealand, it has received relatively little attention from politicians, journalists, and scholars. People smuggling by air is a quiet, chronic problem compared to the sudden and highly dramatic arrival of a ship. All three modes (land, boat and air) represent border violations but, ironically, the numerically less critical mode has garnered greater attention in Australia and New Zealand[viii].

The Current Migration Dynamic

The reasons people move within and between countries have varied little throughout history. People are driven to migrate because of wide disparities in socio-economic circumstances, perceived life-chances, and personal security. Yet, in the current period international migration has taken on new dimensions and a new character. These are the result of contemporary environmental features which have changed the patterns of movement of people across borders. The changes in migration patterns have been both qualitative and quantitative.

First, while social changes generally have social causes, technology determines which human desires are realistic and which get reinforced by success. Migration is no exception. Technological change has generated a revolution in global communications and transportation, enabling a range of choices previously unavailable to many individuals. One consequence of these changes is that images of life in the developed world—often heavily distorted images—have spread wider than ever before. Information about real or imagined opportunities in First World countries has become more available to large parts of the world's population. Simultaneously, travel over long distances has become easier and more accessible, especially in cost terms, for groups of people previously effectively barred by their economic condition from leaving their traditional homes.

These changes have had a particularly significant impact on migration from the developing world. Some of the information, which now reaches Third World peoples, is the result of the short-term movement of people—tourists, students, and business people—which is now occurring on a historically unprecedented scale. Other information is available because mass media links between origin and potential destination countries have been strengthened; the liberalisation or abolition of press controls in previously authoritarian regimes has meant that First World sources of information are now reaching into societies which had been closed to outside influences in the past. Essentially these changes are an integral part of the process of globalisation, a process that has brought economic benefits to both the developing and developed worlds. One of its side effects, however, has been less constrained movement across borders.

Second, the post-1989 democratisation in the former Soviet bloc has meant the loosening of restrictions on movement for the huge population in the countries of Eastern Europe and the former Soviet Union. A large number of people—perhaps

450 million—have been brought into the pool of potential migrants. This pool is likely to enlarge even more if and when the People's Republic of China further relaxes emigration controls. If the first factor, greater information flows and wider access to international transportation, is recasting North-South migration, the new political environment in Eastern Europe and the former Soviet Union has significantly modified the patterns of east-west movement[ix].

Third, the resurgence of ethnic, religious, and nationalist conflict and tension, especially prevalent in some states of the former communist bloc and in Third World states such as Indonesia and Sri Lanka, has generated a great deal of insecurity within minority ethnic communities. This has resulted in both forced and voluntary migration.

Fourth, what has been described as a 'rights revolution' has occurred: the creation and spread of individual rights and entitlements, particularly in the more affluent nations. "In the migration arena this has been manifested in the growth of ethnic, migrant, and refugee lobby groups located mainly in the countries receiving migrants and often facilitating their movement"[x].

One manifestation of the expansion in the numbers of people seeking new homes outside their birth countries as a result of the above factors has been the development of widely dispersed cultural and ethnic pockets far from their normal homelands[xi]. These "new diasporas" have created people with multiple allegiances to place. What has emerged is a "transnationalism—the formation of social, political, and economic relationships among migrants that span several societies"[xii]. These satellite communities, while embedded in their new societies, are closely linked through modern communications technology to their homelands as well. Such linkages make one part of the traditional definition of the nation-state, a contiguous geographic unit, somewhat obsolete. The state and the nation are no longer necessarily coterminous.

Individual Decisions to Migrate

Decisions to migrate can be conceptualised as basic cost-benefit judgements. Normally, standard economic considerations—wage rates, employment availability, cost of living—comprise the primary elements considered, but other factors including physical security and values such as human rights often are equally or even more important components in a person's decision calculus. The decision-making unit can be the individual who desires to migrate or, in some cultures, the nuclear or extended family. In the latter instances the migration strategy is designed to maximise the welfare of the household and family. In either case, what is increasingly clear is that decisions to migrate are no longer last-resort choices. Rather, international migration is increasingly considered a normal alternative within the broad range of choices available to many socio-economic groups as they pursue improved life conditions.

The elements of the migration decision calculus can include, inter alia, the following variables:
1) *Disparities between places of origin and destination:*
These are the "push-pull" factors of migration. They include availability of work, wage differentials, differences in over-all standard of living, educational opportunities, physical security, and human rights. To some extent

demographic trends underlie migration patterns. These are manifest in the increasingly stark contrasts in the labour supply and demand situations in origin and destination countries. Some developed countries are experiencing rapid economic growth, with a concomitant increase in demand for workers, at a time when the fertility declines of two decades ago have meant labour forces are static or shrinking. In others nations, mostly in the Third World, labour surpluses have been inflated by rapid population increases and slow employment growth. The decline in labour-intensive work and the rise in more capital-intensive manufacturing also contribute significantly to labour surpluses in developing countries. This phenomenon occurs, as well, in the agricultural sector as technology increasingly supersedes the traditional cultivation of rice and other basic crops by labour intensive methods. Another facet of the changing demographics is that better access to higher education in Asian, Middle East and sub-continent countries has outpaced the availability of employment opportunities at these educational levels, resulting in high unemployment for educated workers.

2) *State of development of migrant networks and institutions:*
Networks comprise relationships that link former, current, and potential migrants and those who do not migrate, in countries of origin and destination, through kinship, friendship, neighbourhood, ethnicity, and other types of commonality or affinity. As new immigrants—legal or illegal—arrive, these networks are becoming more complex, more pervasive, and constantly expanding and strengthening the social linkages between origin and destination countries. "These networks inject a self-perpetuating dynamism into illegal flows which lead to movement continuing long after the original economic reasons for the flow have been superseded or rendered redundant"[xiii].

The growing size of immigrant communities (both legal and illegal) provides anchors for new illicit migrants, rendering support of various kinds and an environment in which they can be inconspicuous and hide. Migrant networks can move beyond advocacy and lobbying activities on behalf of immigrant communities and shade into migrant smuggling organisations. This sometimes occurs with the development of what can be called an "immigration industry" involving a diverse group of recruiters, lawyers, agents, organisers, travel agents and intermediaries of various kinds comprising networks linking origin and destination countries. These have become crucial gatekeepers in encouraging and facilitating illegal and legal migration.

3) *Migration regimes:*
These are the national and international bodies of law, regulation, institutions, and policies dealing with the movement of people. States' rules governing the departure of citizens and the entry of newcomers, their policies for integration or assimilation of immigrants, and the efforts of international organisations to manage and give order to migration, come under the rubric of the migration regime. In some cases, illegal Asian migration is implicitly supported and encouraged by governments at both the place of origin and place of destination through poor policing and little investment in detection of illegal immigrants. As well, governments may encourage segments of their populations to

emigrate, as Cuba did in the 1970s when it salted incarcerated criminals among legitimate refugees going to the U.S. Governments may also turn a blind eye to illegal emigration when they perceive an economic benefit in doing so. For instance, in 1996 Chinese working abroad sent back U.S.$840 million, equivalent to 1.6% of China's 1994 foreign exchange reserves. "It's one of the ways, and an important one, to earn foreign exchange," according to Tang Zhixin, a senior official in the Ministry of Foreign Trade and Economic Cooperation[xiv]. Whether the foreign exchange derives from legal or illegal migrants is rarely a concern to the recipient nation. As well, government officials, despite formal policies to the contrary, may assist illegal migrants in return for pecuniary considerations.

In other cases, the tightening of restrictions on immigration has forced potential legal immigrants into illicit channels. The *Christian Science Monitor* reported in 1997 that, perversely, a crackdown on illegal immigration on the U.S.-Mexico border, had forced potential immigrants who previously would have walked over the border, to turn to professional smugglers, "coyotes" as they are called, to get across the U.S. border. This not only increased the costs of crossing the border but also resulted in immigrants having to use more circuitous routes, which can be more dangerous as well. The higher costs often resulted in immigrants being forced to work off their passage and effectively being held in bondage by the smugglers[xv].

4) *Macro-political economy:*
The nature of migration is also shaped by the distribution of power and resources globally and regionally, reflected in the distribution of production and consumption, in patterns of trade and financial flows, in the development of transportation and communication and the patterns of their flows, and in population, environmental conditions, and other elements of global imbalance. While individual migrants rarely gloss their decisions in grandiose global political-economic terms, macro-economic and political policies structure and condition the daily environment faced by potential migrants, affecting the nature of their decision calculi.

The impact on wages and employment of liberal economic reforms in China is an example of how national policies can produce significant internal migration and precipitate large outflows of people. In March 1997, the Vice President of the All-China Federation of Trade Unions told the Chinese parliament that 125 million new workers would flood the urban labour market during the current five-year plan (1996-2000). Of these, 70 million would be the result of natural increase, 15 million would be laid off by ailing state enterprises, and 40 million will come to the cities from the countryside in search of employment[xvi]. The two latter phenomena are the direct result of China's attempts to restructure its economy to make it more competitive globally.

5) *Historical ties:*
The ties between former colonies and their metropoles are not only based on historical feelings of affinity, but also take more concrete forms through long-standing trade relationships, commercial sea and air links, common languages, and shared tertiary education experiences among elites. All of these factors

facilitate the movement of people and invariably lead to the development of migrant communities.

Thus, any attempt to analyse international migration issues, trends, and prospects must deal simultaneously at global, national, community, as well as household and individual levels. Unlike the movement of commodities, or manufactures, which are driven by impersonal market forces and are in such large volumes that patterns can often easily be projected, the movement of people involves not only economic considerations, but the decisions of families and individuals based on affective and very subjective criteria. "In this respect, international migration trends are rather like aggregate fertility rates, which although heavily influenced by societal and governmental forces, ultimately are determined by the rather intimate decisions of individuals"[xvii].

Current Illegal Immigration

Because of its nature illegal immigration is hard to quantify. In the early 1990s, it was estimated there were between 2 and 3 million illegal migrants in the EEC, with the inflow thought to be 1 million a year. The fourteen European Community countries alone reported over 40,000 asylum claims in June 1999, the highest monthly total since June 1993. The total number of refugee claimants in Britain may reach 180,000 in 1999, surpassing Germany, which had 130,000 claims in 1998, as the preferred destination in Europe for irregular migrants.

The Australian government believes that there are about four million "attempted illegal entries worldwide, worth [A]$10 billion annually to well organised people-smuggling syndicates"[xviii].

In the early 1990s it was estimated that illegal Chinese migrants to the U.S. were running at about 100,000 each year. A U.S. Senate committee indicated that smuggling rings operate 17-20 refitted cargo ships and do business worth U.S.$3 billion a year. One official estimate within China is that 750,000 Chinese have emigrated illegally in recent years—200,000 to other parts of Asia, 200,000 to the U.S., 150,000 to Russia and 100,000 to Europe[xix].

While Asians are not the largest portion of the flow of migrants to Western Europe, they are important. The movement of illegal migrants from Asia to Europe via Russia has become of major significance. The *Moscow News* reported that "organising the flow of illegal immigrants is becoming a lucrative well organised business. ... It is run by a huge syndicate involving up to 5000 people in Southeast Asia and Iraq as well as individual officials within the Russian immigration authorities"[xx].

