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Asylum Law Effectiveness

Contrasting Australia and the EU in Managing Economic and Humanitarian Challenges

Skuteczność prawa azylowego

Porównanie zarządzania wyzwaniami ekonomicznymi i humanitarnymi w Australii i Unii Europejskiej

Keywords:

migration policy,
border security,
mass migration,
international legal
standards, asylum law

Słowa kluczowe:

polityka migracyjna,
bezpieczeństwo granic,
masowa migracja,
międzynarodowe standardy
prawne, prawo azylowe

Asylum Law Effectiveness: Contrasting Australia and the EU in Managing Economic and Humanitarian Challenges

Immigration remains a pivotal issue in global politics, particularly in regions experiencing uncontrolled influxes of immigrants. This article examines the effectiveness of asylum laws in Australia and the European Union, contrasting their approaches to managing immigration challenges. It analyzes policy frameworks, enforcement mechanisms, and outcomes, highlighting best practices and areas for improvement. The objective of this paper is to focus on asylum law, as the EU does not have unified immigration policy, with immigration remaining a key competence of each member state. By comparing these two approaches, the paper aims to provide insights into the efficacy of different immigration management strategies and their impact on the economy, social views, and political decisions. Australia, an island nation with a history of controlled immigration and EU, a conglomerate of diverse nations, both face complex immigration challenges, including irregular migration and refugee inflows, necessitating a more multifaceted approach. This article explores the effectiveness of these differing strategies in managing immigration.

Skuteczność prawa azylowego. Porównanie zarządzania wyzwaniami ekonomicznymi i humanitarnymi w Australii i Unii Europejskiej

Imigracja pozostaje kluczowym zagadnieniem w globalnej polityce, szczególnie w regionach doświadczających niekontrolowanego napływu imigrantów. Niniejszy artykuł ocenia skuteczność prawa azylowego w Australii i Unii Europejskiej, porównując ich podejścia do zarządzania wyzwaniami związanymi z imigracją. Przeanalizowane zostało tło polityczno-historyczne ze wskazaniem najlepszych praktyk oraz obszarów wymagających poprawy. Skupiono się przede wszystkim na prawie azylowym, ponieważ UE nie prowadzi jednolitej polityki migracyjnej, pozostawiając to państwom członkowskim. Porównując dwa modele, dostarczamy informacji na temat efektywności różnych strategii zarządzania imigracją oraz ich wpływu na gospodarkę, nastroje społeczne i decyzje polityczne. Australia, jako państwo wyspiarskie z historią kontrolowanej imigracji, oraz będąca konglomeratem państw Unia Europejska stoją przed złożonymi wyzwaniami imigracyjnymi, w tym nieregularnym napływem uchodźców, co wymaga wieloaspektowego podejścia. Artykuł przedstawia skuteczność tych dwóch strategii w zarządzaniu imigracją.

Influx of immigrants

In 2022, 4 million people applied for residence permits in EU member states, marking a significant increase compared to previous years. For instance, in 2014, the number of applicants was 3.1 million, and in 2013, it stood at 2.9 million. By 1 January 2022, there were 23.8 million non-EU citizens living in the EU, representing 5.3% of the total population of 447 million, primarily located in Germany, Spain, France, and Italy. When including EU citizens born outside the Union, this figure rises to 38 million, accounting for 8.5% of the population. These trends highlight the growing scale of migration to the EU in recent years.¹

A similar situation was experienced in Australia. In 2023, its Office of Immigration registered an influx of 547,300 immigrants. This represents a significant increase compared to previous years, such as 2010, when 168,685 people migrated to Australia,² and 2014, when the figure rose to 207,947.³ The analysis of visa distribution reveals that the skilled migration program was the predominant pathway, accounting for 60% of arrivals, aimed at addressing labor market demands. Family reunion visas represented approximately 30%, while humanitarian visas, granted to refugees and asylum seekers, comprised only 10% of arrivals.

