

An Interpretative Historical Analysis of Asylum and Refugee Policies and Attitudes to Australian Immigration Laws

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Abstract—This paper is an interpretative historical analysis of Australian migration laws that examines asylum and refugee policies and attitudes in Australia. It looks at major turning points in Australian migration history, and in doing so, we reviewed relevant literature on the aspects crucial to highlighting the current trend of Australian migration policies. The data was collected using secondary data from official government sources, including annual reports, media releases on immigration, inquiry reports, statistical information, and other available literature to identify critical historical events that significantly affected the systematic developments of asylum seekers and refugee policies in Australia and to look at the historical trends of official thinking. A reliance on using these official sources is justified as those are the most convincing sources to analyse the historical events in Australia. Additional literature provides us with critical analyses of the behaviour and culture of the Australian immigration administration. The analytical framework reviewed key Australian Government immigration policies since British colonization and the settlement era of 1787–the 1850s and to the present. The fundamental basis for doing so is that past events and incidents offer us clues and lessons relevant to the present day. Therefore, providing a perspective on migration history in Australia helps analyse how current policymakers' strategies developed and changed over time. Attention is also explicitly focused on Australian asylum and refugee policy internationally, as it helped to broaden the analysis. The finding proved a link between past events and adverse current Australian government policies towards asylum seekers and refugees. It highlighted that Australia's current migration policies are part of a carefully and deliberately planned pattern that arose from the occupation of Australia by early British settlers. In this context, the remarkable point is that the historical events of taking away children from their Australian indigenous parents, widely known as the 'stolen generation' reflected a model of assimilation, or a desire to absorb other cultures into Australian society by fully adopting the settlers' language, their culture, and losing indigenous people's traditions. Current Australian policies towards migrants reflect the same attitude. Hence, it could be argued that policies and attitudes towards asylum seekers and refugees, particularly so-called 'boat people' to some extent, still reflect Australia's earlier colonial and 'white Australia' history.

Keywords—Migration Law, Refugee Law, International Law, Administrative Law.

I. INTRODUCTION

AUSTRALIA is widely regarded as one of the most desirable destinations for immigrants around the globe. With its stunning landscapes, vibrant cities, and welcoming environment, Australia offers a unique and appealing opportunity for those looking to start a transformative journey

and explore numerous exciting possibilities [1]. Indeed, it is evident, in analysing the statistics of the last few centuries, that every Australian, except Indigenous Australians (who were estimated to be just 3% of the total population in 2020 [2]), is either a migrant or a descendant of migrants [3].

Examining key historical events in Australian immigration history is essential to understanding how the attitudes of the Australian government toward asylum seekers have evolved over time. This analysis not only illuminates past practices but also provides a framework for evaluating contemporary policies and their impact on vulnerable individuals seeking refuge.

The approach involved examining historical events and migration issues in Australia from its early days to the present. In this analysis, a noticeable essential factor is that modern Australia has built on migration, and Australia would not exist in its current form without it. Therefore, Australian historical events and migration policies go hand in hand, have a significant correlation, and are non-separable.

II. METHOD

A well-conducted literature review as a research method has many uses in collecting and interpreting data and synthesizing previous work on a particular topic [4]. Furthermore, it is a practical method that creates a firm foundation for advancing knowledge and facilitating theory development [5]. For this paper, a literature review was used as the research method. Accordingly, data were collected using secondary data from official government sources, including the Department of Home Affairs (DHA) Annual Reports, government media releases on immigration, and government inquiry reports. Additionally, government statistical reports, media releases, and other available literature were utilised to explore the history of migration in Australia. The aim was to identify key historical events that significantly influenced the development of asylum seeker and refugee policies in the country. A reliance on using these official sources was justified as those were the most convincing sources to analyse the historical events in Australia. Additional literature was valuable for analysing the connections between historical events, the current Australian bureaucratic migration administrative system, and government policies regarding asylum seekers and refugees.

Firstly, the period of early European settlement in Australia was reviewed. At this point, it is vital to note that this does not

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entail a rehash of historical incidents; instead, the analysis is centred on critical events and salient points aiming to describe such incidents to discover any relationship, correlation, or link with the current policies and practices on asylum and refugees in Australia.