Some of the largest flows of illegal migrants in Asia are directed at Japan and the other recently fast growing countries of Korea, Singapore, Taiwan and Hong Kong. The number of illegal migrants has grown from an estimated 200,000 in 1980 to as many as 2-3 million in the early 1990s. Another destination for young Asian workers is the Middle East. This is especially true for Asian women who seek employment as maids and nannies. The Jakarta Post, for example, has reported that more than 5,000 Indonesian women are being temporarily housed in Indonesian embassies in the Middle East after fleeing their employers to escape physical abuse or because they

were not being paid. Most of these women have no viable recourse because they are in these countries illegally[xxi].

Smuggling of illegal immigrants is facilitated by the fact that many countries do not have laws against people smuggling; in Central America, only Honduras and Panama have such laws. Indonesia also has none. Other countries are just overwhelmed by the volume and, sometimes, the sophistication of smuggling efforts. According to a Hungarian Border Guards criminal intelligence officer, "The people smugglers have built up a high-tech network, stretching from the departure country to the organisers based in Budapest, their contact on the Hungarian border, and then through to Germany and Austria"[xxii].

> "International organised crime realised the opportunity in this wave of migration," explains General Balazs Novaky, chief of the Hungarian Border Guards. People smuggling often is run like a package tour, using foreign tourist agencies as cover organisations. Convoys are organised with military precision, authorities say. Each vehicle is equipped with a mobile telephone. Its driver using night-vision goggles, a reconnaissance unit scouts the road ahead, looking for border guards while continually reporting back to the convoy leader. A rear-guard vehicle watches the back[xxiii].

In Albania, transporting illegal immigrants to Italy has become a major and profitable business. "Increasing numbers of third-world economic refugees are choosing Albania as a launch pad to a better life. Ethnic Kurds from Turkey, Tamils from Sri Lanka, and Vietnamese nationals have found their passage smoothed by Albania's visa-free, open border policy, and the smugglers' extensive contact abroad"[xxiv]. Once in Italy, illegal migrants are free to move anywhere within the now borderless European Community. According to a U.S. official, "In historic downtown Prague, there is a certain Chinese restaurant with only eight tables, indifferent food, and few repeat patrons. But it is so successful, it employs over 800 persons, none of whom are Czech, with new Chinese employees signing on every week on their way to new culinary adventures further west"[xxv].

People Smuggling in the Asia-Pacific Region

Millions of people in Asia leave their homes each year in search of better lives. The International Labour Organization estimates that some seven million Asians are working abroad, with two million people legally emigrating each year. The number of illegal migrants is likely even higher[xxvi].

In terms of organised illegal migration, the Asia-Pacific region, with its size, diverse geography, climate, and infrastructure provides both challenges and opportunities for potential migrants and the people who profit from them. Illegal immigration is as much of a problem within Asia as it is for First World countries and involves complex inter-related movements of people. Prior to the Asian economic crisis, for instance, large numbers of Indonesian workers from Sumatra illegally worked on the plantations in northern Malaysia, while the ethnic Indian Malaysians who traditionally filled these jobs moved south to meet the demand for workers in Malaysia's new "high tech" factories and, in turn, ethnic Malays from this region moved even further south to work in the factories of Singapore. A great many of the Indonesian workers

who traversed the Straits of Malacca were, as Sydney Jones of Human Rights Watch, Asia, points out, cruelly exploited[xxvii].

Some of the many factors, which influence the nature of the migrant smuggling enterprise in Asia, are:

- The large number of land borders, many with few geographical challenges to prevent crossing;

- The large, difficult to surveil seas which, during most parts of the year, have a warm climate which facilitates boat journeys;

- the rapidly expanding air networks and major airline hubs within the region;

- the inability of some states to monitor and control their land borders or territorial seas; and

- endemic corruption which permits people smugglers to act with impunity.

People smugglers have shown that they can quickly adjust their routes and transportation modes in response to counter-measures taken by governments, such as changing surveillance patterns and methods, assignment of immigration officers to overseas airports, enhanced border enforcement, and increased penalties if caught.

Chinese Diasporas

China provides the largest number of Asian illegal immigrants. Chinese emigrants flow north into Korea and Japan, westward into Siberia and then through Russia into Europe, and east and south to North America and Australia. Yet Chinese migration is nothing new; what is currently occurring might be called its third wave.

The first great exodus from China came after the fall of the Ming dynasty in 1644. It consisted mostly of non-Mandarin speaking people from southern China who opposed the Manchu seizure of power. They established Chinese communities all over Southeast Asia. The second wave followed the Taiping rebellion and other serious social unrest in the mid- to late-nineteenth century as the Quing dynasty fell apart and the country was effectively dismembered by local warlords. These migrants again originated mainly from the southern coastal provinces. They not only gravitated to the existing overseas Chinese communities in Southeast Asia, but also boarded the newly invented steamships and went as far as Australia and the west coast of the North America. (In the U.S. they provided the labour power to build the western link of the transcontinental railroad).

The current Chinese diaspora began in late 1970s and early 1980s. One observer suggests the current outflow of Chinese is a result of the U.S.-Chinese *rapprochement* in 1978. The following year, to meet a U.S. Congressional requirement for most-favoured nation trade status, China relaxed its emigration requirements, precipitating the start of the current flow of people out of the country. "Beginning in the late 1980s, some of those who did not have legitimate channels to emigrate began turning to human smugglers for help"[xxviii].

The economic reforms of the Deng Xuaopeng era, the 1980s, further contributed to the increase in emigration. The privatisation of state-owned enterprises resulted in massive redundancies in both the agricultural and industrial sectors. At the same time internal travel became easier. The "*hukou* system of registration, established in the 1950s and which regulated internal, mainly rural to urban, migration by tying entitlements to residence" was loosened with the institution of market-based reforms[xxix]. This resulted in a wave of internal movement and the creation of a "floating population" estimated to be about 80 million in the 1990s. Some 50 million these people are rural-to-urban migrants, perhaps the largest flow of migrant workers in history. 20-30 million of these have been living illicitly in cities, many responding to the uneven economic boom which is concentrated in China's southeast.

Current indicators offer little hope that conditions in China will abate sufficiently to remove the "push" factor from the emigration equation. According to Huang Yiping, Director of the China Economy Program at Australian National University, 20% of China's adult population, between 130-150 million people, is underemployed, unemployed or "surplus labour"[xxx]. In 1993 *The South China Morning Post* (10 July 1993) reported that China's rural labour surplus alone was 130 million[xxxi]. "In addition, 10 million new workers come of age every year. By extrapolation, it is estimated that China will have some 200 million surplus workers by the end of the century"[xxxii].

This modern Chinese diaspora has resulted in Chinese migrants spreading further than ever in history. In addition to growing Chinese populations in Southeast Asia, the traditional destination of emigrants, The *Vladivostok News* reported late last year that there were nearly 100,000 Chinese living and working illegally in the Russian Far East. "The Chinese are willing to work for less than Russians, and Russian companies that can barely stay afloat amid the country's crushing tax burdens are happy to cut corners and employ cheaper Chinese labourers"[xxxiii]. Valdivostok is also a staging point for Chinese migrants awaiting movement to Moscow and then to Western Europe and the United States. One estimate is that they number in the tens of thousands[xxxiv].

In North Asia, of the 44,000 Chinese nationals living in South Korea, almost 32,000 are there illegally. In South Korea and Japan, Chinese are preferred to Bangladeshis and Indians as workers because of racial and cultural similarities[xxxv].

Illegal Chinese movement to the U.S. is estimated to have grown from a few thousand per year in the mid- to late-1980s to 100,000 a year in 1992. Most attention has focused on dramatic boat arrivals. The boats, often Taiwanese coastal freighters or traders, usually carry between 200 and 500 immigrants across the Pacific. "The majority, however, still almost certainly travel much of the way by aeroplane, using networks of overseas Chinese communities in Latin America and the Caribbean to provide documentation and onward air or land passage to the U.S.A. As in the nineteenth century, most of the illegals are young men, many if not most are advanced the U.S.$30,000 required for the trip and thus become essentially bonded labour"[xxxvi].

Chinese People Smuggling

According to the United Nations, Chinese people smugglers alone earn up to U.S.$ 3.5 billion annually[xxxvii]. One ring in particular, over two years, smuggled 3,600 Chinese into the U.S. through Canada, netting approximately U.S.$ 170 million[xxxviii].

In addition to departing from coastal areas, Chinese are using Thailand and Cambodia as transit points to get fake passports and visas with the help of well organised gangs. Burma, as well, serves as part of the illegal migrant network.

Sources in Yunnan report there are currently two types of rackets operating out of southern China. According to a knowledgeable source, the safest—but most costly—option works like this. 'When a person dies in Mandalay or any other town in upper Burma, the relatives do not register the death with local authorities. Instead the deceased person's identification card is sent to a broker in Ruili or other border towns in Yunnan. There it is sold for up to Rmb. 50,000 [U.S.$ 8,000]. The buyer puts his picture on the card and enters Burma as a citizen.

Many stay in Mandalay and Rangoon, while others obtain bona fide Burmese passports on the strength of their identification cards. They then leave legally for Malaysia, Singapore or the U.S.

The less affluent [Chinese], however, are sent down in large groups through Burma to Thailand to get on ships[xxxix].

Despite numerous assertions that Chinese people smuggling is undertaken by "triads"[xl] or other forms of organised crime in China, most data indicates that people smuggling is highly decentralised.

> "In developing tactical plans and when discussing the organisational structure of smugglers, law enforcement officers, from field personnel to their top leadership, world-wide, insist upon attempting to fill in the blanks of a pyramid structure and to construct interrelated hierarchical organisation charts. The assumptions implied by the use of these modelling techniques are that there is a pyramid with one person or organisation at the top and that by discovering the structural components, one may cripple the organisation by prosecuting persons critical to maintaining the structure. The law enforcement imposition of this model upon smugglers is not only lacking a basis in reality, but can produce a highly inaccurate picture of their operational structure and completely fail to reveal real exploitable vulnerabilities. Chaos theory would produce a better model"[xli].

Two American academics have observed that:
> "lack of success of U.S. anti-trafficking and smuggling efforts has been due in part to insufficient guidance from empirical research. Most current law enforcement strategies are built on the assumption that large crime organisations are behind most smuggling operations, even though there have been few successes in federal prosecutions and little real impact on alien smuggling activities"[xlii].

Chinese people smuggling is decentralised, comprised of numerous independent organizations though sharing a common set of colourful descriptors. The organisation heads are called "big snakeheads." The big snakehead is the overall organiser and the person who invests the money to get it off the ground. He is often Chinese and resides outside of China, living in the U.S. (most likely the case for U.S.-destined operations), Hong Kong, or Thailand. The big snakehead's identity is normally not known to the person being smuggled. The American academics report that "we have also found that a small number of high-ranking or retired Chinese officials were involved in human smuggling"[xliii].

