

# 1

## INTRODUCTION

I am still alive; I have got near death.  
... our boat sank and split into two and the water  
got in and we all drank sea water, but we are still alive.  
(SMS from Ali, 15 April 2012)

### “STRANGERS” IN “PARADISE”

In April 2012 a wooden boat with thirty-four Somalis on board was stranded on the tropical island of Sumbawa in the geographic heart of the Indonesian archipelago.<sup>1</sup> After two days of a disastrous journey headed for Australia that started on the island of Lombok, the boat had not moved very far from its initial point of departure. While other departure points for clandestine journeys to the “lucky country” have come under stricter border control in recent years, people smugglers have chosen Lombok as an alternative, despite the greater distance from Australia which makes the voyages even more dangerous. Not only are the boats that the asylum seekers use usually overcrowded, unseaworthy and crewed mostly by young and inexperienced Indonesians, but they sometimes even lack appropriate navigation equipment. The Somalis did not have good luck. On the very first day of the journey a storm hit and treated the boat — twelve metres long by three metres wide — like a nutshell in the ocean. After the engine and the pumps failed, people on board had to bail water

to prevent the boat from going down. Unlike the many before them who had drowned on similarly dangerous passages,<sup>2</sup> the Somalis were lucky in one respect: a larger Indonesian ship discovered them and towed them back to the shore, where the police arrested them not long after.

Among these Somalis was a young man, Ali.<sup>3</sup> I had befriended Ali several months earlier when I spent time in Cisarua, a mountainous village in West Java that serves as a reception area for asylum seekers, recognized refugees and other undocumented migrants. While Ali's story is in many ways unique, it also represents the more common experiences of asylum seekers in transit in Indonesia. Thus, it is worth introducing Ali in detail.

After losing a lawsuit, a group of vigilantes from another clan killed Ali's father in his shop in Jowhar (central Somalia) and threatened the rest of the family. Ali's mother decided that it would be best if Ali left the country as soon as possible.<sup>4</sup> His brother had left earlier but went missing while trying to cross over to Yemen. A seemingly favourable opportunity arose for Ali when a Somali with Australian citizenship showed up and offered his services to take Ali to Australia, which was known to accept a higher percentage of those who applied for asylum than the percentage of applicants accepted in Europe. Ali's mother scraped together US\$5,000 to pay for his services and Ali went with this man in early 2010. They travelled first to Djibouti and the United Arab Emirates. From Dubai they flew to Kuala Lumpur in Malaysia. Contrary to Ali's assumption that this man would take him all the way to Australia, he handed Ali over to another smuggler. After two weeks in the outskirts of Kuala Lumpur, Ali crossed over to Medan in North Sumatra by boat with seven Afghan men and then took a domestic flight to Jakarta. Although the seven Afghans were arrested at the Jakarta airport, Ali managed to slip through. Glad not to have been caught but now left entirely on his own, Ali had to find help quickly. After all, he was not even eighteen years old.<sup>5</sup>

After waiting several hours outside the terminal, he met an English-speaking Indonesian taxi driver who knew a number of Somali students and offered to take Ali to live with them on the outskirts of the city for a couple of days. The students provided Ali with food and shelter and advised him to register as an asylum seeker at the office of the United Nations High Commissioner for Refugees (UNHCR). Ali did so and soon moved into a shelter for underage, unaccompanied asylum seekers in Cisarua. Ali was the only Somali among dozens of teenagers from Afghanistan and Pakistan. Life in the shelter was bearable, but extremely

boring. Ali longed to study but could not attend university as he had no high-school diploma, having been tutored mostly at home by his father until his father died. As an asylum seeker he was not allowed to attend school to catch up with the studies he had missed earlier in his life.

After about one year the UNHCR approved his claim for protection. Although recognized refugees can apply for resettlement to a third country, being a single young man with no formal education and no relatives in any Western resettlement country, Ali's chances were bleak and he was in for a long wait. When he turned eighteen he had to leave the shelter for underage refugees. A monthly payment of Rp1,200,000 (AU\$120) from the UNHCR covered his daily expenses, such as housing, food and clothing. Renting a room in the house of an Indonesian family helped him quickly to become proficient in Indonesian. Despite some sports activities offered by a local non-government organization, Ali felt his life was on hold. There was nothing for him to do. Days, weeks, months drifted by. Ali volunteered as an interpreter for Arabic-speaking asylum seekers from Yemen, Somalia, and even Sudan, when they occasionally required his help, but that was not a very fulfilling activity. Rather than being thanked for his efforts, he was often blamed for misinterpretation or withholding information when people's expectations were not immediately met or when services delivered did not meet their demands. Since he could neither receive any proper education or vocational training nor work legally, he felt he was wasting his most valuable years doing nothing. For this reason — and against his better judgement, as he had learned of the dangers of boat trips to Australia — he eventually boarded a boat. Rather than having to find a smuggler, he was found by one.

One day, when visiting his former student friends in Jakarta, Ali witnessed a fight between some long-term stayers and a group of newcomers from Somalia.<sup>6</sup> The long-term stayers had offered to organize a boat and an Indonesian crew to take the newcomers to Australia, as they did not wish to join the queue at the UNHCR.<sup>7</sup> The discussion became heated when the newcomers found out that the man who organized the boat had charged them a much larger sum than he had then paid to the Indonesian people smugglers, among them a number of police officers from Lombok (Kusmayadi 2012).<sup>8</sup> Fearing that this self-enrichment might have negative consequences for the quality of the boat and the equipment on board, the newcomers wanted to talk directly to the Indonesian organizers to renegotiate the price. Unable to communicate with the smugglers

themselves, the newcomers asked Ali to interpret for them and offered him a free passage. Even though he knew the risks of such journeys, Ali agreed. Given that Ali did not receive any remittances from his family back in Somalia that would allow him to pay for a trip to Australia, he thought that this would be a once-in-a-lifetime chance. A few days later, he found himself on a plane to Lombok.

Unlike hundreds of other asylum seekers who attempted to reach Australia by boat and lost their lives during these perilous journeys, everybody from Ali's boat survived. Once they were back on solid ground, this time on the island of Sumbawa, all of the passengers were promptly arrested. The Somalis were accommodated in a local hotel for a few nights while waiting for a decision as to which immigration detention centre this group would be sent. Knowing the bad fate that would await him in an Indonesian detention centre, Ali ran off with a friend who had managed to hide some cash from the police while being searched. Following their escape, they evaded the police who were chasing them; by night they slept in rice fields to avoid detection and by day they hitched rides from locals, took buses, making frequent transfers, and then a ferry back to Bali. After more than ten days, they finally arrived back at square one in Cisarua.