III. THE HISTORICAL EVIDENCE

The Colonisation of Australia

The current Australian history may have started with the arrival of the British, who initially captured the east coast of Australia, declaring the land belonged to Britain [6]. Subsequently, they transformed Australia into a British penal colony [7]. On 7 February 1788, the entire eastern part of Australia was claimed as a British territory using the legal principle of 'terra nullius'/'land belonging to no one' [8]; accordingly, they declared the colony as a 'desert and uncultivated' area, and it is a 'territory in which live uncivilised inhabitants in a primitive state of society' [9], ignoring the 40,000-60,000 years old Indigenous history and Aboriginal land was taken over without compensation [10]. The above evidence supports the view that early Australian settlers, after the occupation of Indigenous territory, suppressed their rights and culture.

The history of the 'stolen generation' is a pertinent example of inherent structural discrimination [11]. Mellor and Bretherton analysed the Stolen Generations Report, and they put forward the view that the existing policies to remove some Aboriginal children from their families constituted a pure example of 'extended structural discrimination and violence' [12]. Through this direct and structural violence, the early settlers created havoc that explicitly excluded aboriginal people and went a long way to destroying a civilised, law-abiding people.

Based on this evidence, it is reasonable to say that Australia only has a worrying history in its relationships with different cultural groups, with native Aboriginals who suffered tremendously because of negative attitudes, perceptions, and suppressive policies directed towards them by the early settlers of Australia [13]. Jupp stated "Australia as long and strong xenophobic, racist and insular traditions and they have always influenced immigration policy" [14].

Convict Transportation

Initial migrants settled in Australia were from England, Ireland, Scotland, and Wales [15]. An examination of the period from 1788 to 1868 shows that more than 160,000 British convicts were brought into Australian colonies due to their overcrowded prisons [16]. The literature also noted that, in addition to convicts brought into Australia, from 1793 to 1850, more than 200,000 settlers migrated to Australia expecting a new way of life [17]. The majority of them were also English, Irish, and Scottish [18]. In that sense, these settlers can be regarded as the founders of the new Australian society. However, as said, the colonisation activities in Australia through these means and the new Anglocentric culture had a devastating impact on the indigenous peoples of Australia. As

mentioned, the very basis of the settlement of Australia through the previously mentioned legal principle of terra nullius, at least failed to recognise Aboriginal culture, laws, or rights.

1850s Gold Rushes: a Rapid Increase of Population

Another significant population movement occurred in Australia during the 1850s, as thousands of migrants came from overseas nations to the Victorian goldfields, leading to dramatic changes in Victoria's Population, society, and culture [19]. These people were referred to as the 'gold generation' [20], and they left a lasting impact on Australia, with an influx of migrants entering Australia to seek their fortunes on the goldfields from 1851 to 1860 [21]. Consequently, the Australian Population increased rapidly, from 437,655 to 1,151,947, and the Population of Victoria alone increased from 77,000 to 540,000 [22].

Furthermore, during the 1850s, thousands of people came from China to Australia to work in goldfields, representing them as the third-largest group of migrants by 1901. Also, between the period from 1850 to 1900, Australia allowed labourers to come into Australia, and South Sea Islanders were recruited in this way to work on Queensland sugar plantations. Similarly, the Australian Government brought Afghanis, Japanese, Malay, and Indonesians into Australia. Gold-related migration led to profound social and cultural change in Australia, as these foreigners and their foreign cultures were regarded as intrinsically incompatible with the Anglocentric notion of the Australian 'way of life' [23]. This factor led to the Australian authorities imposing restrictions on 'non-white' immigration, and this has a significant correlation between the past Australian attitudes to immigration and current attitudes towards asylum seekers and refugees [24].

Start of an Australian Immigrant Society, 1788-1972

One remarkable factor is that early Anglocentric settlers settled in Australia, creating a 'British style' society outside the United Kingdom and an Irish society outside Ireland. Furthermore, it is an established fact that Australia is the 'most multicultural society in the world,' however, it is still a 'British' colonial society in terms of its origins, politics, law, and bureaucratic culture. For example, Australia's social, intellectual, business, and political elites are still predominantly of British descent, reinforcing an Anglocentric culture in our political and bureaucratic systems. In modern Australia, this type of culture is a way of introducing new racism [25]. In the literature, one can observe this in their political debates on government policies and immigration, especially on policies relating to asylum seekers and refugees [26]. Also, existing literature makes it clear that the settlement of aboriginal lands had horrendous consequences for Australian Aboriginals, whose culture was ignored. They were regarded as racially inferior and antithetical to European Enlightenment ideals of progress [27].

