INSIGHTS

Border security lessons for Australia from Europe's Schengen experience

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John Coyne

Executive summary

Brexit, and the 2016 US presidential election result, provided tangible evidence that migration and border security policies are becoming increasingly politicised in Western liberal democracies. Public policy dialogue on migration and border security has become ever more polarised into a zero sum game in which debates on both issues descend into a binary 'secure' or 'insecure' ultimatum. Far too often, pragmatism is giving way to simplistic 'balancing' metaphors that achieve neither security nor border facilitation goals. It's this binary border security policy thinking that's tearing at the Schengen Area's collaborative strategy.

Adding further complexity to this policy space is a phenomenon in which citizens of Western liberal democracies are experiencing an inexplicable and illogical fear of migrants.² In a practical sense, the public policy dialogue, along with its media coverage, is widening the gap between the fear of migrants and migration-related risks and the actual or estimated probable threat.³ From a security perspective, people are more scared of migration and migrants than they ought to be. US President Trump's successful 2016 election platform engaged with this emotively charged public fear by further demonising migration.⁴



Passport stamp © FrameAngel / iStock

In Western liberal democracies, 'standing in front' of this wave of anti-migration sentiment is unlikely to win you elections. However, this politically and emotionally charged environment shouldn't prevent policy dialogue that argues the facts, even if it goes against populist sentiment.

In May 2017 ASPI's Border Security Program published Calum Jeffray's report *Fractured Europe: the Schengen Area and European border security.* In that report, Jeffray argued that the simultaneous 'crises' of irregular migration and terrorism have demonstrated the continued importance of border security for Schengen member states and the EU as a whole. Jeffray spent some time examining how the Schengen Area works in a space plagued by tensions between the goals of European integration and the core Westphalian principle of state sovereignty.

Australia's geography and regional security context ensure that Australian participation in an Asia–Pacific Schengen-type agreement is neither advantageous nor likely. Nevertheless, Jeffray's Schengen case study provides border security lessons and observations worthy of consideration by governments everywhere, including in Australia. For Australian border security policymakers, his analysis of the role of intelligence and institutions such as Frontex provides many valuable lessons.

This *Strategic Insights* report explores Jeffray's key observations and analyses them through an Australian and then an Association of Southeast Asian Nations (ASEAN) border security lens. It also provides recommendations for Australian border security policymakers based on the lessons learned from the Schengen experience. It examines the implications of Schengen for ASEAN member states in the development of the ASEAN Economic Community.

Analysing border security threat and risk

Arguably, the concepts of risk and threat are relatively easy to understand. However, it seems that as soon as the concepts are applied to border security or migration they become inexplicably conflated and incorrectly applied. Throughout Fractured Europe: the Schengen Area and European border security, Calum Jeffray highlights how the Schengen members' construction of threat and risk includes hypotheses linking irregular migration and terrorism. Schengen's increased securitisation of irregular migration specifically illustrates this point. In the light of this confusion, it's worthwhile examining both concepts before proceeding any further.

In national security terms, analysing threat involves an analysis of an actor's capability and intent to undertake a given activity. An analysis of 'terrorism' illustrates this threat assessment methodology in action. In this case, 'intent' relates to whether a specific person or group intends to undertake a specific act of terrorism. In contrast, the assessment of capability relates to whether that person or group has the opportunity, equipment and training to undertake the specific act of terrorism. The assessment of terrorism threat capability is in practice made all the more difficult by the variety of possible attack methods, from a frenzied knife attack to the use of a weapon of mass destruction. Clearly, then, using this threat framework, irregular migration as a collective phenomenon has neither intent nor capability.

In contrast with threat analysis, risk management involves 'the identification, assessment and prioritisation of risks followed by coordinated and economical application of resources to minimise, monitor, and control the probability and/or impact of unforeseen events.' Broadly, security risk management, even for border security and migration, ought to be focused on maximising the benefits of security measures in support of business objectives. The risk assessment process involves a qualitative and quantitative assessment of the consequences and likelihood of an event occurring.

