Contemporary Asylum Policies between Human Rights Advocacy and Responsibility Outsourcing: the Cases of Australia and Canada*

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Abstract: Governments often walk a fine line between measures designed to decrease the 'spontaneous' influx of asylum seekers and their attempts to avoid credibility losses as human rights advocates. Recent developments in Australia and Canada show that their governments have been relying on the following interrelated strategies that allow them to partially solve the resulting consistency problem: (1) Using refugee resettlement to present themselves as protectors of the right to asylum, while (2) trying to impede 'spontaneous arrivals' through strict border regimes and harsh conditions aiming at deterrence, and at the same time (3) distancing themselves from the implementation of related measures. The findings of this article indicate that, by delegating morally questionable tasks and thus outsourcing responsibility for the 'dirty work', the governments of both Australia and Canada attempt to avoid loss of image and balance their humanitarian obligations with policies – more or less explicitly – aiming at controlling and decreasing the admission of asylum seekers.

Keywords: Asylum policy, immigration control, deterrence, responsibility outsourcing, blame avoidance
Schlagwörter: Asylpolitik, Zuwanderungskontrolle, Abschreckung, Verantwortungsauslagerung, Schuldvermeidung

1. Introduction

Refugee protection has become one of the most challenging policy issues of the 21st century, remaining full of controversies. Mixed migrational movements have increased due to the interplay of several factors, gradually confronting target countries with the dilemma between sovereign states' demands for immigration control and universal human rights commitments (Joppke, 1997, p. 259; Pastore, 2005, pp. 349-354; Poutrus, 2009, p. 175). Coping with asylum seekers that are protected by a set of legal provisions can be seen as the 'weak point' of national immigration regimes (Freeman, 2006, p. 238): Since asylum seekers are expected not to benefit their host states in the short run, they tend to be perceived as a 'burden' and are thus easily exposed to xenophobe tendencies and 'public immigration backlashes'. Nevertheless, states grant them certain rights and benefits due to two main factors: Firstly, to meet their obligations anchored in international refugee protection agreements related to the particular vulnerability of forcibly displaced people; and secondly, as a signal of political condemnation of the sending countries' regimes (Price, 2009, pp. 4-6). Governments thus continue to grant asylum and related protection statuses[1] although they face incentives to restrict the quantity of entitled persons and to free-ride on the provisions of other states: Given that the implementation of these responsibilities into national legislation remains in the hands of sovereign states, an international enforcement problem is found to be the main reason for the under-provision of the global public good of refugee protection (Betts, 2003; List and Koenig-Archibugi, 2010).

This article contributes to answering the question of how different governments try to solve the resulting consistency problem when coping with the influx of asylum seekers. Its main argument is that a growing number of measures have been designed to control and reduce their admission without openly admitting related infringements. Conceptually, this claim is founded on insights from principal-agent and blame avoidance theory. In order to substantiate this argument, the article provides an overview of related measures that have been implemented in the recent past by outlining two empirical case studies. In particular, it illustrates that the governments of Australia and Canada have been increasingly attempting such a delicate balancing act by relying on the following interrelated strategies that allow them to minimize their corresponding obligations while avoiding credibility losses as human rights advocates: (1) By using refugee resettlement, they can present themselves as protectors of the right to asylum without having to deal with unpredictable 'spontaneous arrivals' of much larger quantities of protection seekers. (2) Obligations towards 'spontaneous arrivals' are increasingly pre- or circumvented through strict border regimes and related deterrence mechanisms based on harsh conditions for persons seeking asylum in these countries. (3) In order to simultaneously distance themselves from the implementation of these measures, questionable tasks are being outsourced or delegated to agencies that operate largely 'out of sight' of domestic voters. These strategies may therefore allow governments to walk the fine line of giving "lip service to the principle [of refugee protection] while setting up barriers designed to prevent refugees from entering the state's territory where they could file an asylum claim" (Price, 2009, p. 186).

With regard to the second component of these strategies, i.e. fulfilling the foreseen aim of decreasing 'spontaneous arrivals', a twofold set of actions evolves, distinguishable by taking effect *(1) before* or *(2) after* asylum seekers reach their target countries[2]:

* This article has been double blind peer reviewed.

** The author would like to thank the anonymous reviewers as well as Felix Busch, Manuela Bonura, Nadine Petermann, Patricia Schneider and Wolfgang Seibel for critical comments and guidance on the article.