IV. ANALYSIS

A. Initial Australian Legal Framework

It is widely recognised that from 1788 to 1972, Australian

authorities strategically utilised immigration as a means to draw in foreign capital and technology, thereby strengthening the nation's economy and fostering growth. Additionally, we should not ignore that immigration policies have been influenced throughout Australian history by economic considerations and domestic labour market requirements, and we can also observe from early on how Australian migration laws and refugee policies carefully focused on these. The practices and policies are essentially the same; however, the methods employed have changed during the past two centuries [28].

Australia established its first federal immigration portfolio in 1945; since then, more than 7500000 migrants have been reported to have settled in Australia [29]. In elaborating statistics, based on the Census in 1901, the Australian population was reported as 3773801 people, excluding Aborigines as they were not counted at that time [30]. Among that figure, 865498 people or 28% were born overseas [31]. Another salient feature was that migrants from the United Kingdom had been reported as the highest overseas-born migrant group, amounting to 679159 of the Australian population, and the immigration policies during this period were mainly rooted in the 'White Australia' policy [32]. There was no mention of an asylum seeker or refugee policy at that time; however, refugees had been settled in Australia without government assistance as unassisted immigrants during this period because of people who fled due to fear of persecution in Germany, Hungary, Poland, and Italy [33].

Federation to World War II

After the formation of the Federation in 1901, the very first thing the new Australian Federal Parliament did was to introduce the *Immigration Restriction Act* 1901, which formally launched the 'White Australia' policy throughout Australia, along with the dictation test that has given the power to the Australian immigration officials to use their discretion in issuing visa [34]. Then, they passed the *Pacific Island Labourers Bill* of 1901[35]. Subsequently, in 1903, they passed the *Naturalization Act*, which restricted Asians and other non-Europeans from applying for naturalization as the Act took away such rights, and non-European male residents were not allowed to bring wives and other immediate family members into Australia [36].

World War II to 1960

Initially, most of the migrants who arrived in Australia were mainly from countries that include the United Kingdom, New Zealand, South Africa, China, India, and the Philippines. After the 2nd World War, Australian migration policies were centered on the promotional slogan of 'Populate or perish!' and it accepted the influx of people affected by the war. Consequently, one million British people arrived in Australia as migrants [37].

Another significant factor during the latter part of World War 2 was forming the Department of Immigration for the first time in Australia on July 13, 1945. This department was granted broad powers to implement immigration programs to resettle

refugees coming from war-torn Europe. Remarkably, from 1947 to 1954, more than 170,000 European refugees were absorbed into Australia based on various agreements Australia had with European countries and International Refugee Organization (IRO) [38]. The most remarkable aspect of this time was that 'Australia's approach to affording people protection was guided by economic and geopolitical interests, as well as by the White Australia Policy' [39]. In analysing, it can be noted that upholding the initial White Australia policy meant that only White people could migrate to Australia; however, during this period, Australian immigration was used to tackle the Labor shortages that were created by the war and to conceptually oppose the then growing world political power of the Soviet Union.

Interestingly, another remarkable feature during this period was the introduction of the *War-time Refugees Removal Act* 1949 to grant the Federal Government exclusive powers to expel non-white foreigners who came to Australia during World War 2 [40]. In consideration of these events and after careful analysis of White Australian Policy, it was nothing but the colour of skin that mattered [41]. In summary, it is fair to say that the period was a mixture of maintaining racism and shaping the country according to rulers' desires at the time of the Federation.

D. Boat People

Historically, the first-time seaborne refugees from East Timor landed in Darwin was in April 1976, which was followed by Indochinese people seeking asylum coming from Vietnam, Cambodia, and Laos, who fled their countries due to war-affected conflict. Importantly, when the Vietnamese asylum seekers arrived in Australia by boat, there was a significant public outcry in the country as to how Australia should handle the situation as a multicultural society based on Australia's involvement in the Vietnam War. Notwithstanding the ideas of those who opposed it, the Australian Government took action to relax restrictions imposed on migration, and as a result, these asylum seekers were allowed to enter and settle in Australia.