Even poorer, but happy to be alive, Ali reconsidered his options. While his friend decided to fly to Turkey to try to make his way into "fortress Europe", Ali applied for "voluntary" repatriation. When I first heard about this new plan, I was just as shocked as I was when he had told me about his boat trip. When I asked Ali what he planned to do in Somalia, he said he would try to get as quickly as possible to Kenya where, according to him, work opportunities for Somalis were plentiful. Having waited in Indonesia for more than two years, he had come to the conclusion that more waiting would get him nowhere. Contrary to the relatively quick repatriation processes for asylum seekers who have either not had their claims for protection recognized or have changed their minds and wished to return to their country of origin, Ali did not hear back from the UNHCR for months. He grew increasingly restless. Despite his bad experience on the boat, Ali then started thinking again about another boat trip, as he no longer wanted to "waste his youth" in Indonesia. As Michael Collyer (2007, p. 686) put it, Ali was "suffering [from a] senseless experience of travelling for years but never arriving". Yet Ali's story is far from over.

So far, Ali's story has clearly shown that people's searches for protection and a life worth living are often more staggered and less destination-oriented than is commonly assumed. Roaming refugees who determine

their own mobility, however, might not conform to the omnipresent postulation of “the good refugee”, who waits patiently in one place, allowing time to pass until help is finally delivered. Such wishful thinking is based on the idea that state or supranational bodies can effectively manage global refugee flows, but, given the growing numbers of displaced people worldwide, this idea seems to clash with reality more often than not (Georgi 2010). Displaced people, whether their claims for protection have been recognized or not, often have to move quickly and use whatever options are available to them at the time. Consequently, it is the exception rather than the rule for migratory plans to work out as they were first imagined; multiple changes occur along the way. Smugglers might abandon their clients halfway through, having taken all their money, which compels the abandoned clients to reconsider and reorient themselves. Longer and more fragmented journeys are a developing phenomenon around the globe, as the search for permanent protection often requires several separate journeys with detours around multiple obstacles on their way (Collyer 2007, p. 669). Many states consider uncontrolled mass mobility as a threat to their ability to decide who may enter their territory and who may not. According to Nicholas de Genova (2010, p. 39), “the sheer autonomy of migration, especially that of ‘unauthorized’ migration, remains a permanent and incorrigible affront to state sovereignty and the power of the state to manage its social space through law and the violence of law enforcement”.

The mobility of transit migrants is often constrained by transit states and destination countries. They stagnate in transit because they are prevented from migrating to the countries they choose and from returning to where they came from as ongoing political unrest in those places seriously puts their lives at risk. While the control of unwanted immigration is high on the list of priorities of most countries, decision-makers tend to ignore the impact of transit migration on society as they assume that transit migrants will not become permanent members of society; despite the fact that, in reality, transit migrants can get stuck for many years in the same place before they are able to move onwards, if, indeed, they are ever able to do so. Even though they may be prevented from formally becoming naturalized and integrated, transit migrants assimilate into the host society, simply because they work, consume and mingle.

While the presence of the UNHCR and other migration organizations helps to cushion some of their hardship, asylum seekers, refugees and other migrants stuck in transit may still endure a prolonged time of waiting. Transit then becomes limbo, which although in its literal sense limbo means

“on the border to hell”, is in this context perhaps better understood as the suspension from the juridical-political existence of a person through the person’s exclusion from mainstream society (Oelgemoller 2011, p. 419). The longer people live in limbo, the harder it seems to be for them to move on. No wonder that the promise of a boat trip to Australia, that promised land down under, becomes an appealing option to cut short the time in transit.

This book seeks to illustrate the variety of experiences of transit migrants in Indonesia, extending the view beyond their ubiquitous black-and-white projection, usually with a hallmark of either pity or security concerns. Since 2009 there has been widespread media interest in Australia in the arrival of asylum seekers, yet there has been astonishingly little investigation into what these people go through *before* entering Australian territory. Ignoring pre-arrival circumstances is a serious shortcoming (M. Phillips 2012), given that the increasing length of time refugee journeys are taking increases the severity of the impact on the people on the move and on their post-migration lives.

In writing this book I have tried to refrain from taking sides. I aim to present as impartially as possible my observations, the facts that I collected and the stories shared with me, even though it is very challenging to do so. Merging micro- and macro-perspectives into one description will, I hope, allow a balanced depiction of the situation of transit migrants in Indonesia. By applying a bottom-up perspective, which evolves directly from the narratives of transit migrants, in the first four chapters and then switching to a top-down perspective, which directs the focus to state perceptions of transit migrants, the resulting policy changes, and international cooperation regarding irregular migration, I hope to achieve some balance between the often conflicting perspectives.

## TRIGGERS OF INTEREST

Although dozens of boats with asylum seekers on board had been intercepted in Australian and in Indonesian waters, the boat with Somali passengers aboard came as a novelty to many observers. Given that the asylum seekers usually hail from conflict countries in the Middle East, Central and South Asia, first and foremost from Afghanistan, Iraq, Iran and Sri Lanka, the question arises of why somebody from Somalia would choose to come to Indonesia, thousands of kilometres from their homeland, rather than to seek protection in Somalia’s neighbouring countries, such

as Kenya or Yemen. If these might not be considered safe enough, why, then, would they not try to seek asylum in Europe?

In order to answer these questions, a number of factors — accessibility of human rights protection and the nature of opportunities to reach safe territory, to name but two — need to be taken into consideration as they all have a significant impact on the choice of transit and destination countries. In addition to the push factors that cause people to leave their countries of origin more or less involuntarily, the pull factors in the potential country of final destination, such as immigration and asylum policies, living standards and average income, also need to be taken into consideration as they too influence the choice of transit countries.

Clearly, most displaced people in need of protection do not have Indonesia in mind as the ultimate country of final settlement. Rather, they view Indonesia as an intended way station and the final stepping stone on the journey to Australia. Australia has built a reputation as a safe and democratic country offering a fair go for everyone, and, more recently, as a rich country unaffected by the global economic crisis, with relatively low unemployment. Besides its economic advantages, which may be more relevant in the considerations of economic migrants than of asylum seekers, until 2013 Australia was known to have a higher refugee acceptance rate than European Union (EU) member states, especially in regard to irregular maritime arrivals (Koser 2010*b*, pp. 5–6, Phillips and Spinks 2013, p. 4). Whereas, for example, in 2011 only twelve per cent of about 240,000 applicants were granted refugee status in the first instance (Expert Panel 2012, pp. 105–7), acceptance rates for asylum seekers from Afghanistan, Iraq, Iran and Burma/Myanmar have reached up to ninety per cent and above between 2009 and 2012 (Australian Department of Immigration and Citizenship 2012*a*). Despite this, Australia is chosen by only a small number of refugees, both in absolute and relative numbers. One of the main reasons for choosing the path to Australia via Indonesia over Europe is the cost of the journey to Australia, which has been considerably lower than the cost of being smuggled to the EU or the United States (HRW 2002; Hoffman 2010*a*; UNODC 2011; Barker 2013, pp. 16–17).