1 To simplify the wording, the term 'asylum' is being used interchangeably to other related protection statuses throughout this article.

2 See Thielemann (2004, pp. 12-13) for a similar typology of potential deterrence policy instruments.

Firstly, 'prevention' can on the one hand be accomplished through measures such as deterrent information campaigns, strict border controls, visa restrictions, carrier sanctions[3] or 'push-backs'. On the other hand, in the long term, "tools to increase the choices of potential refugees or migrants: development assistance, trade and foreign direct investment, or foreign policy tools" (Boswell, 2003, p. 620) may serve the same aim.[4] In addition, the responsibility for assessing asylum claims may also be circumvented or shifted to other states through arrangements such as 'safe country' lists or readmission agreements. These related sets of actions hence follow the logic that jurisdiction is not of concern to a potential receiving state as long as a claimant does not reach its territory, is readmitted to its country of origin, or a transit state can be proven to be responsible for processing the claim. Secondly, downgrading asylum seekers' living conditions in the host country may also serve the aim of deterrence, thereby supposedly limiting future influx.[5] This in turn may be accomplished through cutbacks in their legal rights and benefits, such as limited opportunities to asylum appeal, waiting times for working permits or for residence permit extensions, restrictions to the freedom of movement, and reduced cash or non-cash allowances. Alternatively, the same goal may also be reached through changes in 'softer' variables that do not require law amendments, such as longer de facto waiting times for status-related decisions, maltreatment by responsible functionaries, or other measures hampering integration, such as the limited choice of housing locations.[6]

Based on these considerations, the present article sheds light on some of the practices used by Australia and Canada to decrease the 'spontaneous arrival' of asylum seekers while upholding their commitment to refugee protection. It illustrates that, in spite of their heterogeneity on various dimensions, these states' governments have found similar ways to outsource or delegate much of the related 'dirty work', thereby distancing themselves from infringements of asylum seekers' rights. By providing evidence for the presumption that the governments of both states try to hide this deviance from the norms they are formally committed to, its empirical section demonstrates how states attempt to maintain the delicate balance between their humanitarian self-portrayal and the deterioration of the conditions faced by asylum seekers.

This article proceeds with a few notes on the case selection, followed by a theoretical framework set up to explain the phenomena summarized above. Thereafter, relevant empirical findings of the studied cases are outlined. The conclusion summarizes and contains an outlook for future research.

3 Carrier sanctions are fines imposed on transport companies carrying persons without valid visas.

4 Note that such measures to address root causes of flight are not covered by this article.

5 Relying on deterrence in this context is often being euphemized as reducing so called 'pull-factors' or 'false incentives'. Note that this article does not aim at measuring the 'effectiveness' of such measures in terms of 'successful' deterrence. For convincing studies on the impact of such deterrence mechanisms and other related policies, see Castles (2004), Czaika and De Haas (2013), Holzer et al. (2000b), and Thielemann (2004).

6 As incumbent politicians decide how much budget to allocate to the responsible administrative servants and how to react to their shortcomings or failures, they can at least indirectly influence such variables: In the medium term, the adjustment of given capacities must be seen as an alternative to leaving them 'overburdened'.

2. Why Australia and Canada?

Although some aspects of the above-mentioned tendency can be observed around the globe, the following arguments demonstrate why they should have particular implications for wealthy liberal democratic settler societies like Australia and Canada. Firstly, by international comparison, asylum seekers reaching these states are only a small fraction (UNHCR, 2015a; 2015b; Zetter, 2015, p. 3). It is hence striking how their influx is increasingly portrayed as a situation 'overburdening' the receptive capacities of these states if considered in relation to poorer countries coping with much larger numbers of asylum seekers. The frequent evocation of 'crisis' frames in this context might thus be considered particularly questionable. Secondly, asylum seekers' rights have been anchored in several international and regional treaties to which these (but not all) states are signatories[7], which imply certain legal obligations. Thirdly, their governmental representatives do not only repeatedly reconfirm their commitment to the individual right to asylum, but also partially tend to place themselves at the forefront in their roles as agenda setters of global human rights norms. As processes of 'norm socialization' in the area of human rights crucially depend on the policies adopted in the industrialized world, the political practices of OECD countries can be expected to send important signals to other states (Risse et al., 2002). It can thus be argued that, if even such countries with advanced human rights records do not manage to assure norm compliance, their 'followers' can hardly be expected to do so. Any measure leading to a cutback in asylum seekers' rights thus stands in sharp contrast not only to the self-conceptions but also to the international responsibilities of these states. Fourthly, the situation of democratically elected governments in general differs from authoritarian regimes since they face severe legitimization necessities and heterogeneous public pressures.