Surprisingly, in doing so, Australia needed a clear refugee policy. However, they did it in the late 1970s. During this period, the Australian Government took some critical steps to suit the situation, including the dismantling of the existing White Australia policy by repealing the *Immigration Restriction Act* in 1966 [42] and the establishment of a humanitarian stream to diversify Australia's migration streams. During this period, in the early 1970s, people from countries such as Uganda, Chile, and the then Portuguese Timor, for whom they were not entitled to such status earlier, were allowed permanent residency [43]. The other significant action the Australian Government took in 1973 was the formal recognition of the 1967 Protocol of the 1951 *Refugee Convention* [44]. It was seen as an expansion of Australia's international protection obligations to include asylum seekers from countries other than Europe.

As noted, between April 1975 and June 1981, significant outflows of refugees from the Asia-Pacific region and Australia worked collaboratively with the UNHCR to accept and resettle

51,780 Indochinese refugees [45]. Out of these, 2059 people arrived in Australia by boat seeking asylum, and the term 'boat people' entered the Australian vocabulary with their arrival. It should also be noted that Australia started rethinking the humanitarian crisis based on the Vietnam War, and this triggered changes to its migration policy approach to people seeking asylum.

Furthermore 1977, a more formal offshore refugee determination process and a resettlement program were also launched [46]. In 1981, it was further to discourage onshore arrivals of asylum seekers, and subsequently, certain efforts were taken to limit onshore arrivals of asylum seekers, resulting in an increase of offshore places up to 22,000 people in the early 1980s [47]. This is how the start of so-called 'boat people' were restricted from entering Australia by the Government and remained in their policies.

Asylum Seekers during 1990s to 2000

Historical records show that there is no evidence that people seeking asylum after arriving in Australia by boat during the period from 1981 to 1988; however, during this period offshore migration programme was active, and during the 1980s, through that programme Indochinese refugees continuously arrived in Australia along with other Eastern Europe groups [48]. The collapse of the Soviet Union resulted in Eastern Europeans coming into Australia through the Offshore Program, and also the 1989 Tiananmen Square incidents caused a sharp increase in asylum seekers coming from China, raising asylum applications from 1260 in 1989 to 12,130 in 1990 and reaching a peak of 16,740 in 1991 [49].

Another noticeable factor is the arrival of the first boat of asylum seekers in 1989 after eight years of non-appearance of boat people. Since then, there seem to be asylum seekers coming by boats, averaging 300 people per year during the period between 1989 and 1998, and they have arrived from countries such as Cambodia, Vietnam, and Southern China [50]. The introduction of the *Migration Legislation Amendment Act* 1989 was another significant action taken by the Australian Government relating to the country's migration policy [51]. Accordingly, the way people arrived by boat was used to process their application. However, the detention of these people was at the visa official's discretion.

Furthermore, the Labour government, under the leadership of Paul Keating, introduced the controversial compulsory detention system for asylum seekers arriving in Australia by boat, naming them as 'unlawful entrants' using specific provisions of the *Migration Reform Act* of 1992 [52]. This policy was subject to heavy criticisms by international bodies, including the United Nations High Commissioner for Refugees (UNHCR) and Human Rights Watch (HRW). According to this Act, people can be detained for more than a year until their asylum applications are processed and determined.

During this period, the Australian slogan of '*Operation Safe Haven*' came into operation because of the Kosovo conflict, and subsequently, Australia admitted its largest humanitarian intake into the country [53]. Looking at the historical events so far, this action can be regarded as Australia's first genuine attempt to

issue temporary visas to protect refugees and in September 1999, some 1900 East Timorese refugees were also granted their visas under the same programme [54]. In 1999, The Migration Amendment Regulations came into operation, and unauthorised arrivals were subject to assessment under this.

Another significant feature during this decade was that Australia recorded an increased number of asylum seekers arriving by boat, resulting in the Government introducing the *Migration Legislation Amendment Act* (No. 1) 1999, [55] which aimed to stop people smuggling and related offenses. Furthermore, in November, the *Border Protection Legislation Amendment Act* 1999 [56] was introduced, and it contains provisions that allow Australian authorities to board, search, and detain ships and people at sea.