Despite Australia's high annual intake of skilled migrants, wealthy migrants and migrants with family connections, it has reacted very adversely towards asylum seekers who arrive by boat and are generally perceived as bringing little economic benefit because they lack the desired financial or social capital. Aside from these socio-economic reasons,

Australia's migration policies appear to be driven by a subliminal invasion angst. Whereas in the past the angst focused on Chinese or Vietnamese arrivals, Muslims have now become the new target (Dunn, Klocker and Salabay 2007). The urge to shield the country and protect its many privileges goes hand-in-hand with the desire to externalize migration management and process asylum applications outside Australian territory. Indonesia, East Timor, Malaysia and, more recently, Nauru and Papua New Guinea, as well as Cambodia have been considered as potential asylum-seeker warehouses. The externalization of migration management is justified politically through the impact of maritime disasters involving asylum seekers and refugees. Their deaths at sea form the basis of policies that seek to "dissuade migrants from the perilous journey" to Australia (Gammeltoft-Hansen 2008, p. 23). In other words, externalized border controls, combined with protection screenings outside Australian territory, which, more often than not, lack the sophisticated appeal mechanisms usually available in Western countries, aim to circumvent not only the physical arrival of people but also their access to domestic legal systems that might offer more beneficial responses to their claims for protection. The reopening of offshore processing centres on Nauru and Manus Island in Papua New Guinea in August 2012 was intended as the principal deterrent of asylum seekers who are considering irregular boat journeys to Australia. However, given that the numbers of arrivals of asylum seekers by boat did not diminish following the implementation of the new policies, often also referred to as "Pacific Solution II", the Australian government's approach, under the two Labor prime ministers, Julia Gillard and Kevin Rudd, has been brought into question. With the change of Australian government in September 2013, the new prime minister, Tony Abbott, introduced Operation Sovereign Borders, a military-led border-control regime that has returned asylum seeker boats to neighbouring countries.

Australia's behaviour is, in fact, similar to that of other popular destination countries in the Northern Hemisphere, which have also seen a "recent surge to *externalise* or *extra-territorialise* both the regulation of migration control and the provision of refugee protection" (Gammeltoft-Hansen 2008, p. 12). Tony Kevin (2012, p. 124) has concluded, rather harshly, that "it appears that Australia is becoming part of a global process of moral desensitisation and brutalisation, taking place on the maritime border zones of rich Western countries that are readily accessible by sea to asylum seekers travelling from or through adjacent poor countries".

Other Australian commentators and human rights advocates criticized the new policies adopted by the respective Labor and Liberal governments as systematically undermining the 1951 International Convention relating to the Status of Refugees and its 1967 Protocol ("Refugee Convention") (Thom 2012; Taylor 2012). Against the fair-go rhetoric, Australian politicians tend to see the lives of refugees and asylum seekers as less valuable, and subject them to indefinite detention in the offshore processing centres. The national media in Australia have contributed equally to the demonization of asylum seekers who arrive by boat, labelling them as "queue-jumpers".<sup>9</sup> Claiming asylum is not illegal;<sup>10</sup> reaching a safe place, however, may involve the use of illegitimate methods of transportation and the illegal crossing of borders.

This book is not intended as yet another critical analysis of Australian asylum and immigration policies. Over the last decade, academics and political commentators have produced an enormous body of literature about the Australian immigration and asylum policies (Mares 2001; Marr and Wilkinson 2003; Magner 2004; Every and Augoustinos 2007; Hyndman and Mountz 2008; Grewcock 2007 and 2009; Crock and Ghezelbash 2010; Weber and Pickering 2011). Many more academics are currently researching these issues and protesting their implications on the lives of asylum seekers. Nonetheless, many of these significant contributions tend to be rather Australia-centric in their understanding of the matter, ignoring the larger socio-political context in asylum seekers' countries of origin and along the migratory routes, the pre-arrival experiences of asylum seekers in transit, and the perspectives of transit states towards people in transit. As scholars have not yet examined what it means to be stuck in transit in Indonesia, this book hopes to divert the hitherto Australia-centric gaze northwards.

So far little has been published on asylum seekers and refugees in Indonesia or on Indonesia as a transit country. Savitri Taylor and Brynna Rafferty-Brown (2010*a*, 2010*b*) have looked at some of the administrative procedures put in place to manage asylum seekers in search of temporary and permanent protection in Indonesia. The period of their investigation ended in 2009, and a number of circumstances have changed since. Other researchers also have spent short periods of time in Indonesia, but often limited their investigations to samples, sometimes rather small, of asylum seekers and refugees only.<sup>11</sup> Relying merely on the accounts of asylum seekers and refugees, without interviewing other actors, such as representatives of Indonesian state authorities, non-government organizations and the local

population, who are involved to a significant extent in managing transit migrants, can produce a rather biased assessment. By excluding the views of Indonesian policymakers and state officials, the researcher runs the risk of portraying Indonesia only as a lush location in the tropics rather than as a real state with policies and political interests. Overlooking Indonesian domestic politics in regard to transit migration can lead to some rather incorrect statements, such as this one, by Mountz (2011a, p. 125): “Prime Minister Kevin Rudd increased detention capacity on Indonesian islands and moved recently intercepted migrants there”.

Driven by the fascination of fragmented journeys and migratory experiences of individuals who are asylum seekers and refugees, this book cannot reconstruct entire journeys but seeks to highlight one particular point of the journeys — Indonesia, the last stepping stone. It aims to present the complexities of life in transit for more than one particular ethnic group or nationality and it seeks to make the transit country the centre of attention. Indonesia, a vast archipelago of more than 17,000 islands, is more than a location where people spend time in waiting; it is a state that interacts with transiting migrants and formulates policies that affect them. As the Indonesian state and its politics matter a great deal for transit migrants, the book tries to explain the complexities of transit migration from the perspective of the migrants when they are in Indonesia and before they arrive in Australia. As well as sharpening the focus on the perspectives of transit migrants and their decision-making, it encompasses the political challenges that Indonesia faces as a transit country. Taking Indonesian policies and policymaking into account gives Indonesia the attention it deserves, as a transit country and as an important partner in regional protection schemes and migration management. Even though, from a human rights perspective, some Indonesian policies appear less than favourable, and even reprehensible, Australian politicians, academics and activists would be well advised to pay more attention to Indonesia if they hope to alleviate some of the hardships suffered by asylum seekers in Indonesia.

In contrast to some studies of transnationalism that overemphasize deterritorialization tendencies (for example, Schiller, Basch and Blanc 1994; Sassen 1999), this book delves into unique incidents and collective narratives in order to re-emphasise real-place and real-time experiences. Migration flows not only have an impact on the countries of origin of migrants and the destination countries where they settle for good; they

also influence transit countries. Research on transit migration in Africa, for example, has revealed how increased migration flows have revived ancient Sahara tracks and transformed desert cities from sleepy oases into vibrant commercial hubs (de Haas 2005, 2007; Kimball 2007; Bredeloup and Pliez 2011). Even though the scale of transit migration in Indonesia is not as great as the migratory flows in Northern Africa, initial adjustments to the presence of transit migrants, such as the emergence of certain types of food, clothing or services, can be observed in Indonesian communities where transit migrants have lived for a number of years.