In addition to taking into account the implications that these characteristics have for wealthy democracies in general, the case selection is decisively influenced by the fact that both Australia and Canada are 'classic' countries of immigration (Fleras, 2015, p. 33). This is particularly relevant since both states are multicultural settler societies that share a similar historical perception of immigration[8] which can be expected to influence their self-identification. Altogether, these considerations indicate that particularly for states like Australia and Canada, it should come at a relatively high political price to openly violate asylum seekers' rights, hence setting high incentives to avoid blame in this context.

At the same time to sharing these fundamental similarities, Australia and Canada exhibit notable inter-case divergence regarding several dimensions of their historical paths: While Australian governments have been inclined towards political conservatism throughout the past decades, in Canada, left- and

7 Nevertheless, it has to be considered that related agreements such as the 1951 Geneva Convention were notably shaped by the historical circumstances at the times of their signing and can thus be argued to be outdated (Millbank, 2000; Reed-Hurtado, 2013, pp. 4-12).

8 As for Freeman (2006, p. 228), the main characteristics of such traditional settler societies are "(1) generations of citizens with strong memories and identification with their immigrant roots and (2) numerous, well-organised interest groups able to influence one or more aspects of national immigration programmes". Non-traditional immigration countries may therefore be compelled to learn from their experiences given that their own population compositions become gradually more diverse as a result of immigration.

right-of-center governments have rather been alternating. In this context, Australian immigration policies have been much narrower and "more control-oriented" (Freeman, 2006, p. 233), whereas Canada has traditionally been famous for its openness towards immigrants (ibid., p. 232; Reitz, 2004, pp. 112-113). Finally, both states face different situations due to the fact that in Australia "control is more feasible due to geography" (Freeman, 2006, p. 233). Based on this notable multidimensional variation, the study of these two cases is expected to be particularly revealing.

3. State of the Art and Theoretical Framework

Throughout the body of recent academic contributions, little doubt remains that the matter of mixed migrational movements comprising asylum seekers remains far from being solved (Collier, 2013; Crépeau, 2016; Facchini and Testa, 2014; Rapoport and Moraga, 2014; Schneider and Holzer, 2002). On the one hand, 'state-centrist' contributions have emphasized that coping with immigration is a policy issue to be tackled at the national levels[9] due to countries' varying specific situations (Freeman, 2006, p. 227; Thielemann, 2004, p. 3). Much of this research focusing on the domestic levels has elaborated on voters' attitudes that may translate into restrictive policies towards migrants and especially asylum seekers – so called 'public immigration backlashes'. Corresponding findings indicate that 'welfare chauvinism' is among the main reasons for citizens to prefer restrictive immigration regimes (Huysmans, 2000, p. 767). Furthermore, the 'securitization of migration' (Huysmans, 2000) is found to be related to a perceived threat to the protection of national identity and the social contract (Hollifield et al., 2014, pp. 9; 30). Besides, in the respective discourses, the influx of asylum seekers is often being linked to issues such as terrorism and criminality (Reynisdottir et al., 2012, p. 44). Although acknowledging that certain forms of immigration might be risky and burdensome for nation-states (Hollifield, 2012), related contributions mostly omit the question of how such perceived threats of different states' electorates translate into policies that violate the rights of vulnerable persons.

On the other hand, migration causes similar controversies for most affected countries, thereby justifying a growing body of 'transnationalist' research explaining both cross-national policy convergence and variation in this context[10] (Cornelius et al., 2004; Freeman, 2006, pp. 227-228; Thielemann, 2004, p. 3). Particularly, scholars focusing on refugee protection from a global perspective have repeatedly emphasized the insufficiency of the nation-state as a suitable analytical framework for the study of international migration flows. "[M]ore or less chronically unhappy with state responses to refugee claims" (Freeman, 2006, p. 239), refugee advocates and academics with human rights backgrounds continue to stress the need to maintain the individual right to asylum and to improve the conditions faced by displaced people around the globe (see for example Costello, 2016; Crépeau, 2016; Zetter, 2015). Arguably however, such contributions tend to overemphasize the relevance of global norms for national politics as they neglect politicians' realpolitik interests and re-election concerns. It may further be put under scrutiny to what extent related debates touch upon the question of how related legal infringements are tolerated by both the international community and liberal societies that are proud of their human rights records.[11] Thus, it remains of utmost importance to cover the section between these two poles by investigating how democratically elected decision-makers try to balance heterogeneous domestic and global pressures opposing or advocating the reception of certain numbers or subgroups of asylum seekers without risking their legitimacy. When studying the policies that are adopted in this context, we may rely on an increasing literature on the delegation of migration management:

Firstly, asylum policy can be seen as a delegation problem in the respective national contexts (Schneider and Holzer, 2002, pp. 44-50): In many respects, discretionary powers are given to administrative entities that organize all steps reaching from first registration to accommodation or repatriation of asylum seekers. From an implementation research perspective, this leads to the question of how the treatments and benefits that claimants can expect differ between counties or municipalities in spite of the given national legislation (Schammann, 2015). Secondly, related tasks are also increasingly delegated to actors outside a given state's territory (Schneider and Holzer, 2002, pp. 50-53). This 'externalization' or 'extra-territorialization' of migration management has been assessed, among others, by Andersson (2016), Bröcker (2010), Lavenex (2006), Zaiotti (2016), and Zolberg (2003): Bi- and multilateral intergovernmental agreements that often include 'sticks and carrots', as well as outsourced border management missions, indicate that governments would often prefer to control migration using a 'remote control' approach.

This article relates to both types of delegation problems. Adding to the existing literature, it suggests that it can be useful to employ an analytical framework based on the functions of agency, which has not yet been used to a considerable extent in this research area: In order to study how different governments manage to control or at least demonstrate their determination to reduce the admission of asylum seekers without openly admitting related infringements, it can be relied on insights from principal-agent theory from the field of economics[12], and from blame avoidance theory used in the field of political science and public administration, as the following considerations suggest.

In modern democracies, governments face complex political systems that provide them with wide administrative discretion regarding certain political maneuvers. Actors on multiple levels are involved in solving intricate problems wherever governments delegate decision making powers and operational

9 Moreover, scholars such as Holzer et al. (2000a) and Schammann (2015) have been assessing the differences between related outcomes at sub-national levels (see also Spörnli et al., 1998).

10 Note that comparative migration studies such as Bertossi (2011), Bertossi and Duyvendak (2012), or Hollifield et al. (2014) have rarely focused on the particular characteristics of asylum, leaving open this important research gap.

11 The fundamental tension between opening and closing borders faced by liberal societies has often been described as the 'liberal paradox' (Hollifield et al., 2008; McNevin, 2007).

12 As the corresponding functions of agency have not yet been employed to a considerable extent in the present context, this article partially relies on insights from recent microeconomic contributions. It should be noted that traditional principal-agent theory does not grasp situations in which the principal has no interest in knowing how bad the agent performs or even benefits from its failure while 'turning a blind eye' to morally questionable results: It is conceivable that the agent can be used as an easily identifiable 'scapegoat' whenever criticism regarding such outcomes is drawn.

authority to governmental and non-governmental agencies in- or outside their countries. These in turn are bound by factors such as their budgeting, available workforce, necessary periods of adjustment to new requirements, and, to a certain extent, the given legislative constraints. This article argues that in the area of asylum policies, delegation and intermediation are used to alleviate unpopular or morally questionable decisions (Bartling and Fischbacher, 2012, p. 67; Coffman, 2011): Depending on their legitimization necessities, governments will not dare to risk their reputations in the area of human rights by using deterrent measures in an obvious way. Playing the "blame game" (Hood, 2010), principals can more easily shift the blame away from themselves if they rely on civil servants on the intermediary administrative levels, private, or external actors as agents assigned "to take self-interested or immoral actions that the principal would be reluctant to take more directly" (Hamman et al., 2010, p. 1826). Consequently, delegated decisions may take place in a 'masked' way (Adams and Balfour, 2014), more distantly from the perceptions of domestic electorates and the international community. Beyond, in their roles as principals delegating certain tasks, politicians might feel and be perceived as "more detached, and hence less responsible [...] while the agent may feel that he or she was 'just carrying out orders' or merely fulfilling the requirement of an employment contract" (Hamman et al., 2010, p. 1826).

