

Essay: Transit migrants in Indonesia between the devil and the deep blue sea

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Abstract: Rahim (not his real name), a young Iraqi man, has been living in transit in Indonesia for more than nine years. Retracing both his journey to the archipelago and his failed attempts to leave again – as his stated intention is to find permanent protection in Australia – frame a difficult time in his life marked by uncertainty, vulnerability and despair. Highlighting Rahim's destiny sheds light on the general legal and political conditions in Indonesia faced by several thousands asylum seekers and recognised refugees. As many of them cannot return to their conflict-ridden home countries while local integration into the Indonesian society is legally not permitted and resettlement options to safe third countries are only available to very few, they become stuck between "the devil and the deep blue sea".

Keywords: transit migration; asylum seekers; Australia, Indonesia

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This is the second time I am trying to talk to Rahim. We have both taken shelter from the pouring afternoon shower in a NGO office I came to visit earlier in the day hoping to meet a number of unaccompanied minors from Afghanistan. In the afternoons, they usually play badminton in the backyard. I have played with them a few times, and more than often lost. But today, something must have prevented them from coming in. While waiting, I chat with the Indonesian NGO staff, who have been working in the refugee centre for years. A handful of Iraqi and Tamil women are making cakes for the upcoming refugee day celebration. Rahim is sitting at one of the computers, reading online newspapers. Taking a glimpse, I can see photographs of Kevin Rudd and Julia Gillard, the former and current Australian Prime minister. I am a bit surprised to see Rahim reading Australian online news, rather than the news from his homeland.

Shunning eye contact, I sense that Rahim is not very keen to talk to me this time either. A friend from an international migration organisation has recommended I meet Rahim as he is one of the long-stayers among the Iraqi refugees here in Indonesia, arriving in the early 2000s. So far, I know that Rahim has been waiting for more than nine years for resettlement after the United Nations High Commissioner for Refugees (UNHCR) found him to be a genuine refugee. In early March 2010, upon our first encounter in one of the many scattered kampung in the mountainous area near Jakarta (Indonesia), Rahim refused to talk to me after just a couple of introductory sentences on my part. For the sake of simplicity, I had explained to him that I would like to meet some "stranded boat people" who had been on their way to Australia. But my choice of words really upset him. Immediately, he cut me off putting it straight that he was a refugee, not "boat people" – an expression that to him carried the notion of barbaric invaders and thoughtless daredevils. He let me know that he thought very little of the journalists who used this pejorative term to stir up public anxieties in Australia over the "forthcoming waves of illegal migrants". I apologised but he walked out on me, saying that his support for all the other "rubbernecks" had caused him nothing but trouble.



Boats at the sea close to Kupang, West Timor, Indonesia

Rahim's story

Getting slightly bored of waiting for the Afghani youngsters, I try to get him into a conversation once again by making comments about the rainy season in Indonesia and also asking a silly question about the weather in Iraq. Until now I only knew some basic facts about his origin. Back in Iraq under the regime of Saddam Hussein, Rahim faced triple persecution; not only because he is a Kurd, but he also belongs to the minority group of Feylis and is a Shi'ite. As expected, my weather chat is not going to spur his interest in talking. Thus, I opt for a slightly more confrontational approach and ask him directly about his negative experiences with journalists, not without reassuring that I am not one of them. Without delving into much detail, he retorts that if he had never cooperated with them, he "might be in Australia for long by now and working in his real job, not having married a local woman here and not having wasted all his time waiting for something to happen". Back in 2001, in the wake of several maritime incidents that cost many people their life, international news reporters turned to Indonesia to investigate the whereabouts of further potential "boat people". Assuming that giving insights about his misery and that of other asylum seekers would help them to get resettled sooner in a safe country – something Indonesia was not – Rahim had shared his story with the reporters and answered their many questions on where? what? and why? with good grace. He also allowed them to take pictures of him and his immediate environment. Soon after that he started to fear that he had revealed more than what was advisable. While most of his fellow country people have been resettled in Australia by now, Rahim is still waiting for the results of his health clearance. He passed his security clearance a while ago, but given his exposure, he keeps blaming the media for his protracted stay in limbo. Then he shrouds himself in silence again.