There can be little doubt that maintaining a healthy, orderly migration program is critical to many nations. One could argue that irregular migration represents a risk to a nation's sovereignty, or rather the authority of the state to control who enters its territory. But after even cursory analysis it quickly becomes obvious that irregular migrants, as a homogeneous group, don't represent a specific risk of danger, harm or loss to national security. Put simply, migrants aren't intrinsically problematic. In contrast, risks accrue from potential actions that some migrants (irregular or otherwise) might undertake after admission, so the important part of border security is screening and risk management.

Migration: the challenge of conflating risk and threat

Increasingly in politics and policy, border security dialogue has involved a conflation of risk and threat. It's little surprise, then, that so many Western liberal democracies have securitised issues such as migration. It also appears that, in the face of crises and the risk/threat conflation, the construction of border security thinking in public policy dialogue reduces to a dated 'frontier' or 'wall' paradigm. As Jeffray highlights, the EU's Schengen Area is established on a construct in which 'hard external borders would protect soft internal ones'.

Border security professionals' comments on early drafts of Jeffray's report revealed the extent of the confusion about the integration of border security with national and domestic security strategies. This confusion was particularly evident in comments on the nexus between migration and terrorism. One practitioner highlighted this when arguing that migration presents 'internal risks, including terrorism, and feeding nationalist political movements stemming from large-scale illegal immigration'. The Indonesian-isation of West Papua, which is a national transmigration policy, serves as one of the few examples of this theory in practice. But there's no utility in comparing that case study and current migration practice and theory.

In general, while there are some links between migration, irregular migration and nationalist political movements, they aren't usually causally linked. Simply put, some migrants have terrorist links, but not all terrorists are migrants; nor are all migrants terrorists.

Conflating all of these migration and national security risks and threats ignores the reality that deviance (criminal or terrorist) within regular migration programs and among irregular arrivals is small.⁸ ASPI's report *The American face of ISIS: analysis of ISIS-related terrorism in the US, March 2014 – August 2016* quantified this in the US terrorism context. The report found that out of '112 cases of individuals who perpetrated ISIS-related offences, were indicted by the US Justice Department for such offences, or both, in the US between March 2014 and August 2016 ... 83% are US citizens, and 65% were born in the US'.

While the concepts presented here aren't over-complex, the political situation, as seen in the US elections and Schengen, makes it difficult for policymakers to address them.

The Schengen Area's 'hard external borders' illustrate the current policy construction of physical borders shared by most countries.

The border as a vector

The Schengen Area's 'hard external borders' illustrate the current policy construction of physical borders shared by most countries. In this construct, the border is a geographical point that in a Westphalian sense is a place to be controlled or secured physically. Anything that crosses the border is assessed to identify whether it's likely to cause danger, harm or loss. When it comes to commodities, such assessments are relatively easy to make. Heroin is illegal in Australia, and it has been assessed as a threat to the community: its distribution is controlled by legislation. If heroin is detected at the border, it will be seized. In contrast, the assessment of the threat and risk posed by individuals crossing the border is much more problematic.

The process of transacting through the border can change a threat source's capability to undertake activities. Consequently, transition through the border can influence the likelihood that a national or domestic security risk might be realised. When it comes to the assessment of risk and threat posed by an individual, borders are arguably not just a physical point of control. Rather, they are a transition point for changes in the nature and scope of risk or threat posed by the individual.

For example, a person may have the intent to mount a terrorist attack on the US. If that person is in another country and doesn't have access to US citizens or US interests, they are unable to act on that desire because they lack the capability or opportunity to

do so: the threat they pose is arguably low. If the same person enters the US, they will now have some of the capability needed to mount an attack, so the assessed level of the threat posed by the person increases dramatically. In this example, the border acts as a point of transmission or transition for both threat and risk.

In this construct, the national and domestic security challenges at borders don't relate to migrants per se, but to the assessment of the likelihood that national and domestic security risks will be realised. But this perspective seems elusive for some border security professionals. Some of those interviewed for Jeffray's project argued strongly against it. Some border security policy staff argued that migration is indeed a threat, on the basis that not all uses of the migration program are legitimate, and that therefore migration systems should be securitised by default.

Australia's strategy response to this transmission or transition challenge has been to create depth within the border security policy through a border security continuum model. The continuum model elongates the border to allow for decisions, including about the disruption of potential threats and risks, well before the physical border. But this approach still doesn't always give sufficient consideration to the transmission and transition impacts on threat and risk from border transactions.