Delegating or outsourcing questionable tasks in this area may therefore be used to reach the larger goal of restricting the admission of protection seekers without risking reputation losses as it allows governments to 'wash their hands of responsibility' more easily. Due to information asymmetries and complex decision-making structures, a greater proportion of potential critics may internalize the outcomes' alleged inevitability. Consequently, a sufficiently large share of the domestic public and the international community could accept a situation in which protection seekers suffer from human rights violations: Just as in other rather 'peripheral'[13] policy areas, in the case of refugee protection, many domestic voters tend to be satisfied if having the impression that "something is being done" (Seibel, 1996, p. 1016). They may find it easier to demonstrate minor moral commitment without having a genuine interest in knowing whether asylum seekers are being treated rightfully.[14] Politicians in turn may avoid blame by "sustaining the illusion that decent work is being done" (ibid., p. 1017). It can hence be argued that governmental "attempts to [...] recruit other sectors to assist them in regaining control over immigration" (Kritzman-Amir, 2011, p. 193) allow them to "distance themselves from their responsibilities" (ibid).

13 In spite of this policy area's growing politicization, it may be described as 'peripheral' in the sense that asylum seekers themselves are greatly deprived of influencing the political outcomes concerning them (Eigenmann et al., 2015, pp. 6; 9): As Freeman (2006, p. 239) puts it, "[t]hose seeking asylum are not well positioned to bring pressure on policymakers and have fewer domestic allies than the beneficiaries of other immigration programmes".

14 Similar theoretical approaches can be found in related contributions on "strategic ignorance" (McGoey, 2012; Carrillo and Mariotti, 2000): Intentionally ignoring situations in which human rights violations occur may be seen as a rational strategy for decision-makers. In the present context, a "demand for ignorance" (Seibel, 1996) would be the condition for the "successful failure" (ibid.) of asylum-related administrative agencies since incumbent politicians "would only move beyond gestures once there was a critical mass of informed citizens" (Collier, 2007, p. 193).

4. Empirical Examples

The following section outlines two empirical examples of states resorting to a multitude of measures to decrease 'spontaneous' asylum seeker influx while upholding their commitment to the principle of refugee protection. Note that these explorative outlines neither endeavor to reproduce the entire national immigration histories of these states nor to discuss all developments in the area of their asylum policies. Rather, their aim is to provide an overview of a number of relevant measures implemented in this context. The examination follows the notion of Freeman (2006, p. 228) according to which both "national models of immigration policy making" and the variation between them can be particularly revealing when studying the development of immigration regimes. The structure of this empirical examination follows the above-mentioned considerations regarding (1) resettlement as the preferred approach towards refugee protection, (2) the prevention and deterrence of 'spontaneous arrivals', and (3) the ways in which the resulting balancing act is attempted through responsibility outsourcing and blame avoidance. Subsequently, for each of the two cases, a side note is devoted to explaining the most relevant aspects of the issue's discursive embedding into the corresponding domestic contexts that are expected to influence the respective policy outcomes.

4.1 Australia: Deterrence by any means?

Based on a long immigration history and a liberal democratic concept built on social equality (Kostner, 2015, pp. 306-309), Australia is proud of its engagement in refugee resettlement in close collaboration with the UNHCR. Allegedly in order to overcome the 'proximity bias'[15], its asylum policies have been characterized by a dichotomization between resettled refugees as the 'good' and maritime arrivals as the 'bad refugees', suggesting a somewhat "selective compassion" (Farr, 2015) related to Australia's "control orientation" (Freeman, 2006, p. 235). In addition to its annual resettlement quota intake of about 6.000 persons in the recent past (Karlsen, 2015, p. 5), in 2015, Australia committed to resettle 12.000 Syrians (Hasham, 2015b). Nevertheless, until the date, Australian 'quota refugee' intake has arguably not appropriately adapted to the globally growing numbers of displaced persons (Karlsen, 2015, p. 5).

Yet, in order to reduce 'spontaneous arrivals', Australia has increasingly implemented 'close door policies' and deterrence mechanisms (ASRC, 2014; Ayre, 2016; McNevin, 2007). With the only exception of New Zealand, Australia generally requires visas from all countries (Freeman, 2006, p. 235). The Australian case is further outstanding as it is characterized by a multiplicity of both openly communicated and rather clandestine measures designed to reduce the 'attractiveness' of seeking protection in this country. In the 2014 public campaign "No Way. You will not make Australia home", potential asylum seekers are discouraged from trying to reach Australia via the ocean. 'Operation Sovereign Borders' was implemented to intercept and return boats at sea,

15 The 'proximity bias' denotes that migrants from nearer origins are more likely to reach a given country (Price, 2009, pp. 182-189).

building on the practice of 'push-backs'. As part of the 'Pacific Solution', asylum seekers taken into custody are being kept in legal limbo in detention centers on islands surrounding Australia with low chances of being admitted to the mainland (Human Rights Watch, 2002; 2013; UNHCR, 2015). Although these deterrent measures have been implemented deliberately visible to the public, resulting human rights violations mostly remained under the surface in the related discourses.

Another development has been of growing concern to asylum seekers reaching Australian territories in spite of these 'preventive' actions: Administered by private security companies such as G4S, Serco and Transfield Services, Australia's detention facilities have been criticized as being degrading and not in line with international standards (Alexander, 2014; Amnesty International, 2013; Siegfried, 2014). As observers note, such contracts with private service providers "remove the harsh detention environment from Australian judicial, parliamentary and public scrutiny" (Uniya, 2003). These findings indicate that Australia has demonstrated increasing engagement in strategies aimed at outsourcing responsibility and keeping violations of the right to asylum "out of sight" (Ayre, 2016, p. 77).

In general, these developments can be traced back to the predominantly negative discourse that has prevailed in Australia over the past years, suggesting public support for restricting the entry of asylum seekers (Castles and Vasta, 2004, pp. 162; 170; McNevin, 2007). Most importantly, this discourse that has been deliberately fueled by governmental statements (Ayre, 2016; McNevin, 2007) is characterized by the use of labels such as 'boat people' or 'queue-jumpers', and by a perceived threat to "the country's tightly controlled immigration system" (Cornelius et al., 2004, p. 24). Arguably, in order to avoid blame, the Australian government has tried to portray the implemented measures as inevitable: As a reaction to domestic and international criticisms, former Prime Minister Abbott argued that "by stopping the boats, we have ended the deaths at sea" (Cox, 2015), which would be "[t]he most humanitarian, the most decent, the most compassionate thing you can do" (ibid.). Although Abbott's successor Turnbull expressed concerns for asylum seekers held in detention as part of the 'Pacific Solution', he did not make any attempt to change their situation so far (Hasham, 2015a).

Altogether, these findings indicate that, in order not to risk its legitimacy in the area of human rights, the Australian government has been walking a thin line between very selective and limited refugee protection through resettlement, and a "harsh regime for asylum seekers" (Castles and Vasta, 2004, p. 155) who try to make their own way to Australia, which has been accompanied by the evocation of blame-avoidant 'inevitability' frames.

4.2 Canada: Too generous for too long?

Similar to Australia, Canada has often been cited as a multicultural pluralistic society formed through immigration over the past centuries. Rather than reacting to 'spontaneous' migrational influx, Canada has also tried to increasingly rely on very selective (but nevertheless larger than current Australian) refugee resettlement programs to comply with its international obligations at least symbolically. In 2015, the targeted resettlement of 25.000 Syrians to Canada was central to the elections won by the liberal candidate Trudeau aiming at demonstrating a partial restoration of Canada's generous tradition[16] (BBC, 2015; Costello, 2016, p. 13). Moreover, it must be noted that generally, resettlement to Canada heavily relies on private sponsorship, thereby preventing the government from assuming direct financial responsibility in many cases: Under the "Private Sponsorship of Refugees" program, groups or individuals may pay to resettle selected refugees to Canada.

In contrast to these rather generous contributions related to its reputation for tolerance and generosity towards refugees and its traditional role as a global innovator in this field, Canada has increasingly engaged in preventing asylum seekers from issuing their claims in several ways (Reitz, 2004, p. 129). Firstly, since 2002, Canada has been relying on a so called 'multiple borders strategy' which "views the border […] as […] a continuum of checkpoints along a route of travel from the country of origin to Canada" (CIC, 2003), ensuring that the "border is any point at which the identity of a traveler can be verified" (CIC, 2002, p. 5). Due to Canada's geographical distance to most refugee sending countries, operational responsibility for related decisions has thereby mainly been outsourced to functionaries at distant airports, train stations, and ports (Goar, 2013), thereby lowering the level of domestic voters' scrutiny. Officially, related strategies have been implemented in order to improve the "ability to address issues before they arrive at the border ('push the border out') and assess travellers […] seeking to enter Canada long before they arrive in the country" (Government of Canada, 2015). Secondly, in effect since 2004, Canada's 'safe third country' agreement with the USA has made it practically infeasible to legally reach the country on a land route in search for protection[17], resulting in increased human smuggling and more dangerous entry routes (Arbel and Brenner, 2014; CIC, 2015). Thirdly, in 2009, Canada imposed visa restrictions on the citizens of countries from which many asylum claimants had originated (Goar, 2013; Woods, 2009). Finally, in 2013 Roma refugees from Hungary were proactively discouraged from seeking asylum in Canada through a billboard campaign (Keung, 2013; Levy-Ajzenkopf, 2013).