The recruiters and local organisers in China who act the middlemen between a big snakehead and his customers are designated "little snakeheads." They are primarily responsible for finding and screening customers and collecting down payments. Little snakeheads may be low ranking government officials, close friends or relatives of the big snakehead, as well as the unemployed and even housewives.

Other specialised roles in smuggling organisations include:

1) Transporters who assist persons being smuggled to get to the smuggling ship or over the Chinese border if they are leaving by air or from a non-Chinese port.

2) Corrupt officials who provide passports, if these are required. Law enforcement and other officials in transit countries are also bribed to assist the smuggling operation.

3) Guides and crewmembers. The former move illegal immigrants from one transit point to another and the latter are employed to charter and/or crew boats.

4) Enforcers who work on smuggling ships to maintain order and distribute food and water.

5) Various support personnel who provide food and lodging at transit points.

6) Debt collectors responsible for the collection of unpaid fees. They are employed in both the destination country and in China[xliv].

Since the early 1990s, Chinese people smugglers have used large ocean-going vessels, first targeting the U.S., then Canada, and most recently Australia. This, however, is only one part of the problem. People smuggling is a much more diverse enterprise than large vessel Chinese people smuggling, as serious as it is.

People Smuggling to Australia

The Australian experience over the last decade exemplifies the diverse nature of the people smuggling challenge and, in many ways, encapsulates the breadth and practical difficulties of the organised illegal immigration issue. Potential illegal immigrants arrive in Australia both by boat and by scheduled airline flights. Until mid-1999, illegal migrants tended to come primarily from the People's Republic of China, with

lesser numbers from the Middle East and southwest Asia, Malaysia, Indonesia and North Asia. The greatest majority of boat arrivals were from China while the top sources of air arrivals were Middle East countries. During the period from mid-1995 until mid-1999, boat arrivals, especially those from China, received the most publicity despite the fact that the greatest majority of ineligible arrivals at Australia's borders during that period attempted to enter Australia by air[xlv].

Table 1. Illegal Arrivals by Air and Boat 1994/95 – 1998/99[xlvi]					
	1994/95	**1995/96**	**1996/97**	**1997/98**	**1998/99**
By Sea	1071	552	365	157	771
	(69%)	(45%)	(21%)	(9%)	(28%)
By Air	485	663	1350	1550	1941
	(31%)	(55%)	(79%)	(91%)	(72%)
Total	1556	1215	1715	1707	2712

Source: "Report of the Prime Minister's Coastal Surveillance Task Force, Action in Source and Transit Countries," http://www.dpmc.gov.au/Int/report.htm 3 January 2000.

The number of those who evaded detection is not known. An Adelaide University researcher suggests that the number of ineligible arrivals who were not detected in 1998-99 was approximately 10,000. The Australian Government, however, has neither endorsed this estimate nor provided an estimate of its own[xlvii].

As indicated in Figure 2, Chinese nationals arriving by boat comprised the largest group of illegal migrants until the middle of the calendar year of 1999. Though great in overall numbers, air arrivals were spread over a broader range of nationalities.

Figure 2.
Unauthorized Boat Arrivals by Citizenship, 1998-99
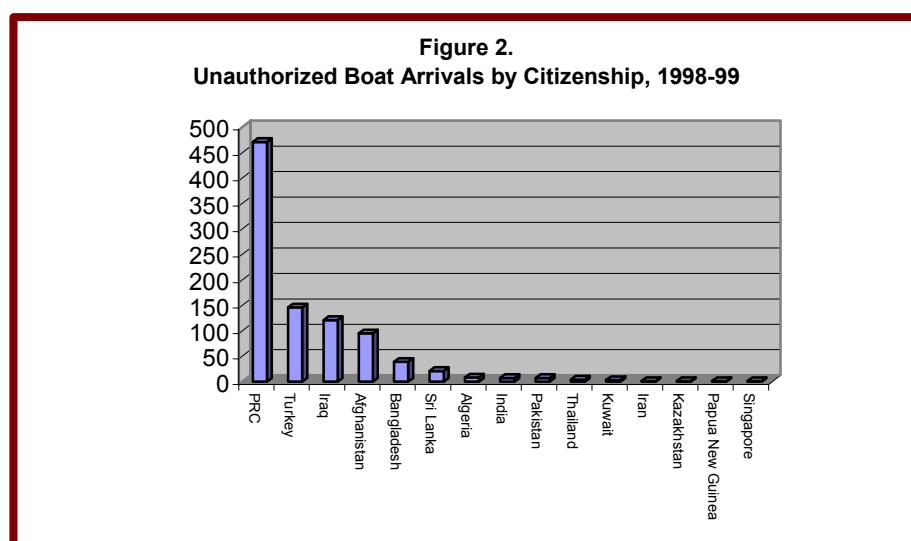
Source: "Protecting the Border: Immigration Compliance," Appendix 3, http://www.gov.au/illegals/append3a.htm, 29 December 1999.

After mid-1999, the ratio of air to boat arrivals moved to approximately 1:1; reality finally caught up with public perception. The influx of Iraqis and Afghans arriving from Indonesia by boat since the middle of 1999 altered this equation. Since that time boat arrivals have been predominantly Iraqi and Afghani. These new illegal migrants elected to use boats instead of scheduled airlines and to use Indonesia for their final staging point. Between July 1 and December 23, 1999, 2910 illegal immigrants arrived by boat[xlviii]. Of these, 964 were from Iraq, 805 were Afghani and 656 are listed as "Unknown Middle East" nationality. In the second half of the calendar year of 1999, only 73 Chinese nationals arrived by sea. These post-July 1999 boat arrivals were greater than the total number of illegal arrivals by both air and boat during any previous (financial) year.

To some extent, the increase in migrant flows to Australia can be attributed to rumours that Australia will declare an amnesty for illegal immigrants in 2001 and that plentiful work will be available as a result of the Olympics. But the more generic factors discussed previously probably play a much more significant role, especially for the most recent boat arrivals. There are also several Australia-specific facilitating factors which make Australia an attractive target. These include Australia's proximity to a number of Asian source countries, the ability of organisers to use Indonesia as a staging point, and the attractiveness of Australia's extensive coast which leads to the presumption that landing undetected is possible.
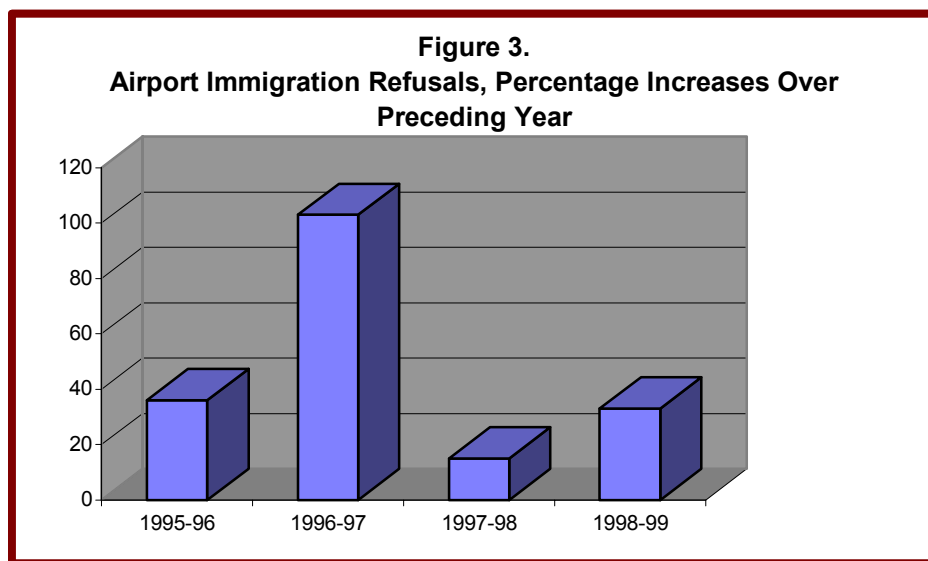
Illegal Immigrant Arrivals by Air

No country is protected from airborne illegal migrants who wish to utilize the international protections afforded refugees. To succeed in the first part of their quest for refugee status, the only document challenge putative refugees must pass is that of airline departure counter staff, often untrained or poorly trained in document examination. Once boarded and entered into the international airline system, intending illegal immigrants can move about the world, staying in transit areas, usually without ever having to have their documents again scrutinised. The expansion of airline route systems through alliances and code sharing has contributed to this situation. When on the final leg of their journey, if the hopeful illegal immigrant still has travel documents, all he or she has to do is destroy them, making it impossible for immigration officials to deport the person immediately[xlix], and to request refugee status on arrival. International law requires a claim for protection as a refugee be investigated.

"People are identified as arriving illegally in Australia if they arrive with no travel documents, or present documentation which is found to be fraudulent but which they may have used for check-in at overseas airports. While many arrive as individuals, planning their own travel, some are part of an organised people-smuggling operation"[l].

Fraudulent documents include, but are not limited to, forged passports, passports in which the photograph has been substituted, counterfeit visas, visas which have been transferred from one passport to another, and visas which have been obtained under false pretences. Even the most sophisticated documents can now be quickly compromised.
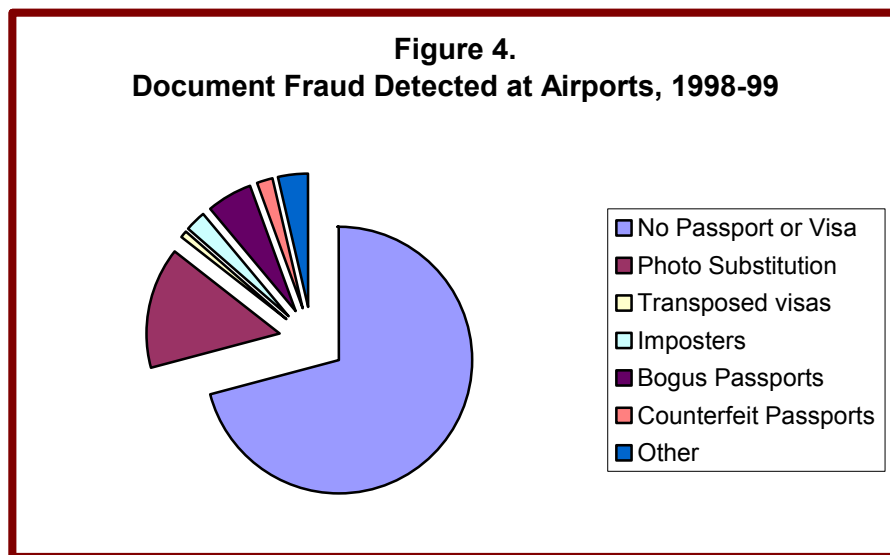
Because of its criminal and therefore clandestine nature, there is no certain way to gauge how many people successfully circumvent immigration requirements nor is there a way to determine how many of those refused entry actually intended to establish residence illegally. While more is being learned each year about the organisers of illegal immigration it is still difficult to determine the extent to which illegal immigration is organised. However, we can infer the magnitude and nature of the likely threat to immigration control from the number and type of non-*bona fide* applicants who present themselves at the border for admittance.