For Australia and ASEAN, it's clear that many national and domestic security risks have a transnational dimension that's transformed through the border vector. The risks and threats posed by terrorism and organised crime are amorphous and adaptive, which in turn supports the development of a more agile border security capability. The increasingly transnational dimensions of these threats ensures that the nexus between domestic and national security issues is no longer as clear as it once was. In this landscape, governments must strive unilaterally or multilaterally to improve interinstitutional communication and interservices cooperation.

Risk mitigation through border security

Those with responsibility for Schengen's external border security face impossible expectations that they can manage extraordinary challenges—such as 2016's mass migration surge—without the benefit of additional resources and powers. Border security agencies can't be expected, on their own, to disrupt or mitigate all border risk or threats all of the time. One strong lesson learned from the Schengen Area experience is that border, national and domestic security policymakers need to work together to identify the most efficient and effective strategies to disrupt threats and risks, whatever they may be. Such decision-making must also be underpinned by a comprehensive understanding of threats and risks, free from political interference in operational decision-making. With such an understanding, policymakers can selectively apply measures if and when needed.

The application of this approach is best illustrated with the example of a terrorist crossing an international border. In practice, a known terrorist that vectors through the border may not need to be disrupted at the border when they can be intercepted, and the threat disrupted, more efficiently before or after the border based on risk or vulnerability assessments. This kind of complex multidisciplinary mitigation and disruption strategy requires the integration of border security into wider domestic and national security decision-making. Collaborative and integrated border security strategies will ensure that a nation's resources are focused on managing risks and disrupting threats, rather than on building walls.

Recommendation 1: While border management has a strong national and domestic security nexus, policy professionals should view border security as one of the many operational and policy levers available to disrupt threats and risks that vector through the border.

Whether in North America, Asia or Europe, irregular migration is going to continue to provide challenges to border security for the foreseeable future. The biggest challenge for those governments in this space is to avoid oversecuritisation of the various migration channels. Central to the achievement of that goal is clearer policy thinking on the links between irregular migration and terrorism, specifically covering issues such as risk and causality. This will ensure that the true nature of the irregular migration challenge is understood and that the unhelpful conflation of the terrorism–crime causality nexus is avoided.

Recommendation 2: In the current threat and risk environment, nation-states have little choice but to securitise border management, but this need not translate to the securitisation of migration. Governments should establish public information campaigns to promote further public policy dialogue on 'securitising borders versus securitising migration'.

Strategic challenges

Chapter 1 of Fractured Europe: the Schengen Area and European border security highlights how the EU, Europe and the Schengen Area are all very different entities and how membership isn't mutually exclusive. This patchwork arrangement brings unprecedented complexity to the region's border security operations. That same complexity provides some unique border security observations. One of the most significant is that, in effect, the Schengen Agreement has decoupled national and domestic security from border security. This move, more than any other, has probably brought about many of Schengen's biggest challenges. An analysis of the decoupling provides some interesting observations and possible explanations for Schengen's enduring challenges.

While this isn't stated explicitly, the Schengen Agreement has always focused more on facilitating the free movement of goods, people and value within the borders of the Schengen Area than on the provision of security. This isn't surprising, given that national and domestic security in Europe remain the responsibility of sovereign states. Without doubt, this focus on economic facilitation continues to create great economic benefits for all of the Schengen member states. All the while, the unresolved tension between aspirational European integration and sovereignty have arguably created border security vulnerabilities.

At the policy level, the efficient and effective management of external borders is predicated on the nation-state achieving harmony between its security functions and border facilitation. This harmonisation effort should be a continuous activity guided by the economic and security context. In Schengen's case, the prioritisation of economic over security imperatives is where the disharmony starts.

In security risk management, all security countermeasures should be focused on the delivery of the core business process. For border security hawks, though, there's a preference for security over any equitable consideration of economic and security imperatives.

In border security practice, policy setting should be able to rapidly deploy capabilities in response to evolving threats, risks or opportunities.

However, the problem doesn't relate just to policy-setting mechanisms. There are also continual challenges in operationalising policy decisions due to a lack of organisational agility in border security agencies. In border security practice, policy setting should be able to rapidly deploy capabilities in response to evolving threats, risks or opportunities. It's this kind of operational and organisational agility that will allow border agencies to deal with evolving changes in either security or economic concerns. In many cases, border security agencies are committed organisationally to the dogmatic pursuit of output- or process-related key performance measures, such as drug seizure rates and clearance times. This process-driven culture in many border agencies prevents the deployment of agile strategies.