2001 to 2012

Another significant government policy change occurred during the Rudd Labor Government period. His government took steps to dismantle the Pacific Solution, end '*Temporary Protection Visas*,' and close the Nauru and Manus Island detention centres. Instead, it resumed onshore processing. Furthermore, from 2010 to 2011, the Rudd government took action to establish regional agreements with East Timor and Malaysia to send asylum seekers there; however, his approach was unsuccessful from the beginning [57]. While these government policies changed in 2008, some 161 people reported arriving in Australia by boat, which increased in 2009 to 2726 [58]. Boat arrival continued to a peak in 2012, recorded as 17,202 [59]. Another unfortunate result was that an estimated 610 individuals died by coming in boats to enter Australia seeking asylum from 2009 to 2012 [60]. However, these asylum seekers are classified by the Australian migration as '*unlawful non-citizens*' [61]. In the literature, the term 'unlawful' does not mean that an asylum seeker coming into Australia to seek asylum and not holding a valid visa does not constitute a criminal action in Australia and is not defined as an offense [62]. It is strongly believed that the Australian Government's practice of unlawfully branding individuals is both unethical and completely unacceptable. However, the consequences of being classed as '*unlawful*' can be severe and include detention.

2013 to Date

As a result of snaking a few boats with asylum seekers en route to Australia, the Australian Parliament made laws to turn asylum seekers arriving by boat to be transferred to a third country, namely '*regional processing countries*,' and the Minister for Immigration will determine their status [63]. Based on this legislation, Nauru, and Papua New Guinea (PNG) were selected by the Minister, and subsequently, in July 2013, a '*Regional Resettlement Arrangement*' was made between Australia and PNG [64]. Accordingly, asylum seekers coming to Australia by sea will be sent to PNG for assessment of their status, and if they are found to be refugees in terms of Refugee Convention requirements, they will be settled in PNG [65].

Another noticeable expansion in the history of migration in Australia was the formation of an entity: '*Operation Sovereign Borders*' (OSB) [66]. In fact, it can be regarded as a military-

led migration policy as it was specifically introduced to restrict boat arrivals bringing asylum seekers into Australia. As a result of this policy, boats that are coming into Australia have been turned back to offshore detention centres.

In analysing all these migration policies on asylum seekers, a very different assessment process is adopted for people who arrive in Australia by boat or, in other words, 'without a valid visa.' The Australian Government refers to the people as 'Illegal Maritime Arrivals' [67]. If we look at the details, the OSB policy essentially allows military personnel of Australia to turn back asylum seeker boats to where they have originated and/or to third countries, provide more opportunities under the offshore programs, and reinstate the abandoned Temporary Protection Visas system.

V. CONCLUSION

The above analysis makes it fair to state that Australia is one of the countries using the most oppressive migration policies especially for asylum seekers and refugees globally. These include using many out-of-Australia detention services, compulsory detention procedures, and close collaboration with neighbouring countries to increase detention measures and allowing private contractors to run all Australian immigration detention facilities. These are very extreme policies for a country to follow, and as a result, these were highly critical nationally and internationally.

Furthermore, these immigration policies in Australia have an enduring effect on its economic and social life. Historical evidence also indicates that current Australian government policies were introduced to label asylum seekers as 'illegal asylum seekers/refugees'. From an international point of view, these are unlawful policies and suggest that White Australia retains a residual appeal despite Australia's multiculturalism and the many advances made.

We further state that some of the attitudes surrounding the non-recognition of Australia's Aboriginal culture, their customs and laws, and the classification of the Aboriginal Population as 'uncivilised' under the legal principle of terra nullius remain to the present day, along with the suppression of asylum seekers in Australia. Similarly, the concept of excluding a group as 'uncivilised' and not recognizing their legal rights reflects in modern political discourse and Australian migration policies, especially concerning refugees arriving by boat.

REFERENCES

- [1] Phillips Jane, Social Policy Section, 'Asylum seekers and refugees: what are the facts?' (Parliamentary Library, Parliament of Australia, Canberra, 2017).
- [2] Dwayne M et al (eds), 'The Indigenous World – 2021: PART 1 – Region and country reports – Australia' (The International Work Group for Indigenous Affairs, 2021).
- [3] Australian Bureau of Statistics, *Migration Australia 2019/20* (2020).
- [4] Snyder et al, 'Identifying categories of service innovation: A review and synthesis of the literature' (2016) 69 *Journal of Business Research*.
- [5] Webster, J, R.T. Watson, R T, 'Analyzing the past to prepare for the future: Writing a literature review' (2002) 26 *Management Information Systems Quarterly* 3.
- [6] Fullagar et al, 'History Australia' (2021) 18 (1) *Taylor and Francis journals*.
- [7] Ozdowski S, *Relevance of Australian Immigration and Multicultural*