During the year 1998/99, 2106 people were refused immigration clearance at Australian airports. This was a 36 percent increase on the previous year,1997-98, and a 56% increase over 1998-97 when there were 1347 unauthorised illegal air arrivals[li]. As Figure 3, below, indicates, during the last four years airport immigration refusals have increased each year; the smallest percentage increase, in 1997/98, was still close to twenty percent[lii]. The Australian Department of Immigration and Multicultural Affairs (DIMA) estimates that over 75 percent of those refused immigration clearance "have had their travel arrangements facilitated by traffickers and 51 percent were found to have bogus documents"[liii]. This is difficult to verify, however. Many people refused entry are ineligible, for instance, because of previous criminal convictions. Others may be coming to find work but after a time they will return to their home countries. This is common in the sex industry and for many people coming to do seasonal work in agriculture.

Figure 3.
Airport Immigration Refusals, Percentage Increases Over Preceding Year

Source: DIMA, Fact Sheet 81, "Unauthorised Arrivals by Air and Sea," 23 December 1999, http://www.immi.gov.au/facts/81boats.htm, 3 January 2000.

A better indicator of a conscious and organised/assisted attempt to circumvent immigration requirements is the extent to which a passenger has attempted to document him/herself as *bona fide*. In 1998-99, 48 percent of the individuals refused entry at Australian airports, 1008 individuals, presented either false, forged or substituted (visa, page or photo) documents, or had no documents at all[liv].

**Figure 4.
Document Fraud Detected at Airports, 1998-99**

Legend:
- No Passport or Visa
- Photo Substitution
- Transposed visas
- Imposters
- Bogus Passports
- Counterfeit Passports
- Other

Source: "Protecting the Border: Immigration Compliance," Appendix 3.

The most common type of document falsification is the substitution of the picture in passports. During 1998-99, this form of fraud accounted for 14 percent of all instances of document fraud detected at Australian airports with citizens of the People's Republic of China responsible for 57 percent of the detected photo substitutions. The passports used most often for photo substitution were Taiwanese, South Korean and Indonesian[lv].

The largest class of document fraud during 1998-99 was comprised of those who arrived without any documentation at all, the most common technique for those seeking refugee status. These individuals were responsible for 70 percent of all document fraud during this period. Of this group, 46 percent were from Iraq, 12 percent from Algeria, 9 percent from Iran and 7 percent each from Kuwait and Afghanistan.

There are two geographic variables relevant to illegal air arrivals, last port of embarkation and point of origin. As Figure 5, following, demonstrates, the source and number of non-*bona fide* visitors, many of whom likely were potential illegal immigrants, has shifted dramatically. In the year 1994-95 the country with the highest number of refusals was Somalia with 71, followed by Indonesia and then New Zealand (66 for Indonesia and 62 for New Zealand)[lvi]. The other countries with 10 or more refusals were Malaysia (37), Iraq (17), Thailand (16), the PRC (11), and South Korea (10).

During the year 1998-99, Iraq headed the list (325), followed by Malaysia (277), the PRC (183), and South Korea (154). New Zealanders were refused entry 97 times. In percentage terms, the number of Iraqi refusals increased 137 percent over the previous year. Malaysian refusals jumped 559 percent and South Korean nationals who were refused entry into Australia rose 211 percent. Algerians refusals grew by 60 percent. In contrast, refusals for PRC citizens declined 57 percent and Indonesians fell 28 percent.

Figure 5. Largest Source Countries for Non-*Bona Fide* Airport Arrivals*					
Source Country	1994/95	1995/96	1996/97	1997/98	1998/99
Iraq	17	34	90	140	325
Malaysia	37	9	20	42	257
PRC	11	92	235	268	112
South Korea	10	6	12	52	159
New Zealand	62	49	40	59	92
Algeria	2	21	61	51	87
Thailand	16	25	94	77	93
Indonesia	66	110	124	132	97
Sri Lanka	3	15	205	118	58
Kuwait	0	0	19	61	32
Somalia	71	87	110	78	30
Other	190	214	340	477	764
Total	485	663	1350	1550	2106

*Non-*Bona Fide* arrivals include individuals without travel documents, with improper or fraudulent documents, or who are believed not to be bone fide travellers.
Source: DIMA, Fact Sheet 81, "Unauthorised Arrivals by Air and Sea," 23 December 1999.

The networks used by Middle East illegal immigrants entail travel by air from the Middle East normally to Thailand.   The majority of Iraqis and Kuwaitis begin their journey in Turkey or Jordan. A smaller number start in Syria. Bangkok is the point at which they make contact with organisers who arrange their onward travel. "Travel from Bangkok is not normally direct but by some circuitous route via Laos, the PRC, Vietnam, Cambodia, South Korea or even South Africa" for those travelling by air"[lvii]. Since 1999, Middle East and Afghan illegal immigrants have increasingly used Indonesia as a staging area, primarily for boat travel but also for air movement.

"Malaysia is also a well used staging point and base for very active smuggling syndicates. While Middle Eastern syndicates located in Bangkok are dominated by Palestinians, in Malaysia, Iranians, sometimes in collaboration with Afghans, seem to be the main organisers. The syndicates in Malaysia are responsible for the movement of Iranians, Iraqis and Algerians"[lviii].

Singapore was the most frequent last port of embarkation.   In 1998-99, 437 unauthorised arrivals journeyed to Australia via Singapore, up from 329 the previous year. The 1998/99 figure comprised 39 percent of inadmissible passengers arriving at Australian airports. These passengers came from 55 different countries. However, overall, roughly 40 percent of these passengers were from the Middle East or North Africa. Twenty-nine percent (129) of the arriving Singapore passengers who were adjudged inadmissible were Iraqis. A further 29 percent (128) were from Malaysia[lix].

Figure 6.
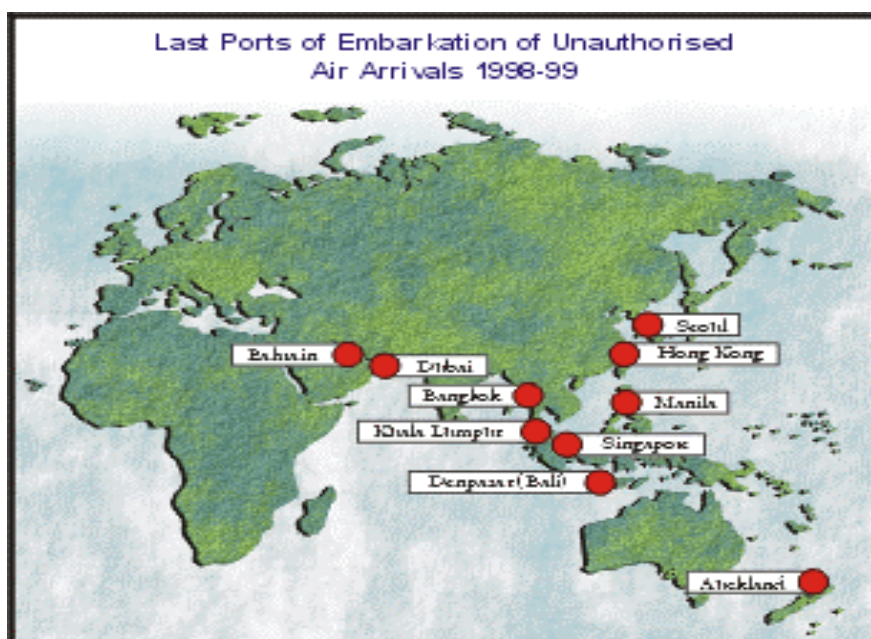
Source: "Protecting the Border: Immigration Compliance," Chapter 2.

Illegal Boat Arrivals
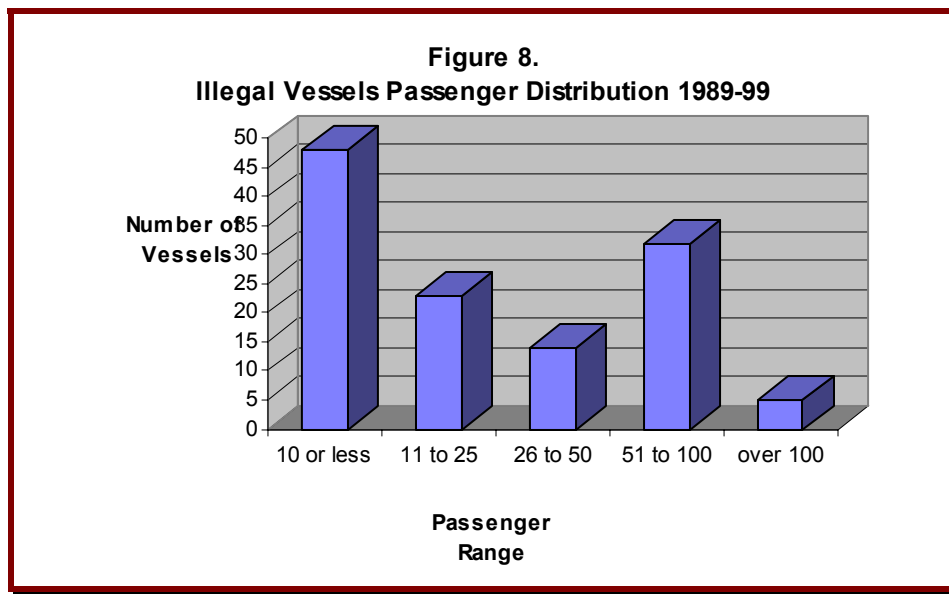
Since 1989, 6,945 people have arrived in Australia illegally by boat, including 77 children born subsequent to their mothers' landing in Australia[lx]. Of this total, 926 arrived in 1998-99. This compares with 157 the previous year, 1997-98, and 1071 in 1994-95, the highest recorded number to date. However, during the last six months of 1999, July 1 through December 23, 2,910 illegal migrants arrived by boat, well eclipsing the1994/95 year high in only six months.

| Figure 7. Annual Arrival Numbers - Boats and Illegal Immigrants			
Year	**Number of boats**	**Total arrivals**	**Minimum/ maximum on board**
1989-90	3	224	26/119
1990-91	5	158	3/77
1991-92	3	78	10/56
1992-93	4	194	2/113
1993-94	6	194	4/58
1994-95	21	1071	5/118
1995-96	14	589	4/86
1996-97	13	365	4/139
1997-98	13	157	3/30
1998-99	42	926	2/112

Source: Fact Sheet 81, "Unauthorised Arrivals by Air and Sea," 23 December 1999.

Most of the vessels arriving in Australia have been small boats, carrying less than ten people. This steady flow of small boats has been over-shadowed by the publicity given the large, steel-hulled ships which have arrived during the last twelve months.

Figure 8.
Illegal Vessels Passenger Distribution 1989-99

Passenger Range	Number of Vessels
10 or less	~48
11 to 25	~22
26 to 50	~14
51 to 100	~32
over 100	~4

Source: DIMA, Fact Sheet 81, "Unauthorised Arrivals by Air and Sea," 23 December 1999.