No in-depth anthropological studies on transit migration in Indonesia have been undertaken so far, even though transit migration in other parts of the world has attracted academic attention over the last decade. Studies of migratory flows from South America via Central America into the United States and from Africa and the Middle East via the Mediterranean states into the EU dominate the literature (Adepoju 1995, 2004; Andreas 2000; İçduygu and Toktas 2002; Papadopoulou 2004, 2005; ICMPD 2004; Chatelard 2005; Baldwin-Edwards 2006; Dani 2006; Collyer 2006, 2007; Carling 2007; Kimball 2007; Papadopoulou-Kourkoula 2008). As Indonesia has become a significant transit location for asylum seekers and migrants from areas of conflict in Asia and even Africa, this book seeks to contribute to a deeper understanding of the situation of transit migrants in the Indonesian limbo. It does not simply elucidate how transit migration functions in Indonesia; it also seeks to explain the motivations behind transit migration.

This book seeks to identify the wide differences between the situation of transit migrants in Indonesia and that of transit migrants in other countries, such as Greece and Turkey. As a non-signatory to the Refugee Convention and its Protocol, Indonesia offers no formal rights to asylum seekers and refugees within its territory, but tolerates their presence as long as they are undergoing refugee-status determination under the UNHCR or have been referred to the services of the International Organization for Migration (IOM). Unlike in the European Union, which has adopted many political changes that seek to harmonize national legislation for protection procedures, assessment of claims and resettlement/integration across its territory, asylum seekers and refugee flows across the Asia-Pacific region are managed more on an ad hoc basis, as there is no regional cooperation framework. The socio-economic situation affecting transit migrants in Indonesia is also different. For example, whereas transit migrants in Libya can earn enough money in a manual job to finance the next leg of their

journey, transit migrants in Indonesia face great difficulties in finding short-term employment because of the high levels of unemployment and underemployment in that country.

## DEFINING TRANSIT MIGRATION

Before proceeding, the phrase “transit migration” calls for definition and my heavy use of it requires explanation. Although “transit migration” is not a new phenomenon, it did not find its way into public policy discussions as a category of migration until the EU expanded into Eastern Europe in the early 2000s. From its first uses in the public policy debate, “transit migration” was embedded in the discourse on “illegal immigration” and “asylum panic”. A wide range of new EU policies sought to discourage people from entering the EU irregularly by directing more responsibility to neighbouring states to control migration flows more effectively and to deter the onward migration of “unwanted” migrants and asylum seekers. The IOM launched a number of studies on transit migration in the countries across the EU’s borders, such as Poland (1994), the Czech Republic (1994), Ukraine (1994) and Turkey (1995), which supported the creation of stricter EU policies on asylum and migration.<sup>12</sup> Prime targets were the EU member countries known for their lax approach towards irregular migrants and their toleration of transit migration. From this point of view, in the European context, “transit country” was no longer merely a descriptive geographic entity but was re-conceptualized into a tool of governance (Oelgemoller 2011, p. 416).

Earlier definitions of transit migration by the IOM (1994, p. 2) were vague. Transit migration was understood to constitute “migratory movements to one or more countries, with the intention to migrate to yet another country of final destination. The intentions and plans can develop at any stage, from the outset to any time while in transit, a process that can take a few days or several years”. Other supranational organizations, such as the United Nations Economic Commission for Europe (UN/ECE) (1993, p. 7), stressed in particular the aspect of illegality when trying to come to terms with the phenomenon: “migration in one country with the intention of seeking the possibility there to emigrate to another country as the country of final destination by means that are partially, if not fully, illegal”.

Despite the proliferation of the concept and the terminology across Europe, none of the definitions available are commonly accepted, either in

political or in academic spheres (Papadopoulou-Kourkoula 2008; Düvell 2012). The lack of an authoritative definition has diminished the term's applicability as a tool for analysis. Furthermore, the politicization of the term that connects it with irregularity and illegal means has had a negative impact on the study of the phenomenon.

## **Eurocentric Perceptions of Transit Migration**

Because of its many politically charged associations, scholars have expressed their unease with the term rather more than politicians have (Düvell 2012; de Haas 2005). According to Franck Düvell (2012, p. 418), it was a "code for 'illegal immigration'" as it referred to people who "do not belong here". Equating transit migration with illegality made it easier for states to criminalize undocumented migration (Kimball 2007, p. 32). However, condemning transit migration solely for the fact that its accomplishment involves acts of irregularity and illegality obscures the bigger picture of this long-term migration process, which often includes both regular and irregular modes of entry and residence at different points. For example, a person might enter a country with a valid student or tourist visa and then overstay, thereby becoming an irregular migrant, or engage in work activities not allowed under the conditions of their visa. Khalid Koser (2010a, p. 183) notes that switching back and forth between regularity and irregularity may be attributed to lack of knowledge of administrative regulations, but it may also be a deliberate choice. The regularity and irregularity of migration modes should thus by no means become a defining criterion of transit migration, even though unlawful border crossing, criminality, smuggling or unlawful work activities might occur at some point during transit migration. As Christina Oelgemoller (2011, p. 417) points out, there is no use in condemning secondary movements or transit migration as "illegal", without asking questions about the sufficiency or appropriateness of the so-called *de facto* protection.

A second problem in defining transit migration seems to lie in its application to the case of "mixed flows", which combine voluntary and forced migrant streams, thus rendering the dichotomy between deserving and undeserving mobile people *ad absurdum*. Increasingly, economic migrants in search of better life prospects and asylum seekers in need of international protection head in the same directions, travel along the same paths, rely on the same modes of transport and are confronted by the same challenges during their journeys. Trying to make clear distinctions

between voluntary labour migrants, whose mobility should be controlled and whose needs should be managed by the state, and involuntarily displaced people, who require protection and assistance from state or supranational institutions, is a challenge. After a person has left his or her home country more or less involuntarily, it is hard to determine what that person constitutes in terms of legal typologies, especially when that person has not yet been able to have his or her claims for protection properly assessed. Having multiple motivations for their movement does not make the definition of their status any easier. Moreover, human rights problems, persecution and discrimination of minorities often go hand in hand with poor social conditions and humanitarian problems (Papadopoulou 2005; Borjas and Crisp 2005). While asylum and “irregular” labour migration are different issues and concern different policy areas, they do overlap in certain circumstances, as they do, for example, when a rejected asylum seeker becomes an irregular migrant, or when an irregular migrant has decided to apply for international protection and uses the asylum system as a means of onward migration (Papadopoulou 2005; Schuster 2005*b*). Changes in migration status while in transit occur frequently; they are the rule rather than the exception.

As the developments in the EU have demonstrated over the last decade, the European restrictionism and securitization of migration have created a distorted situation. As long as economic migrants are instructed by their smugglers or others to apply for asylum as an alternative means of migration, and thus be tolerated at least temporarily, those in need of protection are often not serviced appropriately (Triandafyllidou and Maroukis 2012). Abuse of the asylum system overburdens and eventually blocks the system for more genuine applicants. Moreover, because the acceptance rates of EU member states differ considerably (Triandafyllidou and Maroukis 2012; European Commission 2013), asylum seekers in need of protection rely increasingly on people smugglers to reach countries with higher annual refugee intakes. For example, rather than applying for asylum in Italy or Greece, both of which are known to have very low acceptance rates, people prefer to move on to Germany or France. They remain undocumented in a transit country (or place of first asylum) only to move on to make their claim for asylum elsewhere. However, as this runs counter to the EU requirement to apply for protection in the very first place of asylum, they are, if detected, usually transferred back to the EU country that they entered first.