But also for protection seekers reaching Canada in spite of these obstacles, Harper's government tried to aggravate the situation. For example, in 2012 it introduced a series of changes by which asylum seekers are being divided into different categories with varying levels of social benefits, thereby arguably reducing perceived "incentives for abuse" (Khind, 2013, p. 20): For claimants from certain origins, health coverage was cut down to the existential minimum (CIC, 2014; Dizard, 2015). Further, due to lacking budgeting of the responsible Immigration and Refugee Board of Canada, a large backlog of asylum claims at the administrative level has continued to cause situations of legal limbo and prolonged detention for many persons seeking protection.

16 Canada has reached this goal by early 2016. However, concerns arose regarding unfairness among refugee groups such as the exclusion of unaccompanied heterosexual men from this resettlement plan.

17 While most of these measures had already been planned or enacted under the prior liberal government, their rigor was intensified as conservative president Harper assumed power in 2006 (Goar, 2013).

So which are the factors driving this transformation "from a welcoming nation to an inhospitable bastion" (Goar, 2013)? Besides the intent to select immigrants according to their estimated economic utility, security concerns based on perceived linkages to criminality and terrorism have been among the main reasons for the corresponding developments. As Troper (2004, p. 137) highlights, since 9/11, Canada has been "under U.S. pressure to harmonize its immigration and border control procedures with its southern neighbor". Particularly since the Paris attacks in November 2015, this argument has gained in importance (Clark, 2015). The domestic discourse has further been shaped by few cases of 'boat people' that caught public attention,[18] and by popular criticisms towards 'bogus' refugees abusing Canada's generosity. Thus, related changes may be interpreted as consequences of politicians giving in to the pressures of critical voices throughout society, fearing that Canada would be "lagging in developing solutions to its growing refugee problems" (Khind, 2013, p. 1).

Overall, these insights suggest that Canadian asylum policies are increasingly being led by the intent to find 'cosmetic solutions' (Triadafilopoulos, 2008, p. 33) rather than by approaches aiming at genuine refugee protection: Even the implementation of relatively generous resettlement plans can hardly obscure the fact that a much larger quantity of forcibly displaced people is prevented from entering Canada and being kept out of sight. To the date, it remains to be seen to what extent the recent "victory of Canada's Liberals also has lessons for politics across the developed world" (The Guardian, 2015).

5. Conclusions

Whereas it is commonly known that many states' asylum policies are inclined towards "security and immigration management, rather than the principle of refugee protection" (Stoyanova-Yerburgh, 2008), it is largely uninvestigated how their governments attempt the fine balancing act between the implementation of related measures and their perpetuated human rights advocacy. The present article stresses the trajectories that allow them to restrict and control the admission of asylum seekers while maintaining their images as human right advocates. The examples of Australia and Canada demonstrate that, despite their heterogeneity on several dimensions, these traditional settler societies have reacted similarly to the challenges that are due to growing mixed migrational influx. While migration controls have increasingly been justified by the wish to select immigrants along criteria such as their economic utility and their cultural adaptability (Kostner, 2015, p. 323), the human right to seek asylum has been hollowed out in many ways.