Regardless, national border security imperatives should involve risk-based and intelligence-led decision-making, rather than the dogmatic pursuit of performance indicators. Jeffray's Schengen analysis takes this concept even further, arguing that the effective management of border security requires wider policy integration and synchronisation.

Recommendation 3: Borders are an important vector in a range of national and domestic security risks and threats. Border security policies should not be developed in isolation from other national and domestic security strategies.

The border security threats and risks that Schengen faces have proven to be agile and amorphous. During the most recent European migration crisis, the development of walls and fences didn't stop two terrorists from entering the Schengen Area or many others moving within Europe. Even with new controls, terrorists within Schengen will continue to innovate, and authorities must pre-empt that agility.

Recommendation 4: Governments should enhance their capacity to co-design harmonised border facilitation and security policies. Particular attention should be given to the United Arab Emirates' border security integration efforts at Dubai International Airport. The Australian Government should also consider developing:

- national security policy training for non-national-security policy professionals (including private sector representatives)
- supply-chain management training for security policy staff.

In the face of unprecedented people movements, border walls and fences are making a return to the frontiers of an increasing number of European countries. Much of the current criticism of the Schengen arrangement relates to its failures to stem irregular migration flows, and more specifically to the uneven application of external Schengen border controls in Italy and Greece. Such criticisms assume that border security measures can stop refugee movements.

Between the sheer scale of the irregular migration phenomenon, and the agile way in which irregular migrants respond to new policy initiatives, traditional strategies in the Schengen zone appear to at best have fleeting impacts. That shouldn't be surprising, as this trend in people movement is unprecedented and extraordinary. Arguably, standard border security measures can never work against such challenges.

The view that the human security situation in migration source countries in Africa and Syria has reached its peak is likely to be overoptimistic. However, it's pessimistic to argue that it has passed the point at which soft power disruption programs, such as economic investments in African source countries, will be effective. The truth for Europe, at least for the time being, is that the flow of irregular migrants from source countries in Africa and the Middle East has slowed.

Unfortunately, non-state border challenges, including terrorism, organised crime and irregular migration, are never defeated with any finality. The evidence from source countries reveals that many of the push and pull factors for irregular migration remain. This context adds even further weight to the need to integrate Schengen border security efforts with mitigation strategies that disrupt the drivers of mass migration.

Recommendation 5: The prevention of mass migration crises globally and regionally should be central to all sovereign states' national strategies. At the core of this work should be policies focused on addressing the drivers of mass migration. The Australian Government should establish an interdepartmental working group to develop strategies for dealing with emerging regional migration challenges, including those associated with climate events (especially for Papua New Guinea) and persecution (such as of Rohingyas in Myanmar).

Operational challenges

At the border agency level, the delivery of facilitation and security functions requires a high degree of strategic management, as opposed to a transactional service delivery model. When it comes to the security functions of border security more specifically, the successful disruption and mitigation of threats and risks rests on decision-makers having access to timely and accurate intelligence that supports the prioritisation of finite border security resources. Unsurprisingly, a key success factor for strategically managing border security is access to timely and accurate information.

Analytics should be the cornerstone of any efficient and effective border management 'system of systems' that facilitates secure transit. The nature of this analytical work will vary greatly with specific problems; for example, analysing the movement of Rohingyas in ASEAN countries requires a shallow pool of data, while the search for drug couriers in the airline system requires 'big data' analytics. Strategic intelligence and collection management planning will be integral to defining and maintaining the appropriate analytical processes.

The Schengen system's Smart Borders initiative was from the very start playing catch-up from a low base level of data collection and retention. In contrast, Australia operates a universal visa regime, which is one of many distinctions between Australia's and the Schengen zone's border management regimes. ¹³ While a 'smart borders' approach won't address problems such as mass irregular migration, it will be integral in managing the legitimate flow of people across borders.

The Schengen experience has demonstrated that you can't manage international borders strategically if member states don't share the national security and criminal intelligence required to comprehensively assess risk and threat. As the border is a national and domestic security vector, border security agencies require direct access to a wide range of intelligence to manage the various risks and threats involved.