This data highlights Australia's prominent position as one of the leading destinations for migrants globally. In 2019, the share of migrants in the Australian population reached 30%, more than twice the OECD average (14%) and 7% higher compared to the year 2000. The consistent increase in migration underscores Australia's reliance on immigration to support its economic and social development.⁴

- 1 "Eurostat" [online, accessed: 31 VII 2024]: <<https://ec.europa.eu/eurostat>>.
- 2 *2010–2011 Migration Program Report*, Australian Government, Department of Immigration and Citizenship, Canberra 2012, p. 3.
- 3 *2013–2014 Australia's Migration Trends*, Australian Government, Department of Immigration and Border Control, Canberra 2015, p. 5.
- 4 M. Crock, C. Parsons, *Australia as a Modern Migration State: Past and Present*, World Bank, Washington 2023, p. 9.

Beginning of immigration crisis in European Union

The European initiative of having common process for accepting refugees collapsed in 2015, when big and overwhelming number of immigrants arrived from the Middle East and North Africa.⁵ This lack of a cohesive asylum system particularly impacted southern Europe. Under the Dublin III Regulation, these countries were responsible for processing asylum applications. However, the enormous quantity of migrants overwhelmed the Italian and Greek administrations. Consequently, migrants moved unchecked to northern Europe, primarily to Germany.⁶ The situation was further complicated by the European Court of Human Rights declaring that the conditions in Greek camps were inhuman, and disallowed the return of migrants to Greece.⁷ As a result, during this period, immigration to and within the EU was virtually uncontrolled.

In response to the crisis, the EU took an unprecedented step. In September 2015, the European Council decided to relocate 160,000 refugees from camps in Italy and Greece to other EU countries based on a specific allocation key.⁸ This decision faced significant opposition from several member states. Consequently, the implementation of the relocation plan felt; by July 2017, only about 25,000 refugees had been relocated, far below the target of 160,000. Notably, Poland, Hungary, and the Czech Republic did not accept any of the quotas assigned to them.⁹

The unexpected situation and the scale of migration have impacted the unity of EU countries, especially since the public opinion considered arriving immigrants as illegal migrants rather than asylum seekers.¹⁰ Article 14 of the 1948 *Universal Declaration of Human Rights* affirms the right to seek

5 R. Byrne, *Understanding the Crisis of Refugee Law: Legal Scholarship and the EU Asylum System*, Cambridge University Press, Cambridge 2020, p. 871.

6 E. Salachi, *The Immigration Crisis in Italy: A Convergence of Crises and What It Means for Globalization*, Assumption University, New York 2019, p. 4.

7 G. Gallanis, *New Report Condemns Greek Government's "Inhuman" Treatment of Refugees*, Dhaka University of Law, Michigan 2020, p. 1.

8 S. Sabic, *The Relocation of Refugees in the European Union*, Friedrich Ebert Stiftung, Berlin 2017, p. 5.

9 Y. Maccanico, *Eight Report on Relocation and Resettlement*, Statewatch, London 2017, p. 3.

10 *Universal Declaration of Human Rights*, United Nations, New York 2015, p. 30.

asylum and the 1951 Refugee Convention prohibits penalizing those who enter illegally from dangerous places. The UNHCR emphasizes that individuals fearing persecution should be classified as refugees, not as illegal immigrants.¹¹

Entering the territory of the European Union without valid documents – under condition that an individual looks for asylum – is not classified as a crime. Article 31 of the Refugee Convention explicitly states that refugees should not face penalties for arriving without valid travel documents.¹² What might normally be deemed illegal should not be classified as such under the Convention when a person is seeking protection. European Union member states and Australia recognize these provisions as it is often unsafe or impracticable for asylum seekers to obtain travel documents or use authorized routes.¹³

The European Union and safe third country agreements

Faced with an unexpected influx of migrants, the EU has concluded agreements with some of non-EU countries. For example, in 2016 it signed the EU-Turkey Agreement. This document allows the UE to move back irregular migrants to this country.¹⁴ The second example of an agreement with a third country is a deal that the EU signed with Tunisia in 2023. Receiving one billion euros as a financial support, Tunisia was expected to stop migrants on its territory prohibiting them reaching the European coasts. This contract has not yielded significant results since the Tunisian president Kais Saied did not accept EU funds, considering them as a bribe.¹⁵