- Experience to Poland and Contemporary Europe* (Adam Mickiewicz University-Poznan, 2016).
- [8] Rule of Law Education Centre, *European Settlement and Terra Nullius* (2022) <<https://www.ruleoflaw.org.au/education/australian-colonies/terra-nullius/>>.
- [9] Australian Law Reform Commission, *Recognition of Aboriginal Customary Laws, ALRC, Report 31* (1986).
- [10] Lavery D, *The British acquisition of New Holland: a residuum of allodial sovereignties?* (PhD thesis, James Cook University, 2015).
- [11] Clarkson et al, 'Human occupation of northern Australia by 65,000 years ago' (Faculty of Science, Medicine, and Health - Papers: part A. 4803, 2017).
- [12] Mellor D and Bretherton D, 'Reconciliation between Aboriginal and Other Australians: The Stolen Generations' *Journal of Social Issues* (2006) 62 (1).
- [13] Rowley C D *The destruction of Aboriginal Society* (ANU Press, 1970).
- [14] Jupp J, *From white Australia to Woomera: the story of Australian immigration* (Cambridge University Press, 2002).
- [15] Pedersen et al, 'Attitudes toward Indigenous Australians and asylum seekers: The role of false beliefs and other social-psychological variable' *Australian Psychologist* (2005) 40 (3).
- [16] Museums Victoria, *Journeys to Australia - Immigration Museum* (Australia Museums, 2024).
- [17] Elliot D, 'Transported to Botany Bay: Imagining Australia in Nineteenth-Century Convict Broadside' *Victorian Literature and Culture* (2015) 43(2).
- [18] Commonwealth of Australia, *A History of the Department of Immigration—Managing Migration to Australia* (2017).
- [19] Castles S, 'Demographic change, and the development of a multicultural society in Australia' (Occasional Paper 15, Centre for Multicultural Studies, University of Wollongong, 1988).
- [20] Goodman D, *Gold seeking: Victoria and California in the 1850s* (Stanford University Press, 1994).
- [21] Adcock W E, *The Gold Rushes of the Fifties* (Poppet Head Press, 1977).
- [22] 'Gold in Australia', *London News*, 29 May 1852.
- [23] The University of Melbourne, *The Cultural Heritage Unit, a nation's heritage* (2015) <<http://www.egold.net.au/biogs/gallery/EG00006g.htm>>.
- [24] Bolger D D, *Race Politics: Australian Government Responses to Asylum Seekers and Refugees from White Australia to Tampa* (Doctoral dissertation, Western Sydney University, 2016).
- [25] Huynh K and Neyland S, 'Australian Whiteness and Refugee Politics' (2020) 66 (1) *Australian Journal of Politics and History*.
- [26] Partington, G, 'The Aetiology of Mabo, in Upholding the Australian Constitution', *Proceedings of The Samuel Griffith Society*, (1994).
- [27] Phillips J et al, 'Migration to Australia since Federation: a guide to the statistics' *Background note, Parliamentary Library, Commonwealth of Australia Canberra* (2017).
- [28] Australian Human Rights Commission, *Human Rights, Refugees and Asylum Seekers* (2011).
- [29] United Nations High Commissioner for Refugees, 'UNHCR Resettlement Handbook' (UNHCR, revised ed, 2011).
- [30] Jayasuriya L, Walker D and Gothard J (eds), 'Legacies of White Australia: Race, Culture and Nation' (University of Western Australia Press, 2003).
- [31] Commonwealth of Australia, *Yearbook of the Commonwealth of Australia, 1901-1907* (Commonwealth Bureau of Census and Statistics, Melbourne, 1908).
- [32] York B, 'Australia, and Refugees, 1901-2002: An Annotated Chronology Based on Official Sources' (Commonwealth of Australia, 2003).
- [33] Ozdowski S, 'Relevance of Australian Immigration and Multicultural Experience to Poland and Contemporary Europe' (Adam Mickiewicz University-Poznan, 2016).
- [34] *Immigration Restriction Act 1901*.
- [35] *Pacific Island Labourers Bill 1901*.
- [36] *Naturalization Act 1903*.
- [37] Kose K, 'Australia and the 1951 Refugee Convention' (Lowy Institute for International Policy, 2015).
- [38] Education Service Australia Limited and the National Archives of Australia, *Refugees from East Timor arrive in Darwin* (2010) <<https://www.naa.gov.au/learn/learning-resources/learning-resource-themes/society-and-culture/migration-and-multiculturalism/refugees-east-timor-arrive-darwin>>.
- [39] Phillips J and Spinks H, 'Boat arrivals in Australia since 1976' (Parliamentary Library, Commonwealth of Australia, 2013).
- [40] *War-time Refugees Removal Act 1949*.