Indeed, both states' governments continue to contribute to the provision of the global public good of refugee protection by offering certain amounts of resettlement places for a carefully prescreened quantity of refugees. Doing so allows them to better control and to take advantage of migrational movements through more selectivity and preparedness, and may serve as a symbolical act of humanitarianism. However, at the same time, they face incentives to impede entrance to a much larger number of 'spontaneous arrivals' of vulnerable persons potentially seeking protection on their territories. As these first preliminary findings indicate, the governments of both Australia and Canada have been attempting to mitigate this consistency problem by 'escaping' the given principles in this area in various ways (Supaat, 2013). Complex multi-level systems and supranational agreements have enabled them to 'pass the buck' of protecting refugees in many instances (Costello, 2016, p. 13). In addition to multifarious legal changes, a notable share of the relevant developments is characterized by rather clandestine aggravations of asylum seekers' situations, achieved without law amendments and serving the aim of deterrence in a less obvious way: 'Pushing the border out' allows governments to outsource the difficult task of guaranteeing every protection seeker access to an individual refugee status determination process. Related strategies make it increasingly difficult or unattractive to seek safety in these states due to the implementation of 'close door policies' comprising 'outsourced' border controls and deterrent information campaigns. These measures are often carried out by actors that are only loosely attached to the governmental decision-makers of a given country, such as the responsible functionaries in third countries. Particularly in the case of Australia, they are combined with the argumentation that such restrictive measures would in fact save the lives of deterred potential asylum seekers, thereby portraying them as inevitable. The allocation of blame for related human rights violations is thereby increasingly being avoided through various interrelated mechanisms of responsibility outsourcing. Governmental accountability for eventual incidents of asylum seekers' mistreatment may for example be decreased through the delegation of related competencies to private actors. By relying on these interrelated strategies, governments may thus "less obviously run afoul of their rhetorical commitment to the concept of asylum and their legal duty of non-refoulement" (Price, 2009, p. 188), thereby avoiding criticism. This article hence shows that approaches adapted from principal-agent and blame avoidance theories may help to explain certain outcomes in the area of asylum policies: It can be rational and psychologically comprehensible for decision makers to try to externalize blame by avoiding direct responsibility for questionable decisions whenever possible.

Finally, it should be noted that some of the developments that de facto serve the aim of deterrence may not be the consequences of politicians' deliberate choices but rather of given institutional path-dependencies, lacking foresight and slow reactions in complex administrative structures with limited capacity adjustment opportunities. However, at least in the medium term, pleading ignorance of related shortcomings may also be seen as a rational strategy to dodge blame. On top of that, it should not be forgotten that unintended consequences of related failures bear the risk of inciting further xenophobia to the detriment not only of given integration efforts but also of societal peace at the national levels, in addition to further jeopardizing the already fragile global refugee protection regime. Instead of relying on these strategies of responsibility outsourcing and blame avoidance, it might thus be stipulated that politicians should do anything possible to

18 In 2010, Tamil asylum seekers reached Canada by boat, causing considerable public resentments (Aulakh, 2010).

ensure compliance with the existing international conventions of refugee protection. Throughout the corresponding literature, there is no shortage of proposed policy solutions apt to respond to the changing realities and growing migrational challenges. Some minimum requirements of strategies to assume, and not shirk responsibility may be found in long-term capacity planning, the establishment of sufficient legal entry routes for legitimate protection seekers, the enabling of refugees' political participation once they become members of their host countries' societies, and political statements preferably contributing to unbiased media reporting (Crépeau, 2016; Pace and Severance, 2016; Swing, 2016). If commitment to the principle of refugee protection is to be taken serious and not to become more and more of a farce, it must be acknowledged that several measures summarized in this article constitute clear human rights violations that primarily serve the aim of containment without lastingly changing the incentives for migration. In this context, it should be noted that these very developments in the direction of growingly restricted approaches to forced migration are endangering the democratic ideals liberal societies' self-imaginations are based on (Pedroza, 2015, p. 149).

Taking into account that these developments are determined by a complex interplay of path-dependent decisions that have been taken (or not taken) over several decades, this article could only give a brief sketch of the status quo in two country-cases by identifying some developments during a specific historical period. In order to trace the processes of interest back to the incentives faced by the responsible decision-makers, and to provide generalizable insights, it is left for future research to conduct in-depth investigations of the relevant trends and outcomes in more country-cases, and to compare the findings systematically. This comparison could be accompanied by identifying the 'critical junctures' or 'windows of opportunity' (Ette, 2003, p. 22; Tarrow, 1996, pp. 280; 374) at which respective patterns and paths emerged, as well as the relevant causal mechanisms at work. Some of the most challenging questions left open for future assessment might be the following: To what extent do the measures taken by these states' governments resemble the legitimization necessities of incumbent politicians at certain points in time, influenced by the given political climate, related discourses, the diverging values that domestic voters attach to the issue, as well as relevant historical circumstances? May these developments in part be ascribed to the outcomes of given bureaucratic structures and thus not fully depend on electoral politics? To which extent do they involve considerations of political populism that depend on the governmental composition and politicians' attempts to balance out their obligations with the aim of soothing 'public immigration backlashes'? Which of the developments observed in Australia and Canada can be generalized to other countries? Reconstructing the relevant discourse-forming and decision-making processes in all countries of interest thus remains a challenging task for future research.

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