For most nation-states, the fusion of national security and criminal intelligence for border security purposes has been difficult to achieve.

For most nation-states, the fusion of national security and criminal intelligence for border security purposes has been difficult to achieve. Comprehensive intelligence sharing between agencies is inhibited by a range of legislative, organisational and cultural barriers. It's little surprise, then, that Schengen has been unable to ensure that its member states share all intelligence holdings relevant to assessing border security risk and threat. For Schengen, intelligence sharing requires an additional multilateral level of cooperation that creates a high level of organisational complexity. The Europol model for multilateral criminal intelligence sharing provides Schengen with one possible approach to creating an organisational framework for cooperation.

In the Australian context, there's a dazzling array of legislative impediments to intelligence sharing. Interestingly, the Australian Border Force and the Department of Immigration and Border Protection (DIBP) face few impediments to sharing their intelligence holdings with law enforcement and national security agencies. In contrast, their access to law enforcement indices (which include criminal histories and criminal intelligence), as well as broader datasets, is often heavily restricted or painstakingly slow to navigate.

Recommendation 6: The parliamentary joint committees on intelligence and security and law enforcement should consider reviewing legislative impediments to the sharing of national security, criminal and financial intelligence between the Australian Federal Police, the Australian Security Intelligence Organisation, the Australian Criminal Intelligence Commission, the Australian Transaction Reports and Analysis Centre (AUSTRAC), the Department of Foreign Affairs and Trade, the Department of Agriculture, the Department of Infrastructure and Regional Development and the DIBP.

Fusion, as it relates to border security, is concerned with the 'fusing' or collation of all relevant data and intelligence to:

- identify inter- and intra-agency border security data correlations
- provide a workspace in which border security data can be deconflicted
- develop a singular national border intelligence picture.

A range of assumptions underpin the 'fusion' approaches espoused by agencies in many Western liberal democracies. The most significant assumption involves an argument that the criminal intelligence picture can be developed more accurately from the collation and fusion of as much information as possible. This assumption tends to be vehemently opposed by national security intelligence practitioners, who argue that having too much of the wrong information slows down the intelligence cycle. As highlighted above, the real challenge isn't so much concerned with data quantity as with ensuring that sufficient accurate information is available to support decision-makers in a timely manner.

In July 2014, the DIBP established the Border Intelligence Fusion Centre (BIFC). The department argues that the BIFC 'is an example of the use of departmental datasets concerned with Australia's borders and the safety and security of the Australian community'. Through sophisticated analysis of departmental pre-departure data and information held by other agencies and

partners, the centre identifies passengers and cargo that present a threat to the Australian community in near real-time. This capability supports holistic, intelligence-led intervention ahead of the border by collectively identifying national security threats, immigration risks and international criminal syndicate activities.

The centre draws on the information and collective expertise of the DIBP and:

- · the Australian Federal Police
- the Australian Security Intelligence Organisation
- the Australian Criminal Intelligence Commission
- AUSTRAC
- · the Department of Foreign Affairs and Trade
- the Department of Agriculture
- the Department of Infrastructure and Regional Development.

In theory, fusion strategies provide a smarter way to use data. In practice, centres such as the BIFC are arguably a structural and organisational response to the observation that the existing national security and law enforcement communities are unable to work together. The DIBP approach to fusion appears to be predicated on an assumption that the co-location of external liaison officers (with access to their parent agencies' information systems) with departmental targeting data analytics will overcome structural, security, organisational and cultural barriers to cooperation. The BIFC in this context is a departmental fusion centre with external liaison officers, which falls well short of the level of collaboration found at the National Threat Assessment Centre (NTAC).

In May 2004, the Australian Government established NTAC to bridge a similar gap in the nation's threat assessment framework. NTAC brings together Australian Government agencies with collection, monitoring, collating and analysing roles for all threat intelligence. If the BIFC is to be Australia's border security intelligence fusion centre, greater 'buy-in' from various stakeholders will be required.

Recommendation 7. The Australian Government should redouble efforts to promote border security intelligence fusion through the establishment of a joint border security intelligence centre within the DIBP. This centre could take a form similar to that of NTAC. There may even be sufficient scope for the BIFC to be an adjunct to NTAC.