- [41] Phillips J and Spinks H, 'Boat arrivals in Australia since 1976' (Parliamentary Library, Commonwealth of Australia, 2013).
- [42] *Immigration Restriction Act 1966*.
- [43] Asylum Insight, *Evolution of asylum policy in Australia* (2013) <https://www.asyluminsight.com/evolutionofasylumpolicy#.YMI9_kzY2w>.
- [44] *Refugee Convention 1951*.
- [45] Parliament of Australia, *Expert Panel on Asylum Seekers, Report of the Expert Panel on Asylum Seekers* (2012).
- [46] Parliament of Australia, *Refugee resettlement to Australia: what are the facts?* (2016).
- [47] York B, *Australia, and Refugees, 1901-2002: An Annotated Chronology Based on Official Sources* (Commonwealth of Australia, 2003).
- [48] Phillips J and Spinks H, *Boat arrivals in Australia since 1976* (Parliamentary Library, Commonwealth of Australia, 2013).
- [49] O'Sullivan M, 'The End of Off-Shore Detention, the implications of the Papua New Guinea Supreme Court decision' *Monash University, Castan Centre for Human Rights Law, blog* (2016).
- [50] Australian Bureau of Statistics, *Migration Australia 2017/18* (2019).
- [51] *Migration Legislation Amendment Act 1989*.
- [52] *Migration Reform Act 1992*.
- [53] Phillips J, *Asylum seekers and refugees: What are the facts?* (Parliamentary Library, Commonwealth of Australia, 2017).
- [54] Asylum Seeker Resource Centre, *Operation Sovereign Borders* (2014) <<https://www.asrc.org.au/wp-content/uploads/2013/07/Operation-Sovereign-Borders-May-2014.pdf>>.
- [55] *Migration Legislation Amendment Act (No. 1) 1999*.
- [56] *Border Protection Legislation Amendment Act 1999*.
- [57] Rudd K, 'Kevin Rudd announces new asylum seeker processing and refugee settlement deal with Nauru' *Media release, ABC News*, 3 August 2013.
- [58] Asylum Insight, *Facts, and analysis* (2021) <<https://www.asyluminsight.com/>>.
- [59] McAdam J 'Australia and Asylum Seekers' *International Journal of Refugee Law* (2013) 25 (3).
- [60] Jones B, 2017, 'What was the White Australian Policy and how does it still affect us now?' *NITV* 23 October 2017).
- [61] Jong A et al, 'Structural Synergies of Power and Australia's Policy of Offshore Processing of Asylum Seekers' on *Beyond the Horizon International Strategic Studies Group* (2018) <<https://behorizon.org/australias-policy-of-asylum-seekers/>>.
- [62] M Gleeson, 'PNG court decision forces Australia to act on Manus Island detainees', *The Conversation*, (2016).
- [63] The Refugee Council of Australia (RCOA), *Refugee Council welcomes the historic High Court ruling finding indefinite immigration detention unlawful* (2023) <<https://www.refugeecouncil.org.au/refugee-council-welcomes-the-historic-high-court-ruling-finding-indefinite-immigration-detention-unlawful>>.
- [64] Commonwealth of Australia, 'Guide to Australian Maritime Security Arrangements' (Maritime Border Command Canberra, 2020).
- [65] Bianca Hall and Jonathan Swan, 'Kevin Rudd to send asylum seekers who arrive by boat to Papua New Guinea', *The Sydney Morning Herald* 19 July 2013.
- [66] Hirsch L A, 'The Borders Beyond the Borders, Australia's extraterritorial migration control' *Refugee Survey Quarterly* (2017).
- [67] Klein N, 'Assessing Australia's push back the boats policy under international law: legality and accountability for maritime Interceptions of irregular migrants' *Melbourne Journal of International Law* (2014) 15(2).