Rahim makes preparations to leave as dawn is approaching. Outside the weather is becoming worse. Power outage. One of the women brings a candle and lights it for us. Undecided whether to brave the rain or not, Rahim sits down again. He starts to talk more. After all, what does it matter if he sits around here or in his house? There is

nothing much for him to do. That is why he vehemently laments being here. Staying in Indonesia was never his intention. Worst of all Rahim finds the boredom he faces from day to day debilitating. Here, he is not even allowed to work legally. Although the International Organisation of Migration (IOM) covers his housing costs and pays him a small allowance, it is insufficient to make ends meet. Thanks to his siblings overseas, who send him money whenever they can afford, he muddles through. Legally restrained from work, most people in transit live on their own savings or remittances. Some have sold all their belongings back home, some families have gone deeply into debt to finance the flight of at least one of their members. The longer they stay, the less money is left.

When his family in Iraq had to flee, each sibling decided to approach a different country. One sister married an Iraqi in Canada. One brother applied for asylum in Great Britain, another brother for asylum in Germany, but is still living in a home for asylum seekers awaiting the final outcome of his application. Knowing that the European Union sealed its external borders and that smugglers ask for enormous sums to clandestinely bring people in, Rahim opted for Australia. Rahim imagined Australia to be a country, which was less racist, given its history as a nation shaped through immigration, a country that followed basic humanitarian principles and that would offer him a fair go. Listening to his words makes me wonder how much of his hope is still left. Rahim's despair does not stem from the long and hazardous journey, but from the sheer endless time in waiting, when he thought Australia was already so near. After having travelled to Syria, Jordan and then by plane to Malaysia, Rahim reached Indonesia by boat. Indonesia's geographic position, its accessibility and the relative political stability in the last decade attracted thousands of transit migrants from Iraq, Afghanistan and Sri Lanka. In fact, the Indonesian archipelago became a starting point for hundreds of self-organised voyages to Australia.

Transit migration

While I watch the rain drip down the window pane, I cannot help but think that while globalisation has spurred a cheaper and faster international

exchange of goods and ideas and brought metropolitan cities closer together; human movement, paradoxically, has been restricted – at least for the largest part, the movement of the 'non-privileged masses' outside the 'developed world'. And how comes, that the flourishing debates on worldwide 'irregular' migration have flourished over the last decades, but have somehow seemed to ignore what is going on in Southeast Asia? Most researchers and of course the policy makers focused on the Eastern European transit zones and the Maghreb states, which are both considered to be main gateways for 'irregular migrant flows' into the European Union and in particular, the Western European states. Beyond that, research on the US-Mexican border is also plentiful. However, Southeast Asia has gone slightly by the wayside, ever since the Vietnamese boats stopped coming. While much attention has focused on immigration policies in the receiving countries and to a far lesser extent, the political and economic conditions in the home country that caused people to leave, intensive study about the spatiality of the journey itself remains absent. Until recently we have known little about how externalised security policies, border protection measures and more restrictive immigration policies influence the national migration policies within states like Indonesia. On top of this, we know even less about how transit migrants deal with illegality, economic deprivation and the need to develop temporary survival strategies. After all, being in transit is a process, not a status. Broad-brush, it comprises the time after the arrival in a country, which is not seen as a permanent host country, and the departure onwards from that country to a more promising host country or return to the country of origin. This said, people can enter and stay at several places of transit, depending on many specific circumstances. A binding definition of transit migration in international policy or international law is still missing despite the fact that the IOM has been urging its member states since the early 1990s to recognise transit migration as an important matter in international migration and in particular in irregular and asylum migration.

Transit migration can be a "chaotic, disordered process with tremendous uncertainty and extreme material dis-



Source: Antje Missbach

Graffiti in one of the shabby hotels where asylum seekers live

comfort or danger at every stage”, writes Michael Collyer (2007). The main trouble of transit migration, however, is being trapped in it, when one’s mobility becomes restricted so that neither returning nor moving forward is an option. For Rahim, voluntary return is unimaginable. Going back to Iraq is not an option at all. Even if he accepted the IOM repatriation offer to cover his return flight and provide him with some kind of start-up package to help manage the first months, he would lose out. Why would he return to a country still afflicted with random bomb attacks that cannot be prevented by the occupying forces who for the last years have tried hard to teach the Iraqis the meaning of love for democracy? And what exactly would Rahim return to? His brothers are dispersed all over the globe. His parents are dead. All family assets had been sold off in a rush before leaving. Contact with friends who remained in Iraq have diminished over the years; links with those who also took off are only slowly being re-established through various internet-based portals. Rahim is stuck. Although leaving the archipelago might still be easier than entering the ‘lucky island’ that rules out welcoming unwanted migrations through restrictive immigration and visa schemes. But even moving on from Indonesia is easier said than done. As with many

other sought-after destination countries in the West, Australia has shifted responsibilities to its neighbouring countries to impede irregular border crossing. Not only are Australian migration officers based on the main sea and airport to keep an eye on passengers’ papers, but Australia has also provided the Indonesian Maritime Police with new vessels to patrol its borders. To make matters worse for Rahim, staying in Indonesia for good is also out of the question.

In other transit countries, like Morocco or Libya, transit migrants settle down and become de facto citizens, either because they run out of money, face insurmountable barriers to onward migration or life in transit is simply bearable. In the case of Indonesia, however, resettlement is about the only option. Integration into society is neither desired nor legally permitted. Home of nearly 240 million people of whom more than a tenth live below the poverty line, Indonesia has got its hands full. In its recent past, Indonesia has been confronted with hundreds of thousands of internally displaced people triggered by regional turmoils. So, why would 5,000 to 6,000 officially registered asylum seekers carry much weight? Fearing being held accountable, the government of Indonesia has never signed the 1951 Refugee Convention and its

1967 Protocol. Consequently Indonesia lacks the legislative framework to protect refugees and asylum seekers. Yet, Indonesia allows them to remain until the UNHCR has found durable solutions for them. The reason being is not compassion, but that the cost of deportation is deemed too expensive. Compared to neighbouring Malaysia, where people without an adequate visa and resident permit face heavy fines, detention, corporal punishment and eventually deportation, Indonesia seems like paradise. At first glance, at least.

Refugee resettlement to safe third countries takes place very slowly. Leading migration expert Stephen Castles calculated that given the recent annual resettlement numbers around the globe, it would take about 90 years to resettle those refugees who have been waiting for five years or more. Notwithstanding all those, who might apply for asylum in the meantime. A handful of Western countries have specific annual acceptance rates for refugees. So far Australia, for example, accepts about 12,000 refugees per year. Given the 10.55 million refugees under UNHCR protection, this appears like a drop in the ocean. Nevertheless, Rahim, like most other asylum seekers, did apply for resettlement with the UNHCR. However, both countries where his brothers reside turned him

down. As it turns out, people smugglers also have integrated the services of the UNHCR as an indispensable part of their 'package deals'. While organising the next leg of the trip, a protection letter from the UNHCR comes in handy, saving those preparing for a clandestine boat trip to Australia much trouble with the police. Following the downturn of the small-scale fishing industry, people smuggling creates meagre opportunities for Indonesian fishermen and their underused, often poorly maintained boats. Going by boat seems like the cheapest form of transport, with journeys from Indonesia to Australia costing anything between \$US 2,000-10,000 per person. But hundreds have paid for the trip on these unseaworthy barges with their life.

Death at sea

Somewhat surprised that Rahim would now talk so freely, I cannot refrain from asking whether he has ever considered such an attempt. He stalls, then takes a deep breath and continues. When he was still new to Indonesia, he had tried to continue his journey seamlessly. The smuggler who had helped him enter Indonesia got him in contact with an associate who took Rahim to Flores. From there, he and a group of people got on a boat and set sail. Fortune did not smile on them. A very low ebb caused their boat to run aground on a reef while they could still see the lights onshore. Apart from that they did not see a thing. The night was pitch-dark, the moon had not risen yet. Taking cover in the darkness, the captain and his small crew abandoned their passengers immediately swimming back to the beach. Unaccustomed to the sea and unable to swim they all nonetheless disembarked, walking towards the lights and hoping to reach the land. But they could not, as a trench blocked their way. They tried to get back onto the boat, but could no longer find it. Had it drifted away? Panic broke out, people were screaming, cursing, praying. A blessing in disguise, two fishermen on an outrigger canoe happened to come by. Taking in a few children and bringing them to the beach. They kept coming back to fetch the others while the waters started to rise again. Back at the beach the police were already there to arrest them. As they counted the crowd it was found