The ASEAN Economic Community

Since the formation of ASEAN in 1967, its development has been compared and contrasted with that of the EU. For the most part, such direct comparisons aren't particularly helpful for policymakers because of the differences between the two groups' histories, economics, cultures and political frameworks. That said, the Schengen zone's experiences do have some policy relevance for an ASEAN with porous land and sea borders and evolving migration crises that is striving towards greater economic integration.

In its time as ASEAN chair, Malaysia championed an integrated ASEAN community in which goods, services, investment, capital and skilled labour flow freely across physical borders, and so the ASEAN Economic Community (AEC) came into being on 31 December 2015. Nevertheless, that date marks only the beginning of ASEAN's long journey towards a single market, rather than the achievement of economic integration. To date, ASEAN's progress towards this goal has been unsurprisingly slow, yet steady.

ASEAN's so often dogged pursuit of consensus may be one factor that contributes to the future-proofing of its integrated community. In contrast with the 'all-in' Schengen model, the ASEAN approach is cautious and focused on consensus. This approach allows AEC integration to be evolutionary, and reversible if necessary: sovereignty will always reign supreme.

ASEAN's protection of sovereignty will present a range of problems and impediments to intelligence sharing within the AEC, not the least of which will be a lack of trust. The sharing of domestic and national security intelligence will be one of the key success factors for the AEC's effective border facilitation policy, strategy and operations decisions.

The diverse levels of economic development in ASEAN's member states make integration a much more difficult prospect than has been experienced in the Schengen Area. Schengen's recent experiences have particular relevance for the AEC member states. If the Schengen experience is anything to go by, the sharing of the costs and impacts of external regional border controls should be of particular concern for ASEAN.

ASEAN's strategy for freely flowing skilled labour illustrates how its cautious approach may provide time and space to develop policies to overcome the sovereignty challenges. To date, much of ASEAN's efforts to create a free flow of skilled labour have focused on the accreditation of mutual recognition arrangements for professions. The physical movement of skilled labour will remain strictly controlled by individual member states. In parallel, ASEAN member states are developing policy arrangements to protect domestic labour forces.

The Schengen experience illustrates that many of today's integration decisions may, in time, be economically irreversible. In undertaking this policy analysis, ASEAN member states ought to be considering the long-term fluctuations in threat and risk levels that might occur in the future. In this context, ASEAN's cautious approach may prevent it from sleepwalking into future integration problems.

The Schengen zone's current challenges illustrate to ASEAN member states that future border arrangements must be robust enough to deal with extraordinary challenges if they are to stand the test of time.

The Schengen zone's current challenges illustrate to ASEAN member states that future border arrangements must be robust enough to deal with extraordinary challenges if they are to stand the test of time. While trade and travel facilitation should remain a priority, ASEAN ought to be considering the security dimensions and policy implications of each AEC decision.

Recommendation 8: Australia should consider ways in which to facilitate ASEAN member states' consideration and harmonisation of the economic and security dimensions of any future AEC border arrangements. At the very least, Australia should encourage ASEAN member states to maintain the frameworks and capacity to implement extraordinary border controls for short periods in the face of future risks and threats.

Conclusion

Arguably, the Schengen Agreement is immortal, if for no other reason than the economics of the alternatives. The private and public sectors across the Schengen Area are now reliant on the cost and time savings provided by open internal borders. To be more blunt, the permanent reinstatement of long walled frontier border functions isn't likely to be affordable for many European states.

Despite this, the recent US election result and the UK's exit from the EU both highlight that, in a post-fact world, fear trumps common sense. Unsurprisingly, then, walled frontiers that nations can't afford appear more and more likely, despite the fact that they are often unnecessary and counterproductive in terms of security and economics.

For its part, the Schengen Area experience has provided the world with many lessons for border security management and border security crisis management.

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Acronyms and abbreviations

AEC ASEAN Economic Community

ASEAN Association of Southeast Asian Nations

BIFC Border Intelligence Fusion Centre

DIBP Department of Immigration and Border Protection

EU European Union

NTAC National Threat Assessment Centre

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About the author

Dr John Coyne is the Senior Analyst for ASPI's Border Security Program.

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Tel +61 2 6270 5100 Fax + 61 2 6273 9566 Email enquiries@aspi.org.au Web www.aspi.org.au Blog www.aspistrategist.org.au



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