From an empirical point of view, the creation of strict categories of migration remains highly questionable, as the separation of deserving refugees and undeserving migrants becomes a tool of state power. From a protection-driven approach, however, treating refugees differently from other migrants is more convincing because states have more legal obligations towards the first group than towards the latter (Collyer, Düvell and de Haas 2012). Given the complex nature of the constantly shifting mixed flows, from an academic point of view it might be advisable to follow Papadopoulou's (2005, p. 2) suggestion to "unravel the complexity of this relationship by approaching irregular, 'transit' and asylum migration as a continuum in the experience of forced migration". The particular case of Indonesia introduces an additional layer of complexity, as the strict distinction between transiting asylum seekers and transiting economic migrants is of lesser relevance for their treatment by the state. Because it is not a signatory to the Refugee Convention, Indonesia has fewer obligations towards aliens seeking protection within its state territory, as will be explained in the following chapters.

Throughout this book I apply the term "transit migrant" to a wide range of people who are on the move, including undocumented migrants (who might or might not apply for international protection while in Indonesia), documented asylum seekers and recognized refugees, stranded return migrants and even accidental migrants who have been abandoned by their smugglers. Aware of its political implications in the European context, I hope to dissociate the phrase "transit migration" both from its Eurocentric application and from its politicized and value-laden connotations of "illegality" and apply it in a more neutral way to the context of Indonesia. Without doubt, the situation of transit migrants in Indonesia is defined no less politically than in the EU, but the defining political circumstances in Indonesia are different from the political circumstances of the EU. Transit migration in Indonesia has not been politicized to the extent it has been in Europe, although it may well become so in the future. To identify the parameters of a workable definition of transit migration, I turn to more academic treatises on the concept.

## **Conceptual Ambiguities**

Scholars have not been able to precisely define "transit migration" or "migration in transit" either, or even to find any widely accepted definition

(Düvell 2006). Most commonly, the term “transit migration” is used to refer to the phenomenon of people coming to one country with the intention of going to and staying in another (Içduygu 2000; Papadopoulou 2004). This oversimplified theoretical conceptualization of transit migration has been criticized by a number of scholars (for example, Düvell 2006; Kimball 2007) because it does not encapsulate the inherent complexities of the migratory processes; it has triggered their inquiry into how transit migration should be classified and what the parameters of a definition should be. What, in other words, should be among the criteria for “transit” — the duration of stay in a transit place, the intention of onward migration, or the actual outcomes of the journeys?

Relying on temporal limitation to define “transit” and hence “transit migration” is problematic for a number of reasons. In contrast to identifying the beginning of a migration process, it is very hard to define the terminus of a journey, as that depends on many factors, such as the finality of a migration decision/desire and the feasibility of integration into a destination society. In fact, final integration or settlement might not be the *ne plus ultra* in the first place, given the more advanced and cheaper options for mobility that allow people nowadays to live transnational lives and to be at home in several places almost simultaneously. Not knowing which destination country will become the final host country makes it hard to define the end of transit migration. Expecting journeys to end, at least mid-term, reinforces an excessively deterministic understanding of transit migration that strengthens rather than overcomes the dichotomy between “origin” and “destination” (Collyer and de Haas 2012).

Theoretically, being “in transit” can be any period of time between a few days and several years, or even an entire lifetime. The indefinite period of time spent in transit is in question — when does temporary stop and permanent start? — and makes a time parameter comprehensible only a posteriori. Only a minority of irregular journeys proceed steadily and unhindered and lead to instant temporary or semi-permanent/permanent protection or integration in the very first country that migrants approach after their departure from their place of origin. If a transit country is unwelcoming, does not meet the migrants’ need for such things as sustainable employment and appropriate living conditions, or if it cannot provide protection and durable solutions, people move on if they can (Papadopoulou-Kourkoula 2008; Düvell 2012). People can, in fact, be in a state of transit multiple times.

Conversely, the opposite scenario is conceivable as well. People's journeys might come to a permanent halt in a transit country, despite their desire to migrate onwards. For example, people get held up when their financial resources are depleted or when all their possessions are stolen; their onward journey may be interrupted by political unrest at the next station of their intended trip. While awaiting the chance to move on and earning enough money to do so, people might have to stay much longer than they would like. Even though migrants might wish to move onwards, their expectations might never be met and the desired outcome of their journey might be indefinitely unattainable. If onward migration is unaffordable, staying in the "second best" country and accepting partial integration and initial steps for settlement might be the only viable alternative (Collyer and de Haas 2012).

In fact, it is possible for people to become stuck in transit, despite pressure from transit countries' governments for them to leave, which complicates their lives in transit because they are deprived of basic needs, such as health care, free schooling and access to employment. If neither onwards migration nor integration into a transit country are viable options, transit migrants become second- or third-class inhabitants, deprived of basic rights because of restrictive policies of that transit country which seek to prevent their long-term integration into its society. Making people's intentions the basic parameter in defining transit migration is, therefore, not helpful, as it is often unclear how informed they are when they make decisions about their onward movements or even how much choice they have in making decisions in the first place, given that many of their decisions may result from their compliance with external circumstances imposed upon them. Michael Collyer and Hein de Haas (2012, p. 477) even argue that the idea of fixed intentions is "empirically naïve". It is not always the case that transit migrants have concrete plans to follow specific routes to reach a preselected destination. During my interviews with transit migrants in Indonesia, I often got the impression that many had left their homes with no specific destination in mind and with little useful information. Chances previously anticipated often disappear along the journey, while unanticipated ones materialize. Nevertheless, during the migration processes, people have to make rational calculations and revise earlier decisions. Despite their dependence on many external determinants shaped by the government in the transit country and other influential actors, transit migrants in Indonesia retained at least a small degree of

agency; in making their own decisions they are not just “mobile actors” (Schuster 2005a, p. 757), but also actors of their own mobility.

Finally, it makes little sense to define transit migration according to its outcomes, as there is no fixed or foreseeable outcome. At best, transit migration can result in permanent resettlement in a desired destination country.<sup>13</sup> Among possible outcomes is also the return to the starting point of a journey, through both forced deportation and voluntary repatriation. At worst, transit migration becomes a stalemate of “permanent temporariness”. The provisional character of transit migration and the unpredictability of its outcomes make it difficult not only to measure and quantify, but also to develop effective policy responses (Papadopoulou-Kourkoula 2008, p. 141). Given the various limitations in refining a practicable definition of transit migration as a migration category, it becomes first and foremost perceivable as a process, rather than a status. As Papadopoulou (2005, p. 21) expressed it: “Transit migration is not a different type of migration, but a phase in which both economic migrants and refugees find themselves. With regards to forced migrants in particular, transit migration is a result of the lack of opportunities for effective protection and durable solutions in the first asylum country.” When resettlement, repatriation and integration are not options for a durable solution, people are stuck in transit. Ghassan Hage (2009, p. 97) even speaks of the condition of “stuckedness” as an even compacter formula of “permanent temporariness”.