- 11 *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International protection*, United Nations High Commissioner for Refugees, Geneva 2019, p. 22.
- 12 G. S. Goodwin-Gill, *Article 31 of the 1951 Convention Relating to the Status of Refugees: Non-Penalization, Detention and Protection*, Oxford University Press, Oxford 2001, p. 1.
- 13 G. McFadyen, *The Contemporary Refugee: Persecution, Semantics, and Universality*, University of Glasgow, Glasgow 2012, p. 31.
- 14 M. Gkliati, *The EU-Turkey Deal and the Safe Third Country Concept before the Greek Asylum Appeals Committees*, Scholarly Publications Leiden University, Munich 2017, p. 213.
- 15 J. Lehmann, A. Dimitriadi, *The Tunisian Red Flag: Lessons from the EU-Tunisia Strategic Partnership for the External Dimension of EU Asylum Policy*, Global Public Policy Institute, Berlin 2023, p. 3.

Today, migration diplomacy is increasingly growing in importance. The agreements with Tunisia and Turkey are not the EU's first attempts to persuade third countries to block migrants from entering Europe. Similar agreements were previously concluded with Libya and Egypt, as both countries appear willing to collaborate with the EU in exchange for financial assistance. Simultaneously, the EU has focused on strengthening its external borders through such agencies as Frontex.¹⁶

Toward a unified European Union's asylum policy

The growing immigration challenge has made effective migration management a priority for the EU. To address this, the European Union has developed a new Pact on Migration and Asylum to improve existing regulations. In May 2024, EU legislators approved several reforms aimed to solving long-standing disputes.¹⁷

Under the new legislation, every EU member state must support countries facing migration pressure. An annual solidarity pool will be established, requiring contributions from all EU countries, either by relocating asylum seekers or providing financial support. Contributions will be based on population size (50%) and GDP (50%). States under migration pressure can notify the Council and the Commission to be partially or completely excluded from solidarity thresholds.

The adopted reform fundamentally changes EU asylum and migration regulations.¹⁸ The principle of non-refoulement states that migrants denied refugee status cannot be deported to countries where they face persecution; instead, they should receive alternative protections, such as a tolerated stay. The directive outlines how to process asylum applications. It includes provisions for immigrants' access to healthcare, educa-

16 G. Raimondo, *The European Integrated Border Management*, Bloomsbury Publishing, London 2024, p. 22–23.

17 J. Häkli, G. Kudžmaitė, K. P. Kallio, *Devaluing Personhood: The Framing of Migrants in the EU's New Pact on Migration and Asylum*, "Transactions of the Institute of British Geographers" 2024, vol. 49, p. 2–4.

18 *Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 Laying Down Standards for the Reception of Applicants for International Protection*, "Official Journal of the European Union. L Series", 32024L1346, 22 V 2024.

tion, accommodation, meals, and hygiene items. In addition, immigrant children must have access to education.

The most controversial provision of the Directive is its point 11, which imposes an obligation on member states to assure applicants the same living conditions in all member states. The objective of this provision is to unify the economic conditions of immigrants and reduce their movements to other member state.

The Return Border Procedure Regulation (EU) 2024/1349 aims to expedite the asylum process and facilitate the return of irregular migrants to their home countries within 12 weeks. If an asylum request is rejected, individuals must be forcibly returned in the same timeframe. This regulation marks a significant shift in EU migration policy, focusing on streamlining the return of those not qualifying for international protection, which is vital for effective migration management and border security.¹⁹

Another act voted successfully was The Screening Regulation (EU) 2024/1356. It establishes a comprehensive process for screening third-country nationals at external borders. It allows member states to conduct health, identity, and security checks, as well as collect biometric data from illegal migrants. By efficiently identifