

The book looks at refugee and asylum policies of Australia, Canada and New Zealand in light of current debates on globalisation and citizenship. The resettlement of refugees was a by product of the Cold War, coupled with a quest on to boost populations and to fulfil labour shortages. The pressures of global restructuring have resulted in a reformulation of refugee policies. The once humanitarian responses have been converted into policies of containment, with increased controls to prevent the arrival of asylum seekers. Measures imposed have resulted in barriers for asylum seekers and exclusion by nation states by reference to national sovereignty and security. The authors stress that so called 'illegal migration' is primarily related to the political and economic structures across the world, primacy of transnational capital. Border controls and interdiction measures are bound to fail as they reinforce this divide. The authors call for the entrenchment of rights firmly into the Refugee Convention as well as the development of a new form of citizenship, where citizenship and belonging is not embedded in a single nation.

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Seeking Asylum in a Global World

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A Comparative Analysis of Refugee and Asylum
Seeker Citizenship Rights, Laws and Policies in
Australia, Canada and New Zealand



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Refoulement: the return by a country, in any manner, of an individual to the territory of another country in which he or she may be persecuted or face the risk of torture. Refoulement includes any action having the effect of returning the individual to a State, including expulsion, deportation, extradition, rejection at the frontier, extra-territorial interception and physical return.

Refugees: Persons recognised under the 1951 Refugee Convention

Sponsored Refugee: An individual recognised as a refugee overseas and who has been sponsored by a group of Canadians, or Canadian church group according to the sponsorship rules defined in the Canadian Immigration Act

Spontaneous Refugee: See definition of asylum seeker

Third Country: Where refugees move from their countries of first asylum to another country, such as Australia, that country is described as a third country (the first being the home country, and the second being the country of first asylum).

Undocumented Persons: people with fraudulent identification documents or people with no and/or insufficient identification documents.

1. INTRODUCTION AND OVERVIEW

People have moved from one place to another for a variety of reasons: out of fear of invasion, in search of better pasture, to establish new commercial links, or in pursuit of a vision to recreate a new mode of society. Images of people on the move, as colonizers, invaders, convicts, nomads, adventurers and dissenters, are frequent in western consciousness. (Papastergiadis, 2000:22)

Globalized civilisation has no discontent for you: from your computer in *Dun Craig* you buy a laptop from a US-owned company in *Texas* from an online store in *Melbourne* with your credit card from *Sioux City*, through your bank in *Subiaco* which processes your payment in *Sydney*: two weeks later it arrives in the mail, made in *Taiwan*. You're a global citizen in a globalized world, and the current trade and commerce mindset makes it less disturbing if we lock up and exclude those who cannot manipulate this global and western-dominated world like we can. We all happily contribute to the freedom for the movements of goods and of capital, but not of refugees (Kingston & Wilkie 2005:3).

The history of human kind is full of stories of migration - whether real or mythical. People have always moved, both voluntarily and by force. Although movements of people are taken as given, the right to travel or move has never been an easy process. The formation of the nation state and the division of geopolitical space into borders and the invention of the passport in the early 1900s imposed regulation and control on the movement of people across the world. However, we are currently in a unique moment in time. The profound economic, political and cultural changes that have occurred during the past quarter century have caused greater numbers of people to move and have posed an extraordinary set of challenges for nation states. Globalisation is positioning the 'placeless capital' (i.e. transnational finance) and the 'homeless subject' at the centre of our lives (Held et.al.1999, Nash 2000).

In the year 2000, the International Office of Migration identified 125 million people as international migrants, that is people who are in another country outside their place of birth. The United Nations High Commission for Refugees estimates that there are around 40 million refugees in the world (UNHCR 2000). The reasons for their movement, settlement and reception in the host countries show great variability. Migration experiences alter the understanding of society and shift interactions

between people, political bodies and other institutions. While no government has ever set out to build an ethnically diverse society through immigration, labour recruitment policies have often lead to the formation of ethnic minorities with far reaching consequences for social relations, public policies and international relations. (Freeman & Jupp 1999).

International migration is never a simple individual action in which a person decides to leave their home country. The movement of people does not occur in a vacuum but is strictly regulated and controlled. Migration requires infrastructures and institutions of transport, communication and regulation. Nation states seek to maximise the opportunities from transnational corporations and open their doors to the movement of skilled immigrants. Contemporary travel takes place in a world in which international law impacts on domestic legislation and international organisations monitor and intervene in migratory processes. Immigration and the control of people movement touches upon many dimensions of politics and raises key questions about procedural processes, ethical issues, justice issues and distribution (who gets what, when and how). Central are issues of whose interests are being served and who is making the decisions. This is compounded by policies that contribute to the 'national interest' and what definitions of national interest are being used (Bretell & Hollifield, 2000). Migration processes intersect with and are constitutive of networks of political, military and cultural relations that lie with nation states, transnational corporations or international bodies. (Held. et.al. 1999, Castles & Miller 1998).

Focus of the Book

The movement of people is becoming more complex and diverse. There is a clear differentiation between those who are allowed to move and those who are treated with disdain for moving. While movements of people with particular skills and funds are encouraged, those who move for reasons of persecution, economic hardship and social inequality are discouraged. Border protection, control and regulation have become central to the policies of many countries.

Castles and Miller (1998) point out that in a globalised world, the most pressing challenge for western nations is the ways they will cope with and process 'unwanted

migrants'. The term '*Unwanted migrants*' embraces different groups of people including illegal border crossers, boat people, legal entrants who overstay their entry visas, family members of legal migrants who are restricted entry and asylum seekers not regarded as 'genuine' refugees (McMaster, 2001:35). Unwanted immigration is often accompanied by public fear of a mass influx of refugees or foreigners and is used by conservative forces to incite xenophobic and racist views against migrants and refugees.

Although the international movement of people has occurred throughout history, contemporary migration and forced migration must be understood and assessed from the broader level as being a global phenomenon. The increase in numbers in contemporary times has been facilitated by improvements in communication and transport technology and global inter-connectivity. There is a solid body of research which maintains that the mass movement of people and increased refugee flows are increasingly linked to the process of globalisation and the movement of capital across the globe (Waters 1995, Castles & Miller 1998, Held et.al. 1999, Castles 1999, Costello 2001). Globalisation has caused increased people movements by way of a decline in national economies and general living conditions and increased poverty and repression (Nash 2000, Waters 1995, Held et.al. 1999).

While the modern theories of the state presuppose a community that rightly governs itself and determines its own future, patterns of global (economic, cultural and political) inter-connections pose challenges to the concept of the modern state (Held et.al.1999). Globalisation has resulted in de-territorialisation and in the transformation of the role of the state whereby its policy choices are increasingly affected by the decisions of trans-national corporations.

In light of the increased movement of people and the increased inter-connectedness of the world, two key issues emerge: First, the role of the nation state in establishing rules of entry and exit and the extent to which nation states should control their borders to prevent the arrival of asylum seekers (Brochman 1999). Secondly, concerns relating to the sovereignty and security of the nation state. Whereas states have traditionally regulated and controlled unwanted immigration, in recent decades,

states have extensively engaged in managing and curbing unwanted immigrants and asylum seekers on considerations based on foreign policy and economic factors.

Large-scale international migratory movements are seen to threaten each state's sovereignty. In order to maintain sovereignty over their borders, states have implemented restrictive policies and have introduced severe immigration and refugee intake policies to combat the movement of unwanted and unauthorised arrivals. As a consequence of these policies, unskilled migrants and asylum seekers have been excluded from each country, resulting in challenges to traditional notions of citizenship and human rights practices.

The concept of modern citizenship has been organised around a specific territory as defined by the political boundaries of the nation state. National borders are defined through sovereign rationale and entering any of these countries remains a privilege, not a right. Border control is justified by reference to sovereignty. Asylum seekers in particular, have challenged this territorial based conception of citizenship. Whilst membership as a legal status has not been extended to asylum seekers, they challenge who does and who does not have access to membership within a given society and flowing from this, the extension of social rights that are associated with such membership (Isin & Wood, 1999:5, Lohrmann 1997, Ucarer & Puchala, 1999:310, Brubaker, 1992:63). Within each country, there are two classes of refugees – those with access to certain rights (refugees) and those who have fewer or no rights (asylum seekers). In the case of asylum seekers, it is immigration law rather than formal citizenship law that excludes them from gaining membership through the withholding of rights – both to make an application for asylum and in accessing employment, health and other social and welfare benefits extended to refugees selected by the state or other permanent members of society

Thus, in the words of Rubenstein, "*Citizenship, sovereignty and migration are legal notions that are fundamentally interlinked and integrated*" (Rubenstein 2002b: 102). In recent times, as nation states have retreated from citizenship rights, they have come under intense criticism for withholding and/or restricting citizenship rights to unwanted immigrants, particularly asylum seekers.

This book explores how three developed nation states, namely Australia, Canada and New Zealand have responded to the challenges of unwanted migration. In particular, it focuses on asylum seekers and the provision of citizenship rights to them in the context of a globalised world. The book critically analyses the specific refugee and asylum laws and policies in each country.

The three countries have been chosen as areas of study as they are traditionally countries that have strong immigration and refugee programs. These countries have deliberated with processes and policies for asylum seekers as there have been increased movements of people since the 1990s. These countries, all Western industrial societies, share both similarities and exhibit differences in their political and economic structuring.

A summary of the comparative assessment of these countries reveals:

1. A number of common trends are evident in Australia, Canada and New Zealand's response to refugees and asylum seekers. Their most generous inclusion occurred when it suited each country's economic and foreign policy objectives during the Cold War. The 'golden era' of refugee resettlement between the 1940s to the mid 1970s was a by-product of the Cold War foreign policy considerations and a quest on part of Canada and Australia to increase their populations and to secure a ready source of unskilled labour for their manufacturing sectors (Collins April 1993: 5, Collins 1991: 2). Given that the 1951 United Nations Convention Relating to the Status of Refugees (herein referred to as the Refugee Convention) is a "limited and partial response to a severe international problem" and thus "a compromise between the state imperative of migration control and humanitarian concerns" (Harvey 2001:96), citizenship rights were afforded to the 'deserving' refugee from the communist bloc.

The end of the Cold War and the pressures associated with the global restructuring of the world economy, coupled with an increase in the numbers of 'unauthorised' arrivals, especially in Canada and Australia, led these countries to restructure their immigration and refugee and asylum policies and the discourses that surrounded them. Through the tightening of barriers and controls to entry, 'justified' on the

grounds of national sovereignty and security, these countries were able to respond in part to the pressures of increased asylum claims and to exclude refugees and asylum seekers from gaining access to membership within their respective societies. Australia's pre-occupation with deterring unauthorised arrivals has resulted in its enactment of harsher measures (such as mandatory detention, the Temporary Protection Visa (TPV), excision of migration zone, the Pacific Solution and denial of appeal rights) than Canada and New Zealand.

2. A common pattern also emerges in the provision of settlement services to refugees and asylum seekers. The most generous and comprehensive set of legal and social rights have been offered to refugees. These people have been selected for entry under the refugee program by each state and hence a comprehensive set of social citizenship rights have been extended to them. The detailed entitlements in the Convention are available only to refugees 'lawfully' present in the host state. Each of the host states in this study have abided by the requirements of the Refugee Convention in this regard. Asylum seekers, on the other hand, are neither citizens nor accepted by the state as citizens – they are 'in between'. This is reinforced by the Refugee Convention in two ways: by requiring a 'formalised' refugee determination process and by not compelling states to provide asylum seekers with social and legal rights.

3. Although the rights conferred to refugees and asylum seekers by international instruments go beyond nation state citizenship and are predicated on a cosmopolitan model of citizenship, the new world order brought about by globalisation has not been accompanied by sufficient international institutional and legal developments to implement a new regime of citizenship rights for refugees and asylum seekers in particular. The reality of asylum highlights that many have been denied conditions and rights that should be allowed under claims of common humanity. It also highlights the reality of a world in which the right to move across borders is controlled by states, despite an era of globalisation. In McMaster's words: *"Sovereignty of nation states continues to prevail over human rights instruments, and notions of citizenship continue to be shaped by the nation state"* (McMaster, 2001:172).

4. Each government's response to the movement of people in the context of globalisation reveals a number of common trends. First, there is increased economic integration at the regional level and the impact of the post September 11 period has been felt by each state. Second, is the new geo-political war on terrorism. Third, globalisation has forced each country to be more competitive, resulting in each country encouraging and attracting migrants with greater skills. The effects of these developments are that each country has become wearier of newcomers, while simultaneously becoming more aggressive in seeking skilled migrants (Adelman.2002: 1). There is heavy state involvement in the regulation and curbing of asylum seekers and refugees, and notions of democratic citizenship continue to be linked to legal status rather than a right to common humanity as a determining factor in denying citizenship rights to asylum seekers (Sengchanh 2001, McMaster 2001). As a consequence, the treatment of asylum seekers by each country has been fundamentally altered from a humanitarian response to a response of containment. The Convention's concept of the 'deserving' and 'undeserving' refugee (Harvey 2001) has been emphasised by the governments of each respective country through its legislative response to asylum seekers.

The chapters in the book are structured as follows: Chapter 1 provides an overview of the considerations in the research process and issues of epistemology and methodology. Chapter 2 provides the theoretical framework upon which the book is built. The chapter commences with a discussion and definition of globalisation and then provides background material on the global refugee movement and the impact of globalisation on refugee and people movements. After outlining citizenship theory, we provide a brief overview of the form and content of the relevant international instruments as they articulate the obligations imposed on states. Following a brief overview of the limitations of the international refugee regime, the rights afforded to refugees under international refugee law and the tension between a state's right to control entry and the right to seek asylum are discussed. The chapter then considers the citizenship rights of asylum seekers and the state's sovereign right to control its borders and to admit whom it selects, which we refer to as *the collision of state and refugee interests in a global era*.

In order to fully understand refugee and asylum policies in each country, it is essential to also fully comprehend the immigration policies to which they are related. Chapter 3 focuses on Australia, Chapter 4 on Canada and Chapter 5 on New Zealand. The first sections of each of these chapters focus on early immigration and refugee issues and developments of policies in each respective country. These themes are however, conceptualised by discussion of the transformation of immigration goals, including the economic and social and political forces that shaped the change in the immigration policies of each respective country. There will not be a comprehensive discussion of immigration policy or an assessment of whether the goals of immigration policy in each country were successful as the chapters are more concerned with the aims and objectives of immigration policy as a backdrop to refugee and asylum policy.

The second parts of chapters 3-5 examine contemporary refugee and asylum policies and developments in each country. Specific focus is placed on the factors that led to the development of the policies throughout the 1980s, 1990s and into the post-2000 period, including attempts by each government to curb the numbers of asylum seekers and the consequences of these policies on the citizenship rights of asylum seekers. In making the analysis, changes in Canadian, Australian and New Zealand refugee and asylum law and policy are examined and their implications for asylum seekers arriving in these countries are also reviewed. There is discussion of the immigration/asylum-terrorism link as these states have become increasingly concerned about security matters since the terrorist attacks of September 11, 2001. The causal link between the tensions in refugee law and global and local factors and the tightening of refugee and asylum policy is examined.

Overall, each chapter highlights that despite each country having provided hospitable programs towards refugees and asylum seekers historically, political and economic developments in each country, coupled with high numbers of asylum claims in Canada and Australia in the late 1990s, have resulted in the governments of these countries adopting policies that not only undermine their international obligations to asylum seekers, but also result in the unfair treatment of refugees and asylum seekers. Despite global transformation, citizenship in Australia, Canada and New Zealand continues to be defined by the state. Policies of border control, non entrée and closure

are resorted to exclude outsiders (including asylum seekers) from membership and/or fully enjoying welfare and social benefits.

Chapter 6 identifies and compares the major issues, trends and patterns in Canadian, Australian and New Zealand immigration and refugee and asylum law. A rationale for similarities and differences in the policies adopted by and rights afforded to refugees and asylum seekers is also provided. Where appropriate, historical, national and international factors are selectively drawn upon to outline the degree of convergence and divergence between these three societies. The emphasis of discussion in this chapter should be seen as exploratory - an overview of the contrasts and comparability in immigration and refugee and asylum policies in the three countries. To highlight Australia's unique policies, the chapter will then focus on Australia's policies of mandatory detention, the TPV, the Pacific Solution and the Excision of Migration Zones.

Chapter 7 investigates whether the policies implemented by the three countries conform to their international obligations. After discussion of the shortcomings of the Refugee Convention, a number of potential solutions that have been put forward are explored, focusing on the reform existing international refugee law, improving burden sharing mechanisms and strengthening international mechanisms and institutions. These solutions are offered within the context of the existing nation state mechanisms. The book also examines the broader solutions to refugee movements in the context of globalisation, such as trans-national and post-national citizenship. Whilst the shortcomings of the Convention are mentioned in this discussion, it is not the aim of this book to advocate for detailed reforms. Rather, discussion focuses on refugee control in light of the concepts of national sovereignty, citizenship debates and the tensions faced by states between humanitarian obligations and the vested interests of the state.

The book concludes by arguing that international instruments have failed to entrench the rights of asylum seekers and that new modes of membership and inclusion need to be developed in the global era.

2. CITIZENSHIP RIGHTS IN A GLOBAL ERA

Theorising citizenship in the global era is complex and multidimensional. The term globalisation and its effects are highly contested. This chapter begins with a definition of globalisation and a discussion of its main dimensions - economic, cultural and political. This chapter will illustrate that these are complex and contradictory processes. The processes of globalization have major impacts on movements of people, the role of the nation state and the citizenship. The nature of this contradiction is explored in greater detail through discussion of the challenges globalisation poses to the role of the nation state and to the movement of people. It is argued that in a globalised world migration and movements of people have reached previously unprecedented levels. Globalisation has transformed the role of the state into an essential strategic institution for the legislative changes and innovations necessary for economic globalisation. In this process, however, globalisation undermines state sovereignty and the independent policy making capacity of states in that they are increasingly compelled to adopt policies dictated by trans-national corporations, global entities and trading blocs. It is further argued that the free movement of capital, finance and information has not translated into the free movement of people, with nation states in contemporary times reasserting their sovereignty to regulate their borders with vigour.

The exclusion of the Majority World (of income poorer, less industrialised nations) from the benefits of a global world order has led to increased poverty and turmoil, with huge population movement consequences. The impact of the decline in the economies of the West since the post 1970s, with the resultant restructuring of their economies, coupled with the fall of the Soviet Union, has not only impacted on refugee movements, but also on state responses to refugees and asylum seekers. The Minority World (of income-rich, highly industrialised nations) has vigorously asserted their sovereignty to justify measures to control their borders. It is only those

who possess the requisite skills or capital or geo-political value, and are therefore considered essential to the global world order that are permitted to freely move across borders. The 'unwanted' movements of people are often demonised and portrayed as deviant, enabling nation states to take harsh measures and curtail rights, particularly of refugees and asylum seekers.

Understanding the restrictive responses to refugees and asylum seekers of states requires a consideration of the concept of citizenship. After discussion of T.H. Marshall's notion of citizenship, this chapter provides a broad overview of the debates on citizenship by contemporary writers. Although globalisation has impacted upon traditional notions of citizenship, nation states continue to be bound by notions of citizenship at the nation state level. Through restrictive migration laws, nation states continue to resort to the politics of citizenship to exclude refugees and asylum seekers from gaining membership to their societies and from accessing their society's resources.

The format of the chapter is as follows: exploration of key concepts such as globalisation and nation state, transnational movements of people and the concept of citizenship.. After outlining citizenship theory, the chapter will provide an overview of the form and content of the relevant international instruments as they articulate the obligations imposed on states as well as the limitations of the international refugee regime the rights afforded to refugees under international refugee law and the tension between a state's right to control entry and the right to seek asylum. The chapter then considers the citizenship rights of asylum seekers and the state's sovereign right to control its borders and to admit whom it selects, which is summed up as *the collision of state and refugee interests in a global era*.

The chapter concludes by arguing that in a world where countries continue to be divided into nation states and in which international law continues to recognise state sovereignty over the rights to seek asylum, refugees and asylum seekers remain vulnerable to the 'good will' of nation states and refugee rights are regarded as subsidiary to the economic interests of trans-national corporations.

GLOBALISATION

Globalisation' is a highly contested term, as are the effects of globalisation, which continue to be the subject of great scholarly debate and disagreement (Hirst & Thompson 1996, Sassen 1996b, Robertson 1992, Giddens 1990). 'The sheer volume of the published works on globalisation makes a comprehensive survey of this phenomenon impossible. Instead, this section of the chapter provides a broad outline of globalisation examines its impacts globally and on the nation state.

Defining Globalisation

Globalisation is a broad term that is used to refer to the interconnectedness of the world. 'Globalisation' is a term of multi-dimensional phenomenon and, used in a broad sense, describes the process that makes the world more inter-connected and inter-dependent in complex ways in respect of economics, culture, politics, communication, language, information and ideas (Rubenstein 2002b:289-290, Papastergiadis 2000: 172). It refers to processes that are primarily economic but increasingly social, cultural and political. Globalisation is the 'global enmeshment' of money, people, ideas, images, values, and technologies which flow in a much swifter manner across the world (Hurrell & Woods 1999, Waters 1995). Beck (2000) points out that from now on, what happens in the planet is not only a limited local event and that "all inventions, victories, catastrophes affect the whole world, and we must reorient and reorganize our lives and actions, our organizations and institutions, along a 'local-global' axis" (p.11). Giddens (1990) sees a world market for capital, commodities, labour and communications with deadly weaponry and sophisticated surveillance.

Amongst the dominant readings about globalisation, it is defined in an increasing predominance of 'trans-continental or inter-regional flows and networks of activity, interactions and the exercise of power' (Held et.al. 1999). The main indicator that tells us that globalisation is in process is the increase in cross border flows of finance,

trade, people, and ideas. The key organising structure of all these flows is the trans-national network, which takes the form of trans-national corporations, the global market, and international governmental organisation (Castles 2000b). Lash and Urry (1994) see a post-Fordist 'disorganised capital' characterising globalisation. They present a number of hallmarks of contemporary, post-industrial capitalism:

- More inter-state connections and the decreasing effect of state policy
- The development of increased transnational communication and activities
- A decline in the importance of the nation state
- The emergence of global, political, economic and cultural organisations and bureaucracies
- The emergence of global cities as sites of interaction
- A huge increase in the flow of commodities and cultural products and
- The worldwide spread of Western-style consumerism.

Appadurai describes the new global order by reference to '*scapes*': *ethnoscapes*, *technoscapes*, *financescapes*, *mediascapes* and *ideoscapes* (Appadurai 1990:297). These flows are carried on and conducted by various agencies including nation states, multinational corporations, religious, political and environmental group movements. Appadurai maintains that in order to comprehend contemporary globalisation, it is essential to understand the complex and interactive set of processes - capital, labour, finance, technology and cultural artifacts now operate globally. Central to Appadurai's model is that the most significant global flows occur "*both in and through growing disjuncture between the flows*" (Appadurai 1990:297).

Impacts of Globalisation

The interconnectedness in the world brings with it a number of features: increasing *speed* and *volume* via travel or communication technologies; a condensing of *time* and *space* where there is global shrinkage and a context in which messages, symbols and images are freed from the spatial constraints (Ohmae 1990 , Held et.al 1999). The final feature is the permeability of political and geographic borders as greatly increased relations take place whether through trade, tourism or electronically (Waters 1995, Giddens 1990, Beck 2000). Gopalkrishnan (2003) notes the impact of technology through its sophistication and the immediacy that enables the time-space

continuum to be compressed to a very great extent. Particularly in the case of economic globalisation, this means that the flows of finances across the globe can be almost instantaneous, and the impact of these flows equally swift.

Globalisation has three readily identifiable dimensions: economic, cultural and political. The first and primary dimension is economic globalisation, which widens and intensifies the international linkages in trade and finance. Economic globalisation has become the source of 'power, domination and subordination' (Holmes et al. 2003:411). The most important aspect of economic globalisation is the spread of international trade and finance across borders and the break down of national economic barriers with the increasing roles of trans-national corporations and international financial organisations in these processes. The expansion of international trade and finance and greater integration in production, coupled with a tendency towards tighter integration of the world economy, has been occurring since the 1960s. This process is well established in the literature. Despite some debate as to the actual extent of globalisation, there is no doubt as to its general direction (Hirst & Thompson 1996).

The elimination of restrictions on the movement of commodities and capital through the removal of all barriers to trade is evident from the establishment of supra-national structures and trading blocs such as the European Union (EU), North American Free Trade Agreement (NAFTA), Asia Pacific Economic Community (APEC), the Australia-Thailand Free Trade Agreement (TAFTA) and the Australia-US Free Trade Agreement (AUSFTA). These and other trading blocs, along with international institutions such as the International Monetary Fund (IMF), the World Trade Organisation (WTO) and the World Bank (WB) are committed to the liberalisation of trade (Breton 2001, Jones and Kriesler 1998). These blocs and international institutions shape the parameters of domestic and social policy and engage in trans-national distribution (Yeates 2001:19). For example, the WB's and IMF's structural adjustment programs (SAPs) have created open market economies in over 80 countries (Castles 2000a:126).

Most nation states are vulnerable to the pressures of these institutions either due to indebtedness or competition for Foreign Direct Investment (FDI). As a result of these developments, economic globalisation has resulted in economic decision-making being taken away from governments and placed in the hands of large multinational corporations, with negative impacts on sovereignty and human rights (McCorquodale & Fairbrother 1999). Besides the negative impact on less-industrialised nations, the effects of the flows of capital and finance have been felt by the western industrialised countries whose economies have faced significant restructuring. This in turn has resulted in a decline of their manufacturing sectors (Inglis 2003). Further, commitment to economic restructuring and privatisation has resulted in governments abandoning or reducing welfare measures that previously protected their citizens (Castles 2000a).

The global world order will have serious consequences for social and economic inequality and consequently on human development. (Bauman 1998, Beck 2000). While advantaging those at the centre of new information and finance-based power, it will disadvantage those who are not part of that process (Babacan & Gopalkrishnan 2001, Hurrell & Woods 1999). Pointing to the structural nature of globalisation, Gopalkrishnan (2003) points to the disparities across the world. This is supported by the UNDP (1999:3) which maintains that “the income gap between the fifth of the world’s people living in the richest countries and the fifth in the poorest was 74 to 1 in 1997, up from 60 to 1 in 1990 and 30 to 1 in 1960”. Additionally the UNDP (1999:2) argues that when the market goes too far in dominating social and political outcomes, the opportunities and rewards of globalization spread unequally and inequitably—concentrating power and wealth in a select group of people, nations and corporations, marginalizing the others.

The first impact of the new global structures is felt at the level of income, work standards and the general quality of life. *The Human Development Report* (UNDP 2000) delineates a world-wide situation where the gap between the rich and the poor is steadily increasing. This report quotes from a study of income distribution among households and maintains that the increasing income gap is prevalent both in the

richer nations as Sweden, the United Kingdom and the United States and the poorer nations across the globe. The negative economic effects of globalisation has impacts on the settlement, distribution and movement of people across the world , often interrelated with such factors as food and water supplies, war, environmental change and other elements.

Another important consideration in globalisation is the development of a homogenous worldwide culture (Inglis 2003). Today's world has a distinctive 'sameness' in fashion, food, and music. This has been referred to as the "McDonaldisation" of society (Strada, 2003:11). The breaking down of barriers and condensing of time and space has had a significant impact upon culture (Griffin 1997). Robertson defines culture as "*the order of life in which human beings construct meaning through practices of symbolic representation*" (Robertson 1992:18). The products of economically advanced countries (such as the United States) use the advantages of globalisation, including the global media (film, music, internet, fashion, television) to attract sales (Du Gay 1997:33). The products go beyond their quality or use and the product or brand becomes a statement of the person consuming them, thereby reinforcing the consumer's identity. In the process, local cultural identity is threatened because of its subjection to western cultural domination (Hall 1992, Hong 2000). Some writers have argued that globalisation has resulted in 'cultural imperialism' and that many cultures have embraced the American popular culture as their own (Featherstone 1995, Robertson 1992, Holton 1998). Appadurai, however, insists that the world is not becoming culturally homogenous as a result of cultural globalisation and that this dimension of globalisation is largely unsettled with complex movements of ideas, images technology, people, labour, and culture continuing into the modern era (Appadurai 1990:296-299).

The cultural homogeneity promoted by global marketing leads to different outcomes: detachment of identity from community and place; or it could lead to resistance which could reaffirm some national, local and ethnic identities; or it could lead to the emergence of new identity positions (du Gay et.al. 1997). In the global arena, national identities are contested and struggles are represented by conflicting national positions, sometimes with disastrous consequences. Often identities are portrayed in terms of conflicting, incompatible and polarized positions. At a more personal level, new

forms of identities are emerging. For example, the traditional Western nuclear family with the male breadwinner has given way to different gender identities within families. Sexual identities are contested in the public arena and are increasingly the subject of political contestation. The question “who am I?” has become the key element of post-modern societies and goes to the heart of social resistance and public contestation about citizenship rights. Ethnic and cultural identities, particularly in multicultural societies, have become both forms of resistance and sometimes as methods for diffusing resistance to marginalisation. With greater movements of people, as will be elaborated below, debates about national identity are much more closely linked to attitudes towards ethnic minorities, immigrants, refugees and asylum seekers as these groups are perceived and portrayed as a threat to national integrity.

In the turbulent globalised world, identity politics is played out in social and political concerns within the contemporary world and as a way of offering explanations of social and cultural change (Isin and Wood 1999, Woodward 1997). Bauman (1998) argues that the post-modern world is characterised by change, and in this context identity refers to both persons and things. Both have lost their solidity, definiteness and continuity. Disposable products designed for immediate obsolescence have replaced the world of durable objects. In such a world identities can be adopted and discarded. The ‘rules of the life’ game of post-modern consumers is changing; therefore, the sensible strategy is to keep the game short. The world has changed, for example jobs for life have disappeared, and the age has become what Anthony Giddens (2001) calls the age of ‘pure relationship’ where ideas of loyalty, commitment and obligation are obsolete. Relationships and identities are subject to this. The overall result is the fragmentation of time into episodes, each one cut from its past and from its future, self enclosed and self contained. In terms of morality there is a move away from ethics, (in self or socially constructed supra agencies) and a fickleness in practised life strategies (for example, decreasing rates of active participation in social organisations).

Globalisation and the Nation State

The modern nation states appear to be eternal, yet they are the products of industrial capitalism that is more fluid than fixed (Ignatieff 1994).

The concept of the modern state, which developed in the 18th and 19th centuries, is based on unquestioned sovereignty over a demarcated territory (Castles 2000b). The nation state is the vehicle for the unification of people within its borders with objective and subjective criteria). Castles et.al. (1988:103) identify that the nation state brings about nationalism which is “ an ideology of social unity, ‘imagined community’ ... which describes a so-called people who live within the boundaries of a nation state... Ferguson (1994) argues shared objective traits such as languages become meaningful within the framework of subjective consciousness which in turn become a powerful force in shaping common objectives especially in the context of state determined policies of ‘nation building’.

The national industrial society, as it evolved in the 19th and 20th centuries, articulated society, state and nation in a particular form. Society referred to an economic and social system based on rational principles, within a bounded national territory. The state denoted a political system generally based on secular and democratic principles, capable of regulating economic and political relations (Castles & Spoonley 1997). The state in advanced industrial societies has pervasive influences on the lives of all citizens exercising regulation and control over increasing realms of social, political and economic activity. The nation, in contrast, previously referred to a people defined both on the basis of belonging to the territory of the state and of having a common cultural and ethnic background, with the state regulating most of the economic activities (Castles & Spoonley 1997).

In democracies, legitimacy relies on the idea of a *mandate* (as indicated by what majority of people want through say elections). The modern politics of nation states are related to the exercise of power and how it is formalised and made into rules and laws. Nation states set rules and laws which determined the legal and moral standards as well as what is appropriate behaviour. Governments try and avoid the appearance of chaos and like to formalise and routinise certain ethical questions, issues, and judgments which we need in order to live in a complex and large community. Bureaucrats insist on ‘normal processes’ that are involved in the ‘rule of law’ and

'due process' or 'natural justice' which gives the sense of social order and things running smoothly and efficiently (Stafford & Furze 1997). At a time of constant change, there appears to be a need for people that 'someone' 'somewhere' is managing things and is 'in control'. This gives the illusion of stability and smooth running. The state fulfils this function. These functions of the state become very pertinent in the regulation and control of movements of people within and into the territories of the nation.

By maintaining a sense of control, the nation state can call on the people to defend the boundaries of the nation (e.g. going to war) and become a compliant and obedient citizen. However, the modern nation state is seen to be in a crisis: *fiscal crises* (expenditures outstripping sources of income) (Offe 1984); *rationality crisis* where the state lack rational decision making processes as it has grown so big that there are contradictory within it. The result is a lack rationality and co-ordination in state activities and policies. An additional crisis is the *legitimation crisis* (Habermas 1976, Offe 1984) where the state lacks support and loyalty in a globalised world. This results in a lack of generalised motivation (Habermas 1976, Offe 1984). To maintain loyalty and to obtain mandate from citizens, the nation state needs to engage in strategies that promote popular support. This is one of the ways the modern state is maintained. Thus the state engages in policies of depoliticisation of mass communities, and in targeting of particular groups as the 'other'. This enables unity of the nation, fosters national identity, ensures the loyalty of the people to the system and sustains capitalism (Kenny 2006).

The future of the nation state in the face of globalisation is subject to much contention: whether it will disappear, diminish or be part of a supra-national body. Nationhood is about defining a unifying collective (Smith 1995). However, many societies are culturally and ethnically diverse. Existing nation states, in the main, have adopted the stance of reaffirming a particular national identity – one that is homogenous and corresponds to particular understandings of the collective self. The response to globalisation has resulted in the rise of new forms patriotism and national identity, often sponsored by the nation-state and with non-recognition of difference. In many instances, this has been accompanied by rhetoric within state instrumentalities relating to cultural diversity or multiculturalism. The political and

institutional approach by the state towards culture, language, identity and history are crucial elements in the discourse and reproduction of national identities (Gutmann 2003).

Globalisation also has a political dimension, which is a product of the economic and cultural factors. Inglis states that the political dimension of globalisation:

involves a perception that the autonomy and policy making capability of the State is being undermined by the moves to economic and cultural internationalisation. For the individual, the technological revolution in communications means that social networks readily cross national boundaries with the aid of cheap and speedy travel, the telephone, fax and internet. Another trend which further constrains the power of individual states is the development of supra national political groupings. Often growing out of a desire for closer economic ties, as with the European Union. The existence of these supra national entities also is seen as providing opportunities for regional political entities to bypass the nation state and to assume greater significance (Inglis 2003:12-13).

Various scholars have argued that globalisation challenges the territoriality of the nation state and its capacity to regulate welfare, economic policies and immigration policies (Cable 1995, Schmidt 1995, Strange 1996, Holton 1998, Sassen 1996, Baubock 1994, Soysal 1994, Jacobson 1996). They contend that globalisation, through the policies of other trans-national entities such as IMF and WTO, undermines national sovereignty and the independent policy making capacity of states by compelling them to implement policies that accord to the decisions of these entities (Khor 2000, Castles 2000b).

Several writers on the topic provide more detail about the erosion of the powers and sovereignty of the nation state. Sassen (1996a), for instance, maintains that economic globalisation has undermined and transformed state sovereignty and the concept of exclusive territoriality, which is a unique feature of the modern state. Sassen bases this argument on a number of factors, including the circulation of capital, the

establishment of supra-national institutions and trading blocs (such as the European Community (EC), the European Union (EU) and NAFTA), the unintended consequences of international migration and economic internationalisation (Sassen 1996b:113). Sassen's arguments are supported by other writers who point to the establishment of regional economies and trading blocs that have altered the ideal of state sovereignty through agreements that promote the free movement of goods and labour across the borders of nation states (Rubenstein 2002b, Yeates 2001). To this extent, globalisation undermines the nation states' sovereignty as states are bound to pressures placed upon them by these trading blocs (Rubenstein 2002b, Yeates 2001).

Related to trade, yet also distinct, are the global institutions that possess authority beyond any single government. These include organisations that manage trans-national activities. The WTO, for example, has significant binding power over states and inevitably undermines the national sovereignty of the state (Rubenstein 2002b, Yeates 2001). Furthermore, other supra-national institutions, including the United Nations (General Assembly and Security Council) and the International Court of Justice, call for global accountability and undermine older notions of state sovereignty (Rubenstein, 2002b:290-291).

Although a number of authors have highlighted that globalisation has resulted in the state losing much of its traditional power (Rubenstein 2002b, Sassen 1996b), Waters (1994) qualifies this by arguing that the state continues to retain and to exert considerable control in numerous areas. For example, he notes that if nation states had lost all of their powers, then present institutions of citizenship, welfare rights and liberal democracy would also have ceased to exist (Waters 1994:233). Rather, Kinley (2001) stresses that the placement of state functions into private hands has shifted the responsibilities from government to the market and resulted in a reconfiguration of the state, rather than its repudiation. States continue to define the policies and rules for those within its jurisdiction, but global events and global markets and international agreements and institutions increasingly affect their choices (McCorquodale & Fairbrother 1999: 737). Hirst and Thompson (1999:276) argue that nation-states continue to be important in the economy and are essential in representing their

population and acting as a 'pivot' between international agencies and sub-national activities.

Following on from this, globalisation results in the transformation of the role of the state through new forms of governance at the national and global levels, rather than resulting in a general reduction in the power of states. The nation-state becomes just one level of the power amongst others. However, democracy and citizenship continue to be almost exclusively located at the nation-state level (Castles 200b:123-124).

The nation state has been, particularly in Western industrialised nations, a major provider of welfare services and support for citizens. Gopalkrishan (2003) introduces the concept of 'destating' and argues that one of the outcomes of the pressures of globalisation is a decrease in the provision of public services by the state. He notes that "over the last two decades there has been a process of 'de-stating', involving withdrawal of the state from its traditional functions within the market place. Liberalization, deregulation and privatization have been the major processes of enforced change that has involved cuts in public spending, high interest rates and credit restraints" (p.8). These are connected very strongly with the global ideologies (or as Appadurai states *ideoscapes*) that become dominant across the world. The overall result has been increasing inequality in wages and working conditions through greater labour market flexibility and decentralised collective bargains. The emphasis on less public expenditure and a declining role of the state as provider of welfare means that the nation state is less able to ameliorate the worst effects of such marginalisation. In terms of the developing countries it has meant greater exploitation of the cheaper labour force by transnational companies without mutual obligation (Galligan et.al. 2001). Thus the nation state is the essential strategic institution for the legislative changes and innovations necessary for economic globalisation.

In summary, whatever functions they may have gained or lost, nation-states continue to retain several key functions. The state continues to act in its capacity of maintaining social and economic cooperation at the national level, as well as guaranteeing the rule of law. It acts as a source of advocacy and legitimation for international economic regulation and stabilisation of national economies and

harmonisation of labour and capital that is essential for the operation of multinational corporations. Such critical functions are carried out for the 'benefit' of both the state's own populations, as well as those of multi-national corporations (Benyon & Dunkerley 2000).

INTERNATIONAL MIGRATION AND GLOBAL MOVEMENTS OF PEOPLE

The history of human kind is full of stories of migration- whether they are real or mythical. People have always moved, both voluntarily or by force. The formation of the nation state and the division of geopolitical space into borders and the invention of the passport in the early 1900s have imposed regulation and control on the movement of people across the world.

Globalisation has profound effects on culture and society partly due to greater levels of communication and the mass media but also due to growing mobility of the world's population. The number of people in the world who migrate or 'move' for one reason has steadily increased over the last decade to unprecedented levels. According to the International Organization for Migration there is an estimated 191 million migrants in the worldwide in 2005, up from 176 million in 2000. Migrants comprise 3 per cent of the global population. It is no longer men who migrate, women accounted for 49.6 per cent of global migrants in 2005. There are between 30-40 million people who are unauthorized migrants worldwide, comprising around 15-20 per cent of the world's immigrant stock (IOM 2008). Significantly, in 2006 remittance flows are estimated to have exceeded USD 276 billion worldwide, USD 206 billion of which went to developing countries and contributing to a significant percent of their gross national income (IOM 2008).

In 2006 those who were officially recognised as refugees reached 9.9 million people (IOM 2008). On a worldwide scale, the majority of refugees emerge from very poor areas and seek asylum in nearby countries which are equally poor (Marfleet1998b). Relatively few trickle to western countries. The UNHCR estimated that there were 22 million refugees as at 2002 (UNHCR). The official estimate relates to refugees outside their country due to a fear of persecution. There are also a large number of people who are displaced within their own countries as a consequence of natural

disasters, political upheavals and other factors. These are often excluded from the official estimates of refugees. In the event that such people were counted, then the figures could reach approximately 50 million (World Refugee Survey 2002). In 2006 there is an estimated 24.5 million internally displaced persons, nearly a million more people in 2006 compared to 2005 (IOM 2008).

The term 'people movements' refers to human migration from one geographical location to another, whether on a temporary or permanent basis (Held et.al. 1999). Contemporary migration is multi-faceted and is too large and diverse to be comprehensively examined in this chapter, as is the full examination of the impact of population movements and displacement. A broad overview however, highlights that specific migratory processes are always shaped by combinations of push and pull factors. Push factors include the repression of minorities, ethnic conflict, civil war, poverty, famine, low life expectancy, repression by governments and military dictatorships, natural disasters and the increasing gap between the richer and poorer nation states (Castles 2001, Gilbert 1994, Inglis 1994). Political upheavals and economic crises in third world countries have resulted in an upsurge of nationalism and racism, resulting in ethnic conflict (Richmond 1995, Inglis 1994). Pull factors include the first world's 'offer' of security, safety and stability, and better living and economic conditions (Castles 2001).

The existence of poverty is not in itself a causal factor of immigration. There are different explanations of why people move: to seek better economic opportunities and lifestyles; to find employment; natural disasters, human atrocities including persecution, war, torture and violence; family-kinship-marriage; and a vision to create a better society. A number of theories have become influential in explaining migration. The first of these is often referred to as the *push-pull theories* and is based on neo-classical economics. These theories emphasise tendencies of people move from densely to sparsely populated areas or from low to high-income areas or link migration to fluctuations in the business-trade cycles. Push factors force people to leave areas of origin while the pull factors are the causes that attract them. The push factors include demographic growth, low living standards, and lack of economic opportunities while the pull factors are demand for labour, availability of land and

good economic opportunities. These theories see immigration as a calculated and voluntary process where individuals make free choices, which maximise their well being (Castles 2000, Bretell & Hollifield 2000).

An alternative explanation of international migration is provided by the *structuralist* approaches. These theories stress the unequal distribution of economic and political power in the world economy. Migration is seen as a way of recruiting cheap labour for capital. Connected to structuralism is the *world systems theory* put forward by Wallerstein. According to Wallerstein (1979) the world economy is divided into core, periphery and semi-periphery. The workings of capitalism require the appropriation of surplus value by the stronger core economies from those weaker periphery ones. Critics of these theories have argued that economic approaches do not give consideration to structural and historical factors, while the structural factors view the interests of capital as all-determining and paying inadequate attention to motivations and actions of individuals (Castles 2000, Bretell & Hollifield 2000).

Out of such critiques emerged a new approach, *migration systems theory*, which seeks to integrate multidisciplinary approaches and emphasise international relations and political economy. This theory suggests that migratory movements generally arise from the existence of prior links between sending and receiving countries based on colonisation, political influence, trade, investment or cultural ties. Migratory movements arise out the interaction of micro and macro factors. Macro structures refer to large-scale institutional factors including the political economy of the world market, interstate relationships and laws and the practices established of sending and receiving countries. The micro structures are the informal social networks (e.g. personal relationships, friendships, community ties) developed by the migrants themselves in order to cope with migration. As society becomes more complex no single cause is sufficient to explain why people decide to leave their country and settle in another. These theories recognise that migration policies are formed in a complex interaction of broader social changes (Rattansi 1995).

Marfleet states that whilst traditional notions of 'pull' and 'push' factors in migration may still be useful, pure refugees or pure economic migrants are mere idealistic constructs and that many people who meet the definition of 'refugee' flee both

political oppression and economic dislocation (Marfleet 1998b:71). Whilst the cause of some refugee movements can be isolated to a single factor, often the reasons for most refugee movements occurs from diverse and intertwined 'push' and 'pull' factors (Cohen 1996, Marfleet 1998b) The presence of networks which enable refugees to seek protection and/or asylum is well recognized and is in fitting with the migration systems theory (Papastergiadis 2000, Brettell & Hollifield 2000). The new migrations (including seeking refuge) is that it is no longer the very impoverished who migrate. Rather, immigration requires finances and cultural capital and is based on existing or past social and economic links or networks, international trade or knowledge of employment opportunities.

Particularly relevant to this topic, are two macro developments that have been responsible for the changes to migration flows in recent times: increased economic globalisation and the end of the Cold War. Whilst economic globalisation and international migration in reaction to or in stimulation of global markets are not new, the economic globalisation of contemporary times, however, gives new meaning to these matters. Developments in communications and transportation technologies, combined with international trade commitments and multinational corporations to facilitate trade have resulted in economic integration that previously operated in separate and differentiated spaces of time (Martin 2000). Developments in communications, which have increased the flow of information, have also contributed to increased people movements (Hawkins 1988).

For most of the world's population, globalisation has not been associated with greater access to commodities, information and communication but with deprivation (Papastergiadis 2000, Brochman 1996, Richmond 2002). The most evident inequality associated with globalisation is the disparity between countries in the first and third world, particularly in Asia and Africa, where entire nations are excluded from the new global world order by the dominant powers of the global order (Castles 2000a, McCorquodale & Fairbrother 1999, Carter 2001, Kiely 1998).

Indebted third world countries are only provided with loans on conditions that they implement Structural Adjustment Programs (SAPs) in their countries, resulting in

their economies to be opened to privatisation and to the global market (Reed 1992). As a result of SAPs, and the de-regulation and shrinkage of the role of the state in national development, the state withdraws from the local economy and plays an integral part of the globalisation process (Robotham 1998). The withdrawal of government services, in turn, adversely affects the lives of millions who already are poor, resulting in widespread poverty and unemployment (Hong 2000, Marfleet 1998b, Amin 1997, Khor 2000).

The current economic policies of the IMF and the World Bank redistribute resources from the poor to the rich and aggravate poverty (Khor 2000). In this regard, globalisation can be considered as a process of re-colonisation. For example, the net flow of wealth from the poorer to the wealthier countries in the mid 1980s in relation to the debt crisis was \$418 billion, with third world countries spending between 60-90% of their lending in order to service the interests on their debts (Hong 2000:9). While three quarters of the world's population live in countries of the third world, they receive only 16% of world income (Jones & Kriesler 1998:7).

These adverse conditions, coupled with the fall of the Soviet Union, has not only resulted in economic turmoil, but also destroyed the political patronage system used by the leaders in many third world countries to keep themselves in power. These in turn have led to increased numbers of armed conflicts throughout Africa, Asia, Latin and Central America in the last 20 years (Hong 2000). Marfleet argues (1998b) that the combined affects of these developments in the third world have had huge consequences in terms of population movement. In Marfleet's words, the "*key global factor precipitating the refugee crisis is the internationalisation of the state in the context of the trans-nationalisation of the political economy*" (Marfleet 1998b:73).

In addition to these developments in the third world, countries in the first world have replaced Keynesian and social democratic policies with severe budgetary cutbacks and placed emphasis on economic rationalism (Whitaker 1998). Structural shifts in the economies of first world countries (including Australia, Canada and New Zealand) have resulted in an intense competition for investment capital and skilled labour in these countries. High unemployment and inflationary pressures, a growing emphasis on economic rationalist policies and 'market forces' has resulted in the tightening of

immigration and refugee policies (Richmond 1995). Immigration control mechanisms were instituted to regulate and manipulate the movement of people from third world countries, to restrict the migration of unskilled people and to select from the pool of highly skilled or wealthy immigrants who were suitable for resettlement (Cheran 2001). One of the consequences of globalisation and restrictive immigration policies is the exclusion from the first world of vast numbers of people from the third world (George & Thomson 2002, Richmond 2002).

Whereas globalisation has resulted in the state losing some of its ability to control the flow of goods, finance and information across its borders (Castles 2000b), its strength to control the flow of people across its borders has, to the contrary, been reasserted with vigour. Cheran (2001) argues that immigration policy cannot be separated from labour and by logical extension also from the movement of global capital. Capitalism and globalisation require cheap labour. Global capital moves without borders to where cheap labour is readily available. International instruments like the General Agreement on Trade in Services (GATS), the NAFTA and the Free Trade Agreement of the Americas (FTAA) facilitate and enhance the free movement of capital, while labour from the so-called third world is locked within their national spaces. Labour is blocked from entering the first world, stigmatised by a discourse concerning the 'undesirables': illegal immigrants, aliens, economic migrants and bogus refugees. In the process, economic inequalities are generated, and people are forced to migrate to places where they can sell their labour.

The Cold War

Economic developments cannot be treated independently of major political changes that have occurred internationally. The global political order for most of the 20th century was structured around the Cold War which resulted in the economic, cultural and political polarisation of the East and West. Most contemporary asylum policies were formulated following World War Two with the Cold War in mind. Whilst major labour migration occurred during the Cold War, it consisted mainly of unskilled people who were essential to the manufacturing sectors in western countries (Gould 1994). The Cold War, coupled with healthy economies in first world countries,

enabled the refugee and asylum and immigration policies of these countries to function well between the 1940s and early 1990s (Gibney 2000). During the Cold War, there was increased migration from less developed countries to developed countries. Unskilled workers were in high demand and were actively recruited by countries of the first world (Skelton & Allen 1999) (Collins 1993). To a significant extent, refugee policy and the admission of refugees from the communist bloc countries was an instrument of foreign policy because it was seen as part of the fight against communism (Shukre 1995). The admission of refugees from the Eastern bloc countries (and later from Asian communist countries) and asylum for victims of persecution or repression and the provision of international aid to victims of war (for example in Central America, Ethiopia or Vietnam) were all linked to the West's fight against communism (Martin 2000). The concept of being a refugee was thus an ideological component of the East-West confrontation. In such a climate, the defining criteria for the admission of refugees was, in reality, not set by states themselves, but by a wider international agreement amongst western allies (Whitaker 1998:418,420). Accordingly, during the Cold War, flight from an Eastern bloc country was a sufficient reason for most western countries to grant asylum (Hollifield 1997).

Ideological considerations during the Cold War were so powerful that the discriminatory immigration policies of first world governments were occasionally overshadowed. An example is provided by Indo-Chinese boat people in the 1970s and 1980s, who were accepted in large numbers in Canada and Australia, not only on humanitarian grounds, but because they were fleeing 'communist oppression' (Whitaker 1998:429). Other examples of this ideological influence include the state response to refugees from Eastern Europe between the 1940s and 1960s and acceptance of Afghani refugees after the Soviet invasion of Afghanistan. Although refugee populations were of concern during the 1970s, they were comparatively small in number and their impact was localised, so that they did not pose a threat to the Cold War order (Gould 1994).

The collapse of communism after the end of the Cold War (1989-1992) brought a new political world order and, as a result, new economic relationships. The ensuing emergence of new states, coupled with civil wars and conflicts around the globe on the one hand (Inglis 1994), and economic restructuring in the former eastern bloc

countries, on the other, resulted in considerable population displacement and the emergence of new patterns of immigration (Gould 1994, Held et.al. 1999). This not only caused difficulties in differentiating between economic migrants and refugees, but also resulted in a reassessment of the particular types of migratory flows required by each state (Gould 1994). The humanitarian responses of the former period were replaced by those of containment. Immigration controls, border controls, bureaucratic procedures, incarceration, punitive treatment and quasi-military measures began to be used by many countries, to deter mass migration and repatriate "illegal"/unwanted boat people (Richmond 1995).

Moreover, the end of the Cold War had a profound impact on the treatment of forced migration (Martin 2000). Previously, the bulk of the responsibility for handling refugee crises rested with the United Nations High Commissioner for Refugees (UNHCR). Now new sets of actors, which include the military, security personnel and human rights and development groups, have become involved in assisting refugees. Whereas the previous refugee regime mainly concerned refugees, the current migration/ refugee regime has become broadened to include internally and externally displaced persons (Richmond 1995).

As a result of the above political and economic changes, the nature of people movements in contemporary times has changed. In the 19th and 20th Centuries migration mainly consisted of voluntary emigration from Europe to the new world. Contemporary migration involves larger flows of people from a wide number of source countries including major refugee populations from Africa, Asia, the Middle East and Europe (Inglis 2003). Simultaneously, there is increased movement of highly skilled people. As a result, the movement of people is becoming diversified. Along with forced migration there are those who migrate for temporary reasons (Inglis 2003, Martin 2000). It has become increasingly difficult to make clear distinctions between the various groups of people who enter a given territory (Castles 2001). As a consequence of the sheer number of people trying to cross borders in the latter part of the 20th century and the strengthening of border controls by states to prevent unauthorised entry, there has been a blurring of the traditional distinctions between

free and forced migration and between permanent and temporary migration. This has in turn has led to complexities concerning selection, admission and exclusion (Castles 2001, Held et.al. 1999, Inglis 2003).

Movements of People and the Nation State

International migration is never a simple individual action in which a person decides to move. The movement of people does not occur in a vacuum but are organised and coordinated. Migration requires infrastructures and institutions of transport, communication and regulation. Contemporary travel involves strict regulation and control. Nation states seek to maximize the opportunities from transnational corporations and yet close their doors to the different forms of movement of people. Contemporary travel takes place in a world in which international law impacts on domestic legislation and international organisations monitor and intervene in migratory processes. Migration processes intersect with and are constitutive of networks of political, military and cultural relations which lie with nation states, transnational corporations or international bodies. (Held. et.al. 1999, (Castles & Miller 1998).

The changing geo-political map of the globe now means that the core-periphery patterns of immigration are no longer applicable in a globalised world. New types of migration correspond to the restructuring of the economies and labour markets of both developing and developed countries. Numerous countries, especially in Asia and the Middle East have become immigrant- taking countries. This is largely also due to the investment by multinationals in countries in the South and the establishment of new manufacturing or industrial basis. In a globalised world, the patterns of immigrant movement are complex, multidirectional and changing. The proliferation in the directions of movements, the restrictions in settlement and diversification of the identity of migrants have made the patterns of migration very intricate. New forms of migration include the contract labour to the Middle East, trade in 'sex slaves' from eastern Europe, illegal immigration to many parts of the world, 'bi-local' business immigrants from Asia and the feminization of the migrant labour force. These