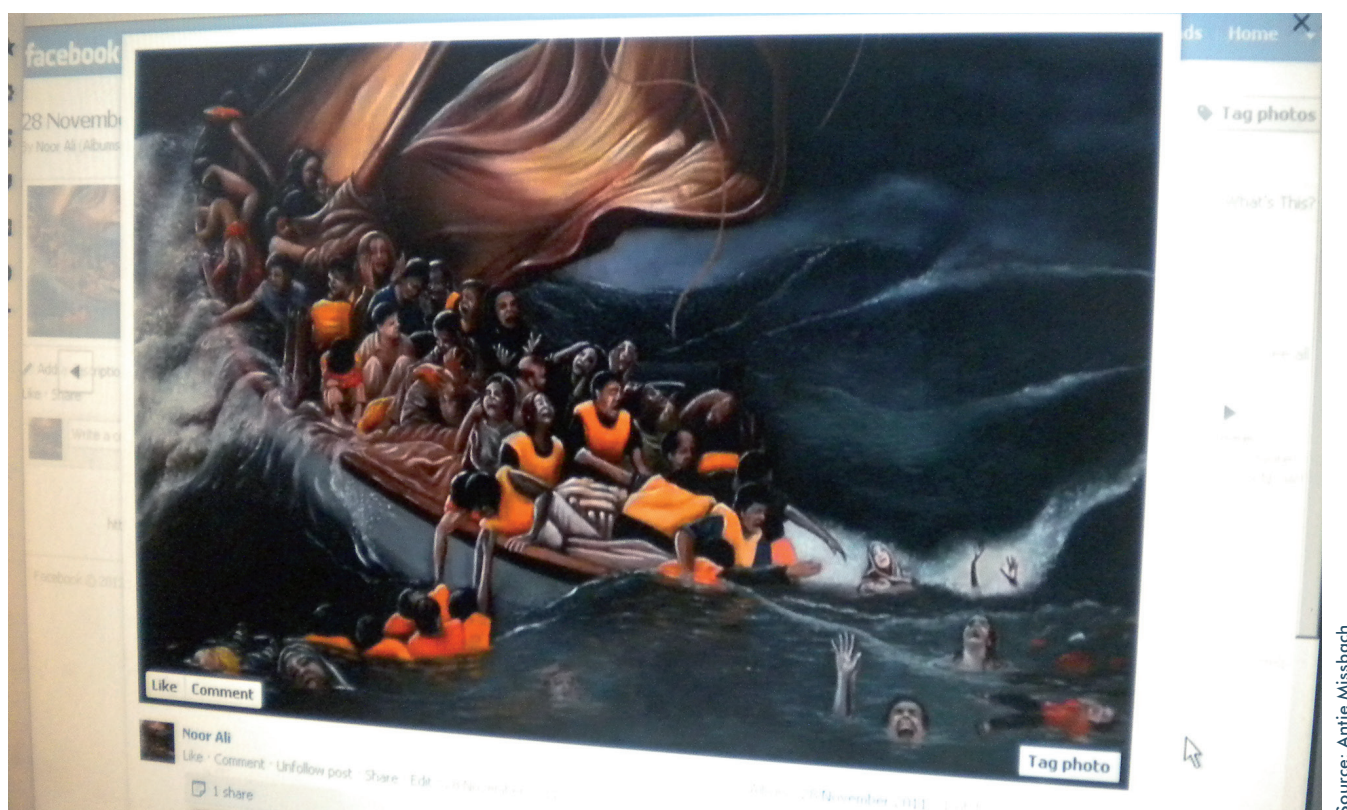
that a four-year old girl was missing. She must have fallen off the canoe without anybody noticing. After spending five months in a detention centre on Lombok Island, Rahim was relocated to Java. He had to register himself at a local neighbourhood council that would then report his presence to the local police. If the police caught him outside his allotted residential area or even on a boat in the Indonesian water, he would be imprisoned again in a detention centre. From what Rahim knows about Indonesian jails, he prefers to avoid them like the plague. Even though he once met a police officer, who offered him to arrange another attempt to go to the Lucky Island.

Old & new responses

In response to the rising numbers of people trying to reach Australian outposts (Christmas Island, Ashmore Reef) by boat since the late 1990s, Australia opted for very restrictive measures to stem the unwanted influx. With the enactment of the Border Protection Bill in 2001 Australia not only tightened its border control, but the navy also took preventive steps to detect, pursue, intercept and search boats carrying so-called unauthorized arrivals. In line with this, the navy was allowed to remove any ship in the territorial waters of Australia and use reasonable force to do so. Under Prime Minister John Howard's so-called Pacific Solution many small islands were excised from Australia's migration zone. So, even when reaching – say one of the Cocos Islands – safely, asylum seekers could no longer apply for protection in Australia. When intercepted at sea, they were taken to Pacific island states, such as Nauru, for status determination. In addition to disrupting the flow of people en route down under, the Australian government targeted people-smuggling syndicates operating overseas. As a result of reinforced bilateral collaboration with Indonesia, Australian officials were posted at international airports to survey smuggling activities and identify fraudulent documentation of travellers attempting to come to Australia. Moreover, Australian Intelligence helped their Indonesian counterparts to arrest local and foreign people smugglers. Also, similar to Italy in Libya, Australia provided millions of dollars to the Indonesia government to improve their

detention facilities. Last but not least, both the UNHCR and IOM received substantial funding to carry out their tasks aimed at preventing refugees from crossing unhindered into Australia and repatriating those who were desperate enough to do so.