The time of waiting can be prolonged and uncertain, and often accompanied by constant anxiety. Lack of protection, uncertainty, ambiguity and contingency shape life in transit and make people vulnerable to many risks and threats. The emotions that arise from the experience of being trapped in limbo can be as influential on people’s lives as legal restrictions and policy frameworks (Papadopoulou-Kourkoula 2008, pp. 6–7). Transit migrants often say that they feel their life has been put on hold. Waiting for life to continue, while being neither here nor there, often prevents people from interacting with their immediate environment on the assumption that they will not spend much time in that country, an assumption which very often turns out to be false. The absence of social contacts and support further aggravate their daily hardship, as explained later in greater detail. In short, poverty, insufficient protection, unemployment and social exclusion are the main characteristics of life “in transit”, fostering a process of marginalization rather than integration (Papadopoulou-Kourkoula 2008, p. 88). Nevertheless, though transit migrants may be vulnerable, they are not passive and helpless.

## **METHODOLOGY, RESEARCH LIMITATIONS AND ETHICAL CONSIDERATIONS**

Most studies of migratory experience rely on data and information collected after migrants have arrived in a destination country. The experience of arrival may seriously affect how the migratory process is remembered. Eventual success in reaching a destination country might mean that failed migration attempts and missed chances fade in their memory, which, in turn, may cause migrants and refugees to recount their journeys as having been more purposeful and cohesive than they actually were. Driven by a more or less subtle desire that their stories make sense, narrators might in retrospect add more linearity, forethought and purpose to the story of their journey than the actual experience really had. In order to understand migratory decision-making processes before they are tweaked, rectified or embellished by hindsight, it is important to observe and interview people when they are actually making decisions. By observing different stages of the migratory process, more clarity should be gained into the reasons why people opted for one opportunity over another. Although such observation avoids the hazards of recall bias, the immediacy of its encounters and narratives in and of transition is not without its problems.

Because they do not know what the future will bring and what the outcome of their journeys — resettlement, return, stagnation or even death — will be, people who are in the middle of a long and perilous journey cannot necessarily describe their decision-making openly and logically, as their immediate options may be rather limited for the time being. The implication for the observer is that he or she must rely only on snapshots from interlocutors situated in rapidly and constantly changing environments. Equally difficult is winning the trust of people encountered in the field. Telling the researcher too much might cause their plans to fail. While I was interviewing people in the field, there may indeed have been many restraints of which I was unaware that prevented people from talking about what they wanted to. Communicating in a language that was not their mother tongue limited the transit migrants' ability to express the nuances of their situation as they might have wished. Limited opportunities to speak freely affected not only transit migrants in detention, but also those living in the communities who needed to protect themselves from potential risk. When studying decision-making processes, these limitations need to be kept in mind. I hope that the information content of the ethnographic insights presented in this book prevail over the inherent methodical and methodological limitations of the study.

Because I had limited opportunities for triangulation of the stories I encountered, in order to find out whether somebody was telling the whole truth of their migration plans, I took a rather flexible approach towards authenticity. Concentrating more on the reasoning of intent rather than the immediate outcomes of their migration plans helped me to extract valuable information. The sporadic nature of many encounters with interlocutors, owing to their high mobility, meant that I often could not verify what somebody said he or she intended to do next. Equally problematic were the differences between what people said they intended to do and what they actually ended up doing. Therefore, it must be borne in mind that the limitations for triangulation of the stories has influenced the representativeness of the findings of this study. Rather than offering easily verifiable facts and representative figures, I intend instead to present a number of distinctive migration realities and strategies that promote an understanding of the complexity, unsteadiness and multi-directionality of many “migrational ‘transit biographies’” (Hess 2012, p. 429). Actor-centred research reveals migrants’ agency and subjectivity, which are often missing from the global debate on irregular migration and mobility. Against the victimization of transit migrants, I try as much as possible to see them as dynamic agents for their own lives without, however, downplaying structural limitations for their decision-making. I accepted their choice not to talk about certain issues and tried not to challenge any of their decisions. Furthermore, I acknowledge the active impact they had on the scope of my research, as it was them who decided what I could research and what I could not.

Fieldwork for this book was conducted mainly in three provinces: in West Java (Bogor, Cisarua, Sukabumi, Pelabuhan Ratu); in Nusa Tenggara Timur, mainly Kupang and Rote; and in the Riau Archipelago, mainly on Batam and Bintan. While the Riau Archipelago is a popular entry gate for clandestine migrants, the other two provinces are known to be hotspots for transit migrants trying to head to Australia by boat. Indonesian informants often referred to these areas as *pagar terakhir* (last fence) or *pintu terakhir* (last door), depending on whether they saw the sea borders as boundary or as gateway. I also spent considerable time in Jakarta, which allowed me to engage with national authorities and policymakers. Fieldwork encounters, between one and seven months at a time, took place at several intervals between March 2010 and March 2014. Over more than fourteen months in the field, I conducted about 180 formal and informal interviews with

transit migrants inside and outside of immigration detention centres, representatives of the international organizations, such as the UNHCR and IOM, with Indonesian state officials from relevant ministries, and with law enforcement officers, including police officers, investigators, prosecutors and judges. Last but not least, I had the chance to talk to some convicted people smugglers, who had stayed on in Indonesia after being rejected as asylum seekers. Meeting all these different people offered a great variety of views and perspectives on transit migration and people-smuggling.

In order to recruit informants, I relied first and foremost on “snowballing” (asking interlocutors for additional sources and potential respondents). Some encounters were one-off, while other interlocutors I met and interviewed many times over the years. Some interlocutors, who have known me over a longer period of time, acted as gatekeepers and helped me to get in touch with informants. I asked a few asylum seekers to write down their stories in their own words for me. I still keep in touch with some of the transit migrants via Facebook, SMS, or email. Living near where many transit migrants resided gave me certain insights into the daily routines of their public lives, but, as I was not a part of their households, my knowledge of their more private lives was limited.

In most cases I encountered open and interested interlocutors; however, due to the topic of my research, some paths for accessing additional information were deliberately blocked by local authorities. For the sake of protecting the identities of some vulnerable interlocutors, I have given them pseudonyms. In some cases, I even refrain from revealing the time and location of a meeting or interview in order to minimize any risks for them. The majority of interviews and meetings took place in public spaces, inside or outside offices and in cafes. Although I did visit the temporary homes of some asylum seekers and refugees, for longer interviews I preferred to meet in quiet public spaces. During fieldwork, I had the chance to visit immigration detention centres, including in Makassar, Tanjung Pinang, Jakarta, Semarang, Pontianak and Kupang; prisons; shelters for unaccompanied minors; as well as temporary makeshift centres for arrested transit migrants in places such as schools and hotels. Additional materials presented in this book are open-source and non-classified, such as local newspapers, online fora and court documents.