Most of the recent illegal migrant vessels originate in Indonesia, again contradicting the popular impression that China is the point of origin of most boats. In the period from July 1 – December 23, 1999, only one boat from China arrived[lxi].

Figure 9.
Last Ports of Embarkation, 1998-99

- Indonesia — 74%
- PRC — 19%
- Papua New Guinea — 7%
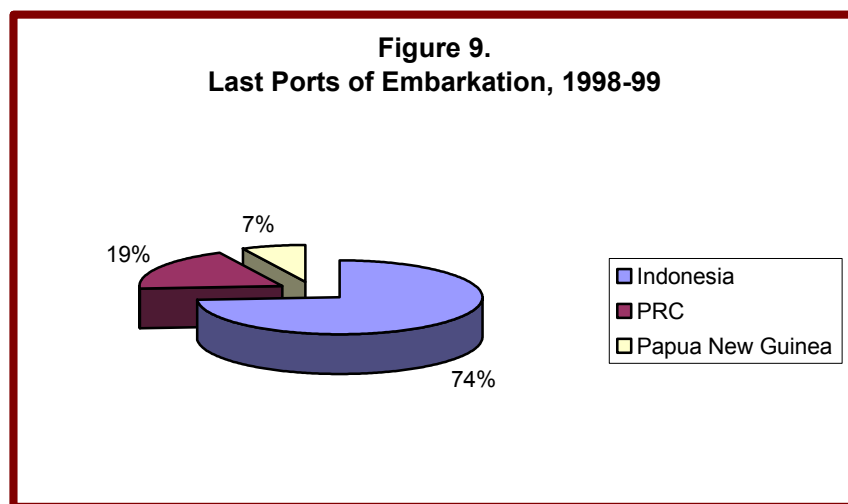
Source: "Protecting the Border: Immigration Compliance," Chapter 2.

To understand the nature of this epidemic of illegal migrant boats, it is necessary to disaggregate the data on boat arrivals. Unauthorised boats which have brought illegal migrants to Australia can be roughly divided into four general categories. The most prominent category, that which has received the most publicity, is comprised of the several recent arrivals, steel-hulled vessels carrying comparatively larger than normal numbers of Chinese coming to Australia for employment. The second category consists of boats of varying size, but considerably smaller than the steel-hulled

vessels, carrying people primarily from the Middle East, especially Turks, Iraqis and Afghans, usually originating in Indonesia. The third category includes the greatest majority of boats, mostly small craft carrying only a few people of disparate nationality and also coming from Indonesia. The final category is somewhat larger wooden boats from China, dubbed *Bei Hai* vessels by the Australians because they originate from around the city of *Bei Hai* in Guangxi Province in southern China.

Chinese Boats

Prior to 1997, Chinese arrived on *Bei Hai* boats, typically 16-20 meters long, constructed of timber, and organised on a non-profit basis by family groups and possibly close friends; recruitment would be by word-of-mouth and limited to extended families and close friends to avoid coming to the attention of the Chinese security services. These vessels carried between 40 and 80 Chinese. No professional organisers were involved. Planning for a voyage would usually begin several months in advance of the planned departure.

Those who arranged the *Bei Hai* boats generally travelled with their families on the boats. As well, there were no "enforcers" on board to maintain order. Passengers on *Bei Hai* boats paid in full prior to departure in order to reimburse the individuals who arranged the voyage for the cost of the vessel, fuel, and other supplies. The purpose of the voyage was not for profit but due to a shared interest in resettling in Australia.

None of the *Bei Hai* boats carried any sophisticated communications or navigation gear; most had none of this equipment at all. Radar was virtually non-existent. After they arrive in Australia, the Australians generally have to scuttle the vessels because of their wretched state of repair. Their arrival in Australia must be to a large extent a matter of good fortune for all aboard. There is no information available as to any boats which have been lost during a voyage, but it is a possibility that cannot be dismissed.

Figure 10.

Source: "Protecting the Border: Immigration Compliance," Chapter 5.

Fujian Vessels

The first arrival of a large, steel-hulled vessel carrying a significant number of Chinese illegal immigrants to Australia occurred in 1997. This vessel ran aground in Torres Strait with 139 Peoples Republic of China (PRC) nationals on board. Compared to earlier boats, this vessel was unique in several ways: it carried the greatest number of passengers heretofore seen and it was a steel-hulled vessel with state of the art communications equipment which enabled ship-to-shore contact, also previously not seen in other unauthorised arrivals. The vessel was crewed by Indonesians but there were indications that the smugglers had an extensive organisation, not only in China but also in Indonesia and possibly Australia. Additionally, it was heading for the east coast of Australia and its passengers were hoping to get to Sydney to seek employment. A final difference was that the Chinese on board originated in Fujian province, as do nearly all of the Chinese using boats to go to the U.S. In the past, unauthorised boat arrivals in Australia had originated primarily in Guangxi, Hainan and Guangdong provinces.

Following the first of Fujian vessel (as they were subsequently dubbed), a second similar boat with PRC illegal immigrants arrived on Australia's east coast in March 1999. This vessel carried 26 passengers. Like those on the first, they were from Fujian province and were intending to find employment. This ship came ashore at Holloways Beach, Cairns and the passengers disembarked without detection. However, they were quickly spotted and were captured and sent back to China before they could meld into the Australian-Chinese community.

A third vessel arrived the following month. Its 60 passengers also came from Fujian province and also came to find work. It arrived undetected as well.

These three vessels signalled a new modus operandi for unauthorised boats. First, they attempted to land without detection; in the past, most boats appear to have anticipated detection and detention. Second, they intended to follow a route clearly designed to minimise the chances of detection around the north and east coasts of Papua New Guinea.

Two other large boats made it to the east coast of Australia in May 1999, one carrying 83 persons and the other with 78 people. Another arrived in June with 108 PRC nationals and four Taiwanese on board.

In contrast to the *Bei Hai* boats, the Chinese on the Fujian vessels generally paid only a deposit for their passage on the understanding that their total debt would be paid after they found work. There are indications that some of the passengers were destined to work as indentured servants in order to pay their debt to the smugglers. This too was a previously unknown aspect of illegal immigration in Australia; indentured work had been confined to women in the sex industry.

Figure 11.
"Fujian" Boat which Arrived at Scott's Head, Macksville, NSW,
on 10 April 1999 with Sixty People on Board

Source: "Protecting the Border: Immigration Compliance," Chapter 1.

There is another difference between the Fujian boats the *Bei Hai* efforts, recruitment. The recruitment for each of the first four Fujian vessels appears to have been carried out professionally, by either middlemen in the smuggling syndicate organising the voyage or by "professional recruiters" paid a commission for each passenger they signed up. In each of these three vessels, one or two of the overall organisers came along on the voyage, accompanied by two to three enforcers. The individuals at the top of the smuggling organisation remained in China and that person's identity was never revealed to the passengers.

Boat Routes to Australia

Most boats from China, especially the *Bei* Hai boats, follow a course down the coast of China and Southeast Asia, continuing through the Indonesian Archipelago, and then to the northwest coast of Australia or to islands, including Christmas Island, that are under Australian control. In contrast, the larger Fujian initially followed a route that broadly took them through the Spratley Islands, into the Celebes Sea and then southeast toward the eastern tip of Irian Jaya. The aim of this route was to avoid the narrow and heavily patrolled Torres Strait in order to land the passengers clandestinely on the east coast of Australia. One of these boats beached almost as far south as Sydney.

The small boats from Indonesia merely cross the Timor Sea. Ashmore Reef, a frequent location on which refugees are dropped off, is only 18-24 hours sailing from Kupang in West Timor.

Figure 12.
Location of Ashmore Reef

Figure 13.
Ashmore Island
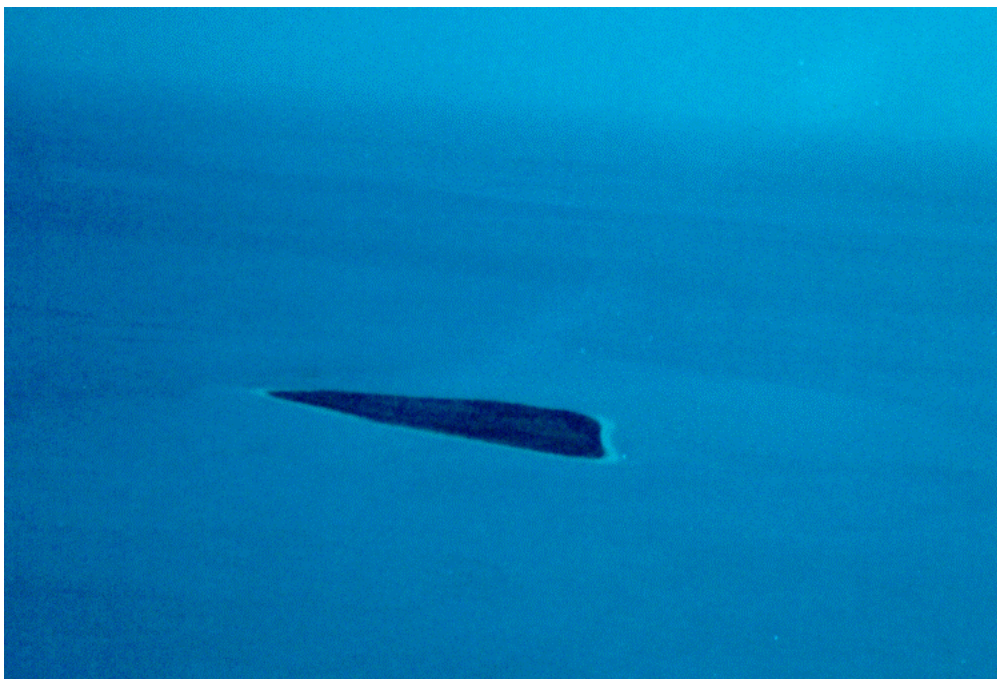
Source: "Protecting the Border: Immigration Compliance," Chapter 5.

Figure 14.
Illegal Migrants on Ashmore Island

Source: "Protecting the Border: Immigration Compliance," Chapter 1.

Middle Eastern Illegal Immigration by Boat

The most significant change in illegal immigration to Australia by boat, even more salient than the use of the steel-hulled "Fujian" vessels, has been the drastic increase in refugees from the Middle East, principally from Iraq and Afghanistan, arriving in Australia. Like those who arrive by air, they fly from the Middle East to Southeast Asia. However, after they reach Bangkok they fly to Indonesia, often ending up in Bali. Up until this point, there is normally nothing irregular or illegal about the travel of many of these individuals. Once a sizeable group has been assembled, a boat is secured in either Kupang or, more recently, Flores, another island in eastern Indonesia[lxii]. The cost of travel may range from A$ 10,000 to A$ 45,000 per person, depending on the nature of the travel and any documentation which is needed[lxiii].

The immigrants are often dropped off on Ashmore Reef or other islands off of Australia. Depending on circumstances, e.g., if the boat is in condition to return to Indonesia or whether it is detected by Australian authorities, the boat is beached or returns home before being observed by Australian authorities.

Figure 15.