While my thoughts are still with the nocturnal drama in Lombok, Rahim interrupts my wandering mind. He wants to know what will change for him and other refugees stuck in transit now that Gillard has taken over the lead in Canberra. Under the Rudd government, the Pacific Solution came to an end and the number of boats heading to Australia went up. The Rudd government stopped some of the worst elements of Australia's refugee policies, such as mandatory detention for unauthorised arrivals. It also closed down the extra-regional refugee processing centres in Manus Island and Nauru. But even though Rudd took a more humane approach to refugee protection, he did not raise the annual intake of refugees. What mattered to him, just as much as to his predecessors, was the protection of borders rather than refugees. In order to reduce the number of asylum seekers opting for a risky journey on a leaky boat, in October 2010, Rudd approached President Yudhoyono with his ideas for an Indonesian solution, which basically aimed at extending Indonesian detention and processing facilities for unwanted asylum seekers. Bilateral relations soured after the Australian Customs Service vessel *Oceanic Viking* intercepted 78 Sri Lankan refugees after a rescue call in Indonesian waters and escorted them back to the Indonesian mainland. Following a personal plea by Rudd, Yudhoyono agreed that the asylum seekers would be processed in Indonesia for humanitarian reasons. However, Ismeth Abdullah, the governor of the province of Riau, then stated to the media that he would not allow the Australian vessel to anchor at Port Kijang as he did not want Indonesia to become a "dumping ground" for irregular migrants. Other senior government representatives supported his stance urging Australia to find its own solution instead. Even though Indonesia and Australia had signed a number of bilateral agreements, such as the Lombok Treaty in 2006 that sought to strengthen cooperation between relevant institutions and



This painting of drowning people was circulated in facebook (early January 2012) shortly after one of the worst maritime disaster involving mainly Afghani asylum seekers

agencies to prevent people smuggling, it cannot go unnoticed that Indonesia leans toward perceiving the people smuggling problem first and foremost as Australia's problem. When Julia Gillard took up the Prime Minister's office in June 2010, everybody expected her to take a stricter stance against refugees that self-organised their resettlement. However, her plan to send back irregular asylum seekers to Malaysia in order to deter future arrivals was stopped by the Australian High Court in 2011. Ever since the numbers of asylum seekers coming to Australia by boat kept increasing. Nobody could have foreseen her trying out a number of regional solutions that echoed at their core the principle the original Pacific solution. Rahim and I might have had a good laugh seeing the East Timor, the Malaysia, the Nauru and the Manus solution coming and going. But at this very moment we did not feel like laughing at all.

Rahim gets up and we wish each other all the best for the future. Inundated by the stories I have just heard, I keep sitting there on my own. As the last reverberations for the evening prayer call fade away, a young Tamil man en-

ters the centre bringing news about a boat that has taken off. As rumour has it, nobody has seen the Afghani youngsters since early this morning.

Epilogue

Two years later, I meet Rahim again, this time in Sydney. Eventually, he, his Indonesian wife and their son had been resettled. Rahim is still unemployed, his former training as doctor is not recognised. Having much spare time at hands, Rahim could follow the political developments on asylum seekers issues meticulously, but overcome by disappointments he no longer wants to hear about the latest decision by the government.

By late July, more than 128 boats carrying more than 8,000 people have made their way to Australia. Even though such numbers remain negligible compared to asylum seekers currently in Yemen or Pakistan, the government under Gillard opted for drastic changes. Unfortunately, the new solution very much resembles the old policies under Howard. Not only will the former detention centres in Nauru and Papua New Guinea be reopened, but the government also plans to limit the access of humani-

tarian entrants to family reunion provisions. Once more, asylum seekers intercepted by Australian authorities risked being processed offshore. Despite the boosted intake of 20,000 instead of 13,000 refugees per year, the government plans also to restart its negotiations with Malaysia to realise its people swap deal.

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