Given that the main focus of my research was long-term transit migrants — people who have been living in Indonesia for at least three years — I was able to conduct most interviews in Indonesian, communicating in English

to a lesser extent, depending on their national and educational background. Admittedly, the selection of interlocutors based on Indonesian language proficiency was a rather exclusive criterion, as it excluded people with more limited language options from being interviewed. The compromise, however, seemed inevitable, as I did not want to rely on interpreters, who were anyway hard to find in Indonesia for some languages. Younger transit migrants, in particular, managed to learn Indonesian easily, since some stayed with Indonesian families and others had local girlfriends. Consequently, migrants aged between eighteen and thirty-five years are overrepresented in this study. Generally, I found it easier to interview younger people, not only because our proximity in age helped me make contact with them, but also because their Indonesian language skills facilitated communication.

My status as researcher obstructed some encounters, as it was not in itself always a sufficient explanation of a request for an interview. Many found the fact that I was a German researcher who worked in Australia and came to Indonesia to do research rather puzzling. As people generally had certain expectations towards Westerners and their social roles — they are generally assumed to be from non-government organizations, the UNHCR/IOM or the staff of an embassy — I could not explain often enough why I was there and what the purpose of my questioning was. For some, writing a book appeared to be a good enough reason as they wanted their stories to be known to a larger, even though unknown, audience. Others made it clear to me that they wanted me to help them more directly to improve the particular situation in which they were ensnared. For example, detained asylum seekers hoped I would be able to facilitate their release from detention centres. Despite telling detention centre inmates that I was neither from an embassy nor from the UNHCR or IOM, they sometimes handed me letters or sneaked them into my bag. A few informants asked for money or other incentives, but, if that happened before the interview, I would usually cancel the meeting. If it happened during a meeting I would explain why I could not pay any money and ask if they wanted to continue. A few Indonesian government officials were also not free of expectation or speculation; some made it quite clear that they thought I was a foreign spy rather than a researcher. The fact that I was affiliated with an Australian university in no way allayed their suspicions. Given the sensitivity of the issue of asylum seekers to international migration organizations, it took time to win the trust of some staff members and have

them talk openly with me about their daily concerns and difficulties in ways that went beyond their organizations' press releases. When talking to my interlocutors I tried to be as transparent as possible about my research agenda and as realistic, sensitive and responsible as possible about what they could expect from me in return for sharing their stories.

There may have been some jealousy of my many privileges as a Westerner, such as my freedom to travel back and forth between Germany, Indonesia and Australia, but it was never expressed in an aggressive or obstructive way. Opportunities to distance myself from the field and its psychological burdens were very important, especially at highly distressing times, such as when I learned that three young boys I had visited a number of times had drowned during an attempt to reach Australia. In order to maintain a healthy emotional distance from the transit migrants, many of whom were severely distressed or traumatized, I had to retreat from the field for periods of time in order to reflect on all these impressions and return later.

Aware of the context in which the encounters and information exchanges took place, I have to bear in mind the unavoidable interference and impact on situations arising from my mere presence in the field. When talking to me, transit migrants *might* have painted their lives in gloomier colours, in order to solicit my compassion, than they might have when, for example, talking to their friends back home from whom they might prefer to hide all misery and failure. Others might have deliberately kept quiet about certain negative experiences and hardships in order not to appear weak in my eyes. As people are not blank slates, having had many experiences along their journey, some good and some not, I had to be aware of unexpressed obstructions. For example, people who have been interviewed or questioned or interrogated many times before, by various entities and in various contexts, might find my simple request for an interview a rather uninviting call. As is the case in many ethnographic studies, situating what people narrate can only be achieved once the stiffness of interview situations is overcome. It is always better to encounter people in their daily lives, but that is not an option for people detained in detention centres.

Ethical dilemmas in the study of irregular migration arise not only during the data collection in the field, but also in presenting, writing, and publishing research findings (Düvell, Triandafyllidou and Vollmer 2010). Despite using pseudonyms and other means to ensure the anonymity of

interlocutors, once something is published it may take on a life of its own that may run contrary to the author's intentions. Given the vulnerability of transit migrants, some concerned scholars have questioned the justification for studying irregular migration. After all, the potential for risk might increase for those living underground and may unintentionally bring negative impacts, such as more discrimination, regulation or interference when their otherwise concealed lives are exposed. Although the trade-off between protecting vulnerable people by not exposing them, on the one hand, and filling in gaps in order to produce a more comprehensive and in-depth knowledge, on the other, will never be finally or fully clarified, I hope this book helps eliminate misconceptions of Indonesia as a transit state and misperceptions surrounding transit migrants in Indonesia.

## **STRUCTURE OF THE BOOK**

This book is divided into eight main chapters and a brief conclusion, each of which is driven by a leading research question and concentrates on one key issue that characterizes or shapes transit migration in Indonesia. Therefore, although cross-referenced and linked throughout the whole book, each chapter can be read on its own. It follows basic principles of grounded theory and applies a dialogical structure between each of the main stakeholders.

Chapter One has explained the methodological approaches and hurdles and laid the theoretical foundations of this book's main interest — the clarification of what it means to be in transit. It has introduced Ali, whose case has demonstrated the difficulty of living “in a world, in which it is increasingly more difficult and yet increasingly inevitable not to be where one does not belong” (Horn 2006, p. 249). Ali's experiences in Indonesia, as well as those of several other transit migrants, will accompany the reader throughout most of the following chapters, to deepen empathy for and understanding of transit migration.

The second chapter will shed light on what it means to be a transit migrant in Indonesia. By comparing the Indochinese boat people, who arrived in Indonesia between the late 1970s and the early 1990s, with the current flow of transit migrants, mostly from conflict areas in the Middle East, South Asia and East Africa, the chapter provides an historical overview of Indonesia's experiences as a transit country and provides up-to-date numbers of transiting populations. Special attention is given

to the Indonesian government's deliberations and decision-making in regard to handling transit migrants on the island of Galang. Although the refugee camp on Galang, at least outside Indonesia, became a symbol of Indonesia's great hospitality offered to strangers, many Indonesians feel very uneasy when they are reminded of this historical episode, or even worse, of a potentially similar setup for transit migrants in the near future.

Chapter Three sheds light on modes of arrival and journeys within Indonesia in order to point out common characteristics of fragmented journeys into and within the country. As transit migrants' mobility is often impeded and onward migration obstructed, the chapter also provides a very detailed illustration of what life is like in limbo in Indonesia. It describes the policies of arrest and the living conditions of transit migrants in immigration detention centres. The praxis of indefinite detention of transit migrants in highly corrupt and at times dangerous environments adds to the *de facto* criminalization of transit migrants. The driving question behind this chapter seeks to scrutinize the logics of detention, which prioritize immigration law enforcement over refugee protection.

In Chapter Four registered transit migrants residing amongst Indonesian communities and undocumented transit migrants living "underground" are the focus. Unaccompanied underage asylum seekers and their plights receive special attention. By portraying a number of transit migrants and their daily hardships, characterized by the prohibition to work and earn a living, lack of education, xenophobic encounters and extortion, it becomes obvious why many transit migrants try to minimize the length of their stay in Indonesia and decide that the risk of crossing to Australia in a rickety boat is worth taking.