Staging Points for People Smuggling to Australia 1998-99

Source: "Protecting the Border: Immigration Compliance," Chapter 2.

Like the arrival of Fujian vessels on the east coast of Australia, the sudden escalation in the numbers of Middle East illegal migrants, especially from Iraq and Afghanistan, signalled a sea-change in the nature of the illegal migrant threat to Australia. In calendar year 1998 the number of Iraqis attempting to enter Australia was 4. In 1999, 1081 Iraqis arrived by boat, 964 after July 1, 1999. Afghan arrivals reveal a similar pattern. In CY 1998, 22 Afghans arrived illegally by boat. In CY 1999, the number rose to 902 with 805 individuals arriving after July 1. In addition, 656 individuals of apparent Middle East extraction arrived but whom DIMA was unable to classify in terms of nationality up to the time these figures were published.

Figure 16. Nationality of Boat Arrivals 1 January 1996 – 23 December 1999				
Nationality	**1996**	**1997**	**1998**	**1999** (1 Jul – 23 Dec)
Iraqi	50	26	4	1081 (964)
Afghani		27	22	902 (805)
Unknown Middle East				656 (656)
Chinese	529	253	59	492 (73)
Unknown				228 (228)
Turkish			11	157 (22)
Unknown Asian				62 (62)
Bangladeshi		1	48	35 (11)
Sri Lankan	6	15	7	32 (18)
Indian			1	20 (6)
Iranian		1		18 (2)
Pakistani	8			16 (9)
Algerian	1	14	1	12 (4)
Kuwaiti				12 (9)
Syrian				7 (7)
Indonesian			2	3 (3)
Kazakhstani				1
Papua New Guinean				1
Kurdish				1 (1)
Bahrainian				1 (1)
Myanmar				1 (1)
Palestinian				1 (1)
Irian Jayan	21		30	
Moroccan	1		1	
Senegalese		1	2	
Sudanese		2		
Sino-Vietnamese	46			

Source: Fact Sheet 81: "Unauthorised Arrivals by Air and Sea," 23 December 1999.

Of the total number of boat people (in Figure 16 above), 848 were granted refugee status, 75 were granted entry on humanitarian grounds and 52 on other grounds for a total of 975. Other individuals remain in Australia as a result of being released on bridging visas (20), escaping from custody (5), and still in custody (3,010). The remainder, 2,935, (see Figure 17) have departed Australia[lxiv].

Figure 17. Ethnicity of Required Departures	
Ethnicity of Individual	**Number**
Chinese	1,517
Sino-Vietnamese	1,885
Cambodian	134
Vietnamese	108
Bangladeshi	65
Irian Jayan	51
Turkish	60
Sri Lankan	36
Polish	13
Macanese	13
Romanian	10
Pakistani	12
Indonesian	7
Algerian	3
Moroccan	3
Senegalese	2
Hong Kong	1
Nigerian	1
Papua New Guinean	1
Somalian	1
Total departures	**2,935**

Source: DIMA, Fact Sheet 81, "Unauthorised Arrivals by Air and Sea," 23 December 1999.

What is crystal clear from the table above is that no one from Iraq or Afghanistan, or nationals of several other Middle East states, e.g., Syria and Algeria, has been denied refugee status or forced to leave Australia. It hardly needs to be said that this must be considered one reason why Australia has seen such a sudden and large increase in refugee claimants during the previous year.

New Zealand's Risk Situation

People smuggling is one of several transnational phenomena which will continue to challenge governments well into the future. The desire of people to better their lot will remain, modern communications technology will continue to increase their

exposure to attractive alternative living conditions, and organisers of illicit migration will persist in providing their services as long as there is a demand. Therefore, if we cannot expect people smuggling to decline in the near to medium term, we need to ask how the phenomenon is likely to manifest itself at New Zealand's borders and what, if anything, can be done about it.

The nature of future illegal immigration to New Zealand is not necessarily easy to forecast. New Zealand has enjoyed relative immunity from illegal immigration because of its island form and distance from source countries and staging areas. However, while continuing to afford protection, the moat which surrounds New Zealand cannot mitigate all risks. As demonstrated by the two discontinuitous changes in the pattern of illegal immigration efforts directed at Australia—the appearance of large, steel-hulled vessels and the sudden, exponential growth in Iraqi and Afghan illegal arrivals—people smugglers will continue to present target states with dynamic challenges as they attempt to circumvent counter-measures and take advantage of weakness or lacunae in immigration regimes.

Yet, while risk assessments are always tenuous enterprises, we should be able to draw some fairly realistic conclusions by looking closely at the Australian experience. Our future is not necessarily the same as Australia's, especially if we learn from their experience. Crucially, a close look at the Australian experience may prevent us from drawing simplistic conclusions, such as focussing too much on the dramatic but low probability event of a ship arrival while overlooking the continuing policy problem of air arrivals, a problem which is likely to grow in the near term.

Seaborne Illegal Immigrants

Of all of the vessels which have brought illegal migrants to Australia, the greatest majority, the *Bei Hai* boats and those from Indonesia, most likely would have a difficult time crossing the Tasman safely[lxv]. Even those few *Bei Hai* boats in sufficiently good repair to traverse the Tasman, are unlikely to do so since their crews are not used to long journeys in the open sea and probably would not to want to risk a crossing. That is the best explanation for why they hug the coast of Asia and Southeast Asia, ending up in Australia after sailing through the Indonesian archipelago. The most direct route to either New Zealand or the east coast of Australia would be to cross the South China Sea, a long voyage in open water, and make for the eastern tip of Papua New Guinea before pointing toward the eastern coast of Australia or New Zealand.

The Fujian vessels which did reach the east coast of Australia could make the long sea voyage to New Zealand and this possibility certainly cannot be discounted. Whether New Zealand would be an attractive destination for Fujian vessels, though, is open to question. The Chinese on these ships are motivated primarily by economic goals. They want to work and, according to a PRC Embassy official in Washington, Chinese coming to the U.S. have been told "they can make a fortune—maybe a million dollars—in two, three or five years"[lxvi]. (Or more realistically, as a Chinese immigrant who arrived legally as a refugee told a U.S. journalist, they may have "heard the same things he did in China. Here, there's a chance that hard work will earn a good living. Mostly, there's a chance for the kids"[lxvii]). It is likely Australia has been sold similarly to Chinese migrants, if in more modest terms.

While it is invariably dangerous to assume that people always act rationally and are fully informed, New Zealand is unlikely to be the destination of choice for most Chinese migrants as it has little to offer in terms of employment. Job opportunities are not available in New Zealand to the same extent they are in Australia. Not only is the New Zealand economy substantially smaller, but New Zealand also has a much smaller Chinese community as well. Since almost all of the Chinese illegal immigrants speak little, if any, English, they would need to find jobs in the Chinese community. Additionally, it would be very hard for the New Zealand Chinese community to absorb a significant number of illicit immigrants without their presence being noticed[lxviii].

If there is a low probability of a Chinese vessel, a greater risk would be the arrival of a ship with Iraqis or other Middle East migrants. Middle East migrants would more than likely be better educated than typical Chinese illegal immigrants and they conceivably already would have had experience working abroad[lxix]. Middle East illegal migrants also are more likely to have resources which could be pooled to procure a vessel suitable for the journey from Indonesia to New Zealand[lxx]. Finally, Middle East and southwest Asian migrants such as Afghans, are not interested in clandestine entry. They would arrive openly and seek refugee status.

For those officials operationally concerned with organised illegal immigration, sea-borne illegal immigration presents a serious challenge. They will find little comfort in assigning a low probability to the likelihood of an illegal migrant boat arrival. Low probability does not mean no risk. Efforts must be undertaken to lessen as much as possible the risk and to plan for a boat which defies the odds.

To detect illegal migrant vessels, New Zealand relies essentially on the surveillance and intelligence efforts of Australia. While these Australian programs are extremely helpful, they are not infallible. Australian surveillance is considerable, and will increase in the future, but it has not been perfect. Several large vessels have slipped through its net, most notably the boats which rounded the eastern tip of Papua New Guinea. As is clear from the map at Figure 18, if vessels were to take an even longer route and continue further east before heading south, they would be well beyond the Australian surveillance zone[lxxi]. Even detection of vessels going through the Torres Strait has not been one hundred percent.

Additionally, detection equates merely to warning. It would be very difficult, both legally and politically, to prevent a vessel loaded with putative refugees from entering New Zealand's territorial waters. If the vessel is full of people interested in seeking refugee status, the closer they come to New Zealand, the less they will be concerned with detection. Even if warned to change course, they still could just sail into New Zealand's territorial waters and, when intercepted, make their claim for protection. Once a refugee claim is asserted, international law requires it be investigated. As noted above, so far the Australians consistently have found claims by Iraqis and many other Middle Eastern illegal arrivals credible. None have been forced to leave.

Figure 18.
Existing and Proposed Illegal Immigrant Surveillance Zones
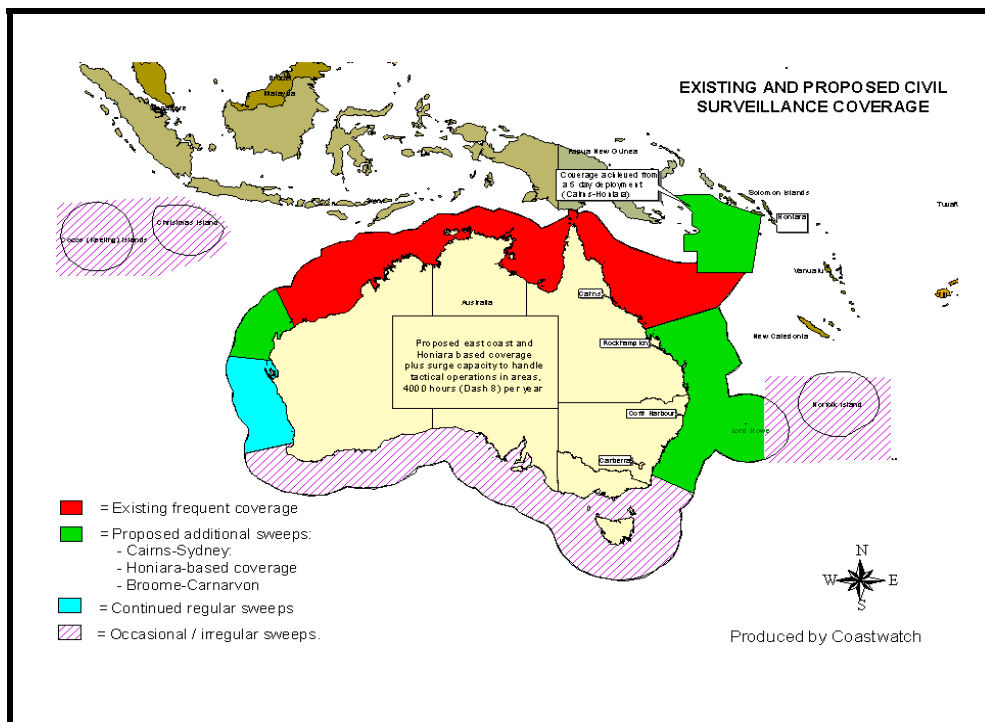
Source: "Prime Minister's Coastal Surveillance Task Force Report," Executive Summary, June 1999, Appendix C, http://www.dpmc.gov.au/Int/index.htm, 3 January 2000.

Illegal Immigrants Arriving by Air

If the possibility of an illegal migrant vessel is a future risk, albeit a relatively low to moderate one, illegal immigrants arriving by air and requesting classification as refugees are an existing problem. It is also an issue that is likely to grow in the future. The New Zealand Immigration Service reportedly has told the new Minister of Immigration the number of refugee claimants has increased significantly in the last ten years and organised migrant traffickers are targeting New Zealand. According to the Immigration Service, 2,000 claims for refugee status were received in the financial year 1998/99[lxxii]. All of these individuals have arrived via scheduled airline flights. This number is up from 600 refugee claimants five years earlier[lxxiii].

In the past, people seeking refugee status have been primarily from Southeast Asia, especially Indonesia, Thailand and Malaysia. During the unrest which led to the resignation of President Suharto there was an exceptional surge in Indonesian refugee applications. However, with the revocation of visa-free status for Indonesians, refugee claims from Indonesians have come back into line with their historical levels as the number of visitors declined compared to the visa-free period.

The key point about these refugee claims is that the greatest majority were made by individuals who were legally in New Zealand. Some were here on business visas, others as students and still others arrived from countries granted visa-free status to encourage tourism. Many of these people had been in New Zealand for some time.

Those claiming refugee status on arrival, spontaneous refugee claimants, and utilizing either fraudulent travel documents or possessing no documents at all, are a different issue. They are generally involved in some form of assisted illegal immigration. Assistance may range from help in procuring some form of fraudulent documentation, either a counterfeit passport or visa or a legitimate travel document which has been altered, to an escorted journey to the target country. The latter may entail an extended trip of several months by an extremely indirect routing.

The unexpected large influx into Australian of Iraqi and Afghan refugees during the last several years has an analogue in New Zealand. Spontaneous refugee claimants have also grown here and originate from non-traditional parts of the world, especially the Middle East. If, as the Australians believe, people smuggling organizations are bringing large numbers of Middle Eastern migrants to Indonesia with Australia as their ultimate destination, it is highly probable that some of these people will be directed to New Zealand as well[lxxiv].

Combating People Smuggling

The structural factors that have prompted and facilitated the growth of illegal immigration during the last two decades will continue to provide an environment in which emigration will be viewed as one of several feasible mechanisms for bettering people's lives. In the principal source countries, primarily in the Third World, population growth will continue to exceed the capacities of these nations to provide satisfying standards of living. As well, economic development will continue to have the counter-intuitive effect of encouraging emigration from developing countries as it disrupts traditional lifestyles, produces better educated young people at a faster pace than jobs requiring their skills, and leads to the demise of inefficient industries which provided significant direct and indirect employment. Globalisation will continue to increase the flow of information between source and immigrant recipient countries while transportation channels will expand and transport costs decrease. Finally, the burgeoning ethnic communities in recipient nations will draw and succour others with similar national, ethnic or religious backgrounds.

As well, attempts to circumvent the normal immigration regime are very difficult to halt. Fraudulent documents do not have to be well made. Often the only person to be deceived is a poorly trained airline clerk at check-in. Once in the international airline system, passengers can move relatively freely from country to country as long as they do not attempt to leave each airport's transit area. On arrival at the desired country, they then destroy their ersatz documents, to forestall being immediately returned to their home state, and assert they are refugees requiring protection. This claim has to be investigated. Since the investigation normally cannot include requesting information from the claimant's home country, because this could compromise family members and friends or even the claimant him or herself should the claim be refused and he or she are returned, the scope of the investigation is necessarily limited. Verifying claims of political or religious persecution is therefore difficult.

It is beyond the scope of this paper to develop prescriptions to deal with organized illegal immigration attempts directed at New Zealand. A serious effort to do so would require a considerable work[lxxv]. However, while difficult, the problem of people smuggling is not as intractable as it may at first appear and there are some obvious

and intuitive measures that can be taken which easily come to mind. Some of these involve international cooperation and would require the careful development of strategies to realize them, while others can be taken unilaterally. The multilateral measures include:

- Enhancing international conventions and cooperation to facilitate early warning of movements of illegal immigrants through the region as well implementing cooperative interdiction strategies in source and transit countries;

- Strengthening the interoperability of legal systems – whilst standardisation or harmonisation of national legal systems is often held up as the ideal, a more immediate goal should be to achieve greater "interoperability";

- Establishing international enforcement mechanisms – law enforcement organised along national lines, bounded by state boundaries and nationalist outlooks and sources of information, is not competent to meet this challenge. Part of the answer could be the creation of an international criminal court to accompany an international convention against transnational organised crime (of which people smuggling is a part); and

- Removing or isolating safe havens or sanctuaries – unilateral or multilateral policy actions are needed as part of robust international strategies to deny transnational criminal organisations safe home bases from which they can operate with impunity or stage the movement of illegal immigrants en route to final destinations.

Measures that New Zealand can take on its own include:

- Expanding the current program of deploying immigration officers to airports with direct flights to New Zealand;

- Making "people smuggling" a crime[lxxvi] and ensuring that the penalties attached to all relevant laws are consistent with those in Australia to remove any incentive to choose New Zealand as a destination rather than Australia;

- Creating an adequate intelligence capability in the New Zealand Immigration Service and establishing close relations with the intelligence units of Australia's Department of Immigration and Multicultural Affairs and the Australian Customs Service; and

- Increasing the training in documentation fraud of New Zealand Custom's Service officers who examine traveller's documents on landing.

Conclusion

Breaking the people smuggling problem into its component parts, analysing it, demonstrates that the issue, while difficult, need not be insuperable for New Zealand[lxxvii]. The result of this analysis, especially of the Australian experience which press reports have portrayed in a single dimensional manner, offers a more refined perspective on the threat to New Zealand. A steady stream of illegal migrant vessels

from China and Indonesia is unlikely. The arrival of occasional vessels is possible. How these arrivals are treated, whether New Zealand is perceived as a soft-touch, will determine whether future boats follow. This presents a sensitive problem which requires balancing the interests of New Zealand and its citizens and those of the putative refugees.

While the prospect of a shipload of illegal migrants has captured the interest of the media and political leadership, it has distracted attention away from the existing and growing problem of irregular refugee claimants arriving by scheduled airline flights. Measures previously put in place to counter this threat, such as stationing immigration officers at a limited number of overseas airports, have proven inadequate to deal with this problem. Further work needs to be done to devise measures to significantly reduce these incoming and expensive flows both through prevention and removing the incentives for those who believe they have legitimate reasons to seek protection as refugees to utilize extra-legal methods to obtain that status.

* * * * *

Endnotes

[i] James C. Scott, Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed, New Haven: Yale University Press, 1998, p. 2.

[ii] On October 13, 1999, Immigration Minister Philip Ruddock announced that he intended to change Australian immigration legislation concerning resident rights for refugees. Presently, everyone who is recognised as a refugee in Australia gets permanent residence. Ruddock intends to change this so that only people who enter Australia legally and apply for refugee status will get permanent residence. Those who enter illegally will receive only a three-year temporary residence permit and if they leave Australia for any reason, they will not have an automatic right of return. In addition, people who have effective protection in another state will not be given refugee status in Australia. According to the Minister's press release, these provisions will prevent "forum shopping" in which individuals seek countries with more attractive benefits over closer and more logical alternatives. "Ruddock Announces Tough New Initiatives," MPS 143/99, Immigration Media Release, http://www.minister.immi.gov.au/media_releases/media99/r99143.htm. Earlier in 1999, the Australian government strengthened its immigration regime by increasing penalties for knowingly organizing the illegal entry into Australia of groups of five or more people to a fine of up to A$220,000 and a jail term of 20 years. The penalty for smuggling individuals increased from two years to ten years in jail with a fine of up to A$110,000. There will be no statute of limitations on either offence.

[iii] Australia has recently taken steps to increase penalties to combat people smugglers, raising penalties to a comparative level as drug importers. The effects of this change are yet to be evaluated. Rudock MP. MPS 143/99.

[iv] One definition of migrant smuggling being discussed in the context of the proposed UN Protocol Against the Smuggling of Migrants is the "intentional procurement for profit of the illegal entry or illegal residence of a person in a State of which a person is not a national or permanent resident." This definition conveys the sense of the meaning of smuggling in the context of people smuggling, although it clearly approaches this from a legal perspective and is focused on those assisting illegal migrants for a profit.

[v] The Australian Department of Immigration and Multicultural Affairs (DIMA) defines people smuggling similarly, as "the illegal movement of people across international borders, usually for payment. This implies a voluntary agreement between the organizer and the person being smuggled. People trafficking involves the illegal movement, often against their will, across international borders. There is often ongoing exploitation to pay off a debt owed to an organizer. Traditionally, this has applied to the sex industry, but neither the definition nor the reality are limited to this form of employment." DIMA, "Protecting the Border: Immigration Compliance," Chapter 1, http://www.immi.goc.au/illegals/border1a.htm, 29 December 1999.

[vi] Many illegal migrants willingly indenture themselves in order to pay their debts to smugglers. This form of exploitation differs, however, from involuntary forms of debt bondage such as children being sold to others in payment of the debts of their parents.

[vii] This statement is valid for Australia up to the middle of 1999. After that point, a sudden influx of Iraqi and Afghan illegal immigrants via boat from Indonesia evened the ratio of boat and air arrivals of illegal immigrants. Whether this trend will continue will remain to be seen.

[viii] This is equally true for the U.S.

[ix] The Australian government notes that "recently Eastern Europe has emerged as potentially a major source of illegal migration to Australia." Report of the Prime Minister's Coastal Surveillance Task Force, Action in Source and Transit Countries, http://www.dpmc.gov.au./Int/report.htm, 3 January 2000.

[x] Nicholas Van Heqar, New Diasporas: The Mass Exodus, Dispersal and Regrouping of Migrant Communities, London: UCL Press, 1998, p. 3.

[xi] One estimate suggests the number of people living outside their country of birth is 125 million. Bernard Wysocki, Jr., "On the Move," Wall Street Journal Interactive Edition, January 1, 2000, http://interactive.wsj.com/millenium/articles/SB944517711480791637.htm, 1/17/00.

[xii] Ibid. P.4.

[xiii] Graeme Hugo, "Illegal International Migration is Asia," in Robin Cohen (ed.), The Cambridge Survey of World Migration, Cambridge: Cambridge University Press, 1995, p. 397.

[xiv] Trish Saywell, "Workers' Offensive," Far Eastern Economic Review, May 29, 1997, Vol. 160, No. 22, p. 50.

[xv] Alexandra Marks, "Tight Border Aids People-Smuggling," Christian Science Monitor, Vol. 89, No. 167, July 24, 1997, p. 1.

[xvi] FEER, April 3, 1997, Vol. 160, No. 14, p. 26.