Switching from a bottom-up to a more top-down approach, Chapter Five examines the roles of the UNHCR and the IOM, both of which carry heavy responsibilities in managing transit migrants. It provides detailed information about resettlement options, voluntary return and deportations. By outlining the technicalities relevant to applying for protection and elucidating the limits of protection in transit, the chapter provides a basis for critically challenging the current approaches and politicking of the UNHCR and the IOM in Indonesia.

Indonesian state perspectives on transit migration are the focus of Chapter Six, the driving question of which is to determine the impacts that transit migration has on the transit country and its policies. Discussion of relevant existing laws and of persistent gaps in legal regulations for

dealing with transit migration over a prolonged period of time will explain Indonesia's passivity hitherto. Given the higher influx of transit migrants into the archipelago, the chapter then outlines how Indonesia has become more assertive in controlling its borders and enforcing its new immigration laws and how it has become more active in maritime search-and-rescue operations while also pointing out a number of structural challenges and political problems resulting from the semi-permanent presence of transit migrants.

Chapter Seven explores the implications of transit migration for relationships between transit countries and their neighbouring potential destination countries. It includes a lengthy discussion of bilateral relations between Indonesia and Australia, which are overshadowed by issues of transit migration, people-smuggling and the extradition of people smugglers. Besides elaborating on a number of bilateral and multilateral approaches to curb transnational crime, including people-smuggling, the chapter mentions particularly contentious issues arising from differing domestic political scenarios in both countries.

A detailed investigation of people-smuggling dominates Chapter Eight, in which the main point of interest is the correlation between transit migration and the evolution of people-smuggling networks. The chapter shows how particular frustrations of prolonged transit have enabled foreign and local smuggling networks to flourish in Indonesia. By presenting three short case studies of rejected asylum seekers who have turned to people-smuggling as a way of making a living in transit, and their specific roles in the operations, the chapter demonstrates the resilience of people-smuggling networks in the face of anti-people-smuggling law enforcement activities. Unable to return to their conflict-ridden home countries and yet without options for resettlement to safe third countries, while at the same time being banned from legal work in the transit country, for the three men, entering the criminal networks and working as recruiters, middlemen and facilitators appeared almost as the last option left while stuck in transit. A brief conclusion summarizes the main themes of the book.

## Notes

1. Although Somalia was the third most important source country of asylum seekers in 2009, falling to sixth place in 2010 (UNHCR 2011*a*), the numbers of Somalis in Indonesia remain very small. As of October 2012, forty-one Somali

women and eighty-one men were registered as refugees under the UNHCR in Indonesia, while another 241 Somalis (129 women and 111 men) awaited the outcome of their applications (UNHCR Indonesia 2012c). By March 2014, their numbers had increased to 292 refugees (133 women and 159 men) and 350 asylum seekers (250 men and 100 women) (UNHCR Indonesia 2014).

2. It has been estimated that more than 1,550 people lost their lives during voyages from Indonesia to Australia between 1998 and 2011 (Hutton 2013). Between 2001 and 2012, a total of 964 were confirmed to have either died or gone missing at sea (Expert Panel 2012, p. 75).
3. Not his real name. Names of asylum seekers who have shared their stories have been changed throughout this book for their protection.
4. Interview with Ali, 2 November 2011.
5. Interview with Ali, 28 February 2012.
6. Although a few Somalis have lived in Indonesia since the early 2000s, it was not until 2011 that Somalis started arriving there in more noticeable numbers. Most of them had lived for many years in Yemen to escape the violence of the civil war in Somalia. Thus the journey to Indonesia was a secondary movement necessitated when they were no longer safe in Yemen, following the deterioration of the security situation there once the events of the Arab Spring spilled over into Yemen in early 2011. Somalis were particularly affected.
7. Resettlement numbers for refugees in Indonesia are generally low, but the Somalis there seem to face even greater difficulties in being accepted by resettlement countries. Most of the Somali diaspora live in the United States, Canada, the United Kingdom, the Netherlands, Sweden, Norway, Denmark and Finland. No Somali refugees from Indonesia were accepted in Australia in 2012 or 2013 (UNHCR Indonesia 2012c and 2013d).
8. The court decisions show that there were other police officers involved in the people-smuggling operation who did not have to face the legal consequences of their involvement (District Court of Negeri Praya Decision No. 125/PID.B/2012/PN.PRA, 28 January 2013 [Burhanuddin]).
9. This derogatory phrase was introduced in the 1970s under the Fraser government, but became more frequent from the late 1990s during the Howard era. Despite the fact that there is no queue in which asylum seekers can line up to receive help, the phrase continues to enjoy widespread popularity, especially among conservative commentators and members of the Australian Liberal Party (see, for example, Nicholson and Dodd 2012).
10. Eva Horn (2006) and Didier Fassin (2013) show that the meaning of “asylum” has changed quite substantially over time. It can mean both place of refuge and place of confinement. The term asylum has both Greek (*asylon* “refuge”, neuter noun from *asylos* “inviolable, safe from violence”) and Latin (asylum “sanctuary”) roots. Literally it means an “inviolable place” and was used in

the context of persons seeking protection. Over time it came to mean a safe and secure place in a more general sense. As mental institutions evolved in the eighteenth century, "asylum" came to be used for places that sheltered the outside world from those considered insane, violent or dangerous.

11. For example, Jessie Taylor (2009, 2010) has written on the situation in Indonesian detention centres and also produced the documentary, "Between the Devil and the Deep Blue Sea" (2012). One work that has attracted considerable attention is Robin de Crespigny's third-person account, *The People Smuggler* (2012). This book is based on the story of Ali Al Jenabi, a convicted people smuggler who operated within Indonesia in the early 2000s. It deals mostly with Al Jenabi's life in Iraq and Australia, with only one chapter devoted to his experiences in Indonesia. De Crespigny spent three years interviewing Al Jenabi about certain episodes of his life, an experience that may have engendered an enormous amount of trust between the two and enabled her to reconcile certain inconsistencies. Although her book does not claim to be a scholarly investigation, its reliance on Al Jenabi's account alone, without crosschecking it with other resources, leaves a number of issues unaddressed. In 2014, Paul Toohey, an Australian journalist, published a long essay on "Asylum seekers and the search for an Indonesian solution", in which he provides an up-to-date overview from an Australian perspective.
12. In the early to mid 1990s the UNHCR was not concerned with "transit migration", but rather concentrated on secondary movements (Papadopoulou 2005).
13. There is no formal right to resettlement. Many recognized refugees, who qualify under one or more UNHCR resettlement criteria, may not be resettled, mostly because of the limited capacity of resettlement countries to take more refugees. The eight global resettlement criteria include: (a) lack of legal or physical security for the refugees in the country of first asylum; (b) survivors of torture and violence; (c) persons with medical needs; (d) women and girls at risk; (e) children and adolescents; (f) elderly refugees; (g) family reunification after flight or displacement; and (h) when voluntary repatriation or local integration are not available or feasible in the foreseeable future (UNHCR 2010, p. 4).