[xvii] S. Russell and M. Teitelbaum, "International Migration and International Trade," Washington, D.C.: World Bank Discussion Paper 160, 1992, p. 5, quoted in Van Hear p. 17.

[xviii] Prime Minister's Coastal Surveillance Task Force Report, Executive Summary, June 1999, http://www.dpmc.gov.au/Int/index.htm, 3 January 2000.

[xix] Hugo, op. Cit., p. 398.

[xx] Hugo, Ibid.

[xxi] Jakarta Post, "5,000 Women Workers Stranded in Middle East," 2 November 1999.
[xxii] Adam LeBor, "Profitable Cargo," http://www.omri.cz/oct98/tpprofit.html, 1 July 1999.

[xxiii] Ibid.

[xxiv] James Drake, "Troubled Albania Remains Illegal Freeway into Europe," Christian Science Monitor, February 9, 1998, Vol. 90, No. 51, p. 6.

[xxv] Winer, op. cit.

[xxvi] Sidney Jones, "Hope and Tragedy for Migrants in Malaysia," the Asia Pacific Magazine, No. 1, (April) 1996, p. 23.

[xxvii] Ibid. This is one of the areas in which the distinction between people smuggling and trafficking seems either to disappear or require a new appellation. While this paper is concerned with illegal immigration in terms of New Zealand and Australia, we should not forget that illegal immigration is not a problem that is confined to the "developed world." People smugglers are active in all regions with, as is often the case, the greatest amount of exploitation left in the Third World.

[xxviii] Chin Ko-lin, Associate Professor, School of Criminal Justice, Rutgers University, quoted in Bertil Lintner, "The Third Wave," Far Eastern Economic Review, June 24, 1999, p. 28.

[xxix] Nicholas Van Hear, p. 34.

[xxx] Ibid., p. 52.

[xxxi] Graeme Hugo, "Illegal International Migration is Asia," in Cohen, op. Cit., p. 400.

[xxxii] Paul George, "Immigration by Sea to North America: More Golden Ventures?" Canadian Security Intelligence Service, Commentary No. 43, April 1994, p. 3.

xxxiii Quoted in Lintner, p. 29.

xxxiv U.S. Deputy Assistant Secretary of State Jonathan M. Winer, Address to Forum on Transnational Crime at Amerika Haus, Vienna, 27 April 1998.

xxxv Saywell. p. 52.

xxxvi Ronald Skeldon, "The Emergence of Trans-Pacific Migration" in Robin Cohen (ed), The Cambridge Survey of World Migration, Cambridge University Press, 1995, pp. 532-536.

xxxvii U.S. Deputy Assistant Secretary of State J. M. Winer, Address to forum on transnational crime at Amerika Haus, Vienna, January 1998.

xxxviii Press Release, "U.S. Cripples Major International Chinese Alien Smuggling Operation" U.S. Department of Justice, Immigration and Naturalisation Service, Washington D.C., December 10, 1998.

xxxix Bertil Linter "Rocks and a Hard Place", Far Eastern Economic Review, September 9, 1993, Vol. 156, No. 36, p26.

xl Common use term to describe a Chinese secret society. The term 'Triad' arising from the three sided symbol of ancient society groups representing Heaven, Earth and Man.

xli Willard H. Myers, III, "Chinese Smuggling 1983 – 1993," manuscript, 1993, p. 14.

xlii Ko-Lim Chin and Sheldon Zhang, "Transnational Chinese Organised Crime Activities", paper presented at the Second International Conference on Criminal Intelligence Analysts, London, UK, 1-3 March 1999, p 18.

xliii Ibid., P. 4.

xliv Ibid., P. 5

xlv During the last six months of 1999 air and boat arrivals were just about equal. Whether this prefigures a change in the normal pattern of larger numbers arriving by air must remain to be seen.

xlvi DIMA, "Fact Sheet 81: Unauthorised Arrivals by Air and Sea," http://www.immi.gov.au, 23 December 29, 1999. Australian government data is based on its Financial Year (FY) beginning July 1 and ending on June 30 the following year.

xlvii Stuart McMillan, "Don't Bring Your Poor, Rich or Downtrodden," The National Business Review, July 2, 1999, p. 19.

xlviii DIMA, "Fact Sheet 81: Unauthorised Arrivals by Air and Sea," http://www.immi.gov.au, 23 December 29, 1999.

xlix People smugglers often retrieve false documents before the person being smuggled boards the aircraft. This increases the difficulty of tracing the smuggler and allows the documents to be reused.

l Ibid.

li DIMA, "Protecting the Border: Immigration Compliance," Chapter 3, http://www.immi.goc.au/illegals/border1a.htm, 29 December 1999.

lii One possible explanation for this lower increase is the reduction in flights between Australia and southeast Asia, especially Indonesia, as a result of the Asian Economic Crisis.

liii DIMA Fact Sheet 83, "People Smuggling".

liv Protecting the Border, Appendix 3, Statistical Data, Table 4.3.

lv "Protecting the Border: Immigration Compliance," Chapter 4.
lvi Many of the New Zealand citizens refused entry are considered non-bona fide because of criminal convictions.

lvii "Protecting the Border: Immigration Compliance," Chapter 2.

lviii *Ibid*.

lix "Protecting the Border: Immigration Compliance," Chapter 2.

lx DIMA, "Fact Sheet 81: Unauthorised Arrivals by Air and Sea," http://www.immi.gov.au, 23 December 29, 1999.

lxi Ibid.

lxii According to an Indonesian immigration officer, 596 foreigners were deported in the first eleven months of 1999. This was a 28 percent increase over the 466 who were deported in the whole of 1998. Most of the deportees were from Pakistan, Bangladesh, Sri Lanka, India and China. Many of these were said to be bound for third countries and had tried to rent or buy boats in eastern Indonesia. Others, according to the official, had used forged documents, including Indonesian temporary residence permits to try to obtain tourist visas to third countries. "Indonesian Deportations Jump in 1999," Reuters, December 24, 1999.

lxiii Mark Dodd, "Day trip to Freedom, Sydney Morning Herald, November 20, 1999, http://www.smh.com.au/news/9911/20/pageone/pageon1.html

lxiv DIMA, Fact Sheet 81, "Unauthorised Arrivals by Air and Sea," 23 December 1999.

lxv This is not to rule this option out completely. A small boat could be exceptionally lucky and manage a cross-Tasman voyage or one of the smaller boats could enter New Zealand's maritime Search and Rescue Region and require assistance from the Navy.

lxvi Scott Sunde, "19 More Stowaways Found as Hong Kong vows Crackdown," Seattle Post-Intelligencer, January 12, 2000, http://www.seattlep-i.com/local/ins12.shtml, January 17, 2000.

lxvii Susan Paynter, "Arriving Here Is Just Part of Journey for Immigrants," Seattle Post-Intelligencer, January 10, 2000, http://www.seattlep-i.com/paynter/payn104.shtml, January 17, 2000.

lxviii It is entirely possible that small numbers of Chinese have entered New Zealand on forged documents, likely photo-substituted passports. The number, however, is likely to be relatively small.

lxix Western Australian Liberal Party Senator Alan Eggleston, who is a member of the Australian parliamentary inquiry into immigration issues, believes that many of the Iraqis being smuggled into Australia have a similar background. He suggests that these had been guest workers in Kuwait and Jordan prior to attempting to enter Australia. Adrian Rollins, "Indonesia Central to People-Smuggling Trade," The Age, 14 November 1999. A report by a foreign economist in Iran suggests that 50 percent of Iranian university gradates cannot find a job. Christopher de Bellaigue, "The Struggle for Iran," in The New York Review of Books, Vol. XLVI, No. 20
(December 16, 1999), p. 58.

lxx Lauren Martin and Colleen Egan, "[A]$2,000 Passage to a Crowded Hell," Sydney Morning Herald, August 17, 1999, http://www.smh.com.au/news/9908/17/text/national7.html

lxxi The French conduct some surveillance from New Caledonia, but this is relatively limited.

lxxii Cathie Bell, "NZ a `Target for Boat People`," The Dominion, January 12, 2000, p.19.

lxxiii Yvonne Martin, The Growing Queue of Refugee-seekers," The Dominion, May 5, 1999, p. 11. In an editorial entitled "Tighten up on Asylum," February 15, 2000, p. 6, The Dominion offers a different

set of numbers. It states that the number of people seeking asylum has risen from "347 to 3210 in the six years to 1999."

[lxxiv] Quoting "immigration intelligence sources," Australian Minister of Immigration and Multicultural Affairs Philip Ruddock, told reporters October 13, 1999, that there were 2,000 Iraqi and Afghan illegal immigrants massing in Indonesia and preparing to board ships for north Australian shores. Ruddock said that they were planning to seek refugee status even though some had large amounts of cash. "Australia Warns of New People-Smuggling Racket," Reuters, October 13, 1999. Subsequently, the Minister stated "We don't know how many are in Indonesia [already], how many are at other points along the way, but the reports suggest that as many as 10,000 people could be packing up now in the Middle East with a view to trying to access Australia." "Blitz on Boat People," Sydney Morning Herald, 16 November 1999.

[lxxv] On the methodologies of developing policy alternatives see George Kent, "Policy Analysis for Action Recommendations," Research Report No. 51, The Dimensionality of Nations Project, Department of Political Science, University of Hawaii, January 1971, and "The Evaluation of Policy Alternatives," Research Report No. 55, The Dimensionality of Nations Project, Department of Political Science, University of Hawaii, March 1971, David Braybrooke and Charles Lindblom, A Strategy of Decision: Policy Evaluation as a Social Process, New York: the Free Press, 1970, Yehezkel Dror, Public Policymaking Reexamined, Scranton, Pennsylvania: Chandler Publishing Company, 1968, Richard E. Neustadt and Ernest R. May, Thinking in Time: The Uses of History for Decision makers, New York: The Free Press, 1986, and William Ascher, Forecasting: An Appraisal for Policy-makers and Planners, Baltimore: The John Hopkins University Press, 1978.

[lxxvi] There are no New Zealand laws relating directly to people smuggling. Comparative offences in New Zealand under the Immigration Amendment Act, 1999, [s142(fa)] attract a maximum of three months imprisonment. There are a variety of New Zealand laws which cover various types of involuntary people smuggling, such as prohibitions against slavery and a specific prohibition against parents or guardians delivering their child to a third party with the intent that the child's labour shall be exploited (section 98, Crimes Act 1961), abduction of a woman or girl (section 208 Crimes Act), kidnapping section 209 Crimes Act), abduction of a child under 16 (section 210 Crimes Act), procurement and exploitation of a woman or girl for sexual intercourse (section 149 Crimes Act) and assisting a child to escape from those who have lawful custody (section 446(2) Children and Young Persons and Their Families Act 1989). However, none of these legal prohibitions comprehend instances in which the person being "smuggled" is complicit in the act and not necessarily subject to the exploitation and coercion associated with human trafficking.

[lxxvii] "Analysis," after all, derives from *anas*, meaning things, and *lysein*, to dissolve. Neustadt and May, *op. cit,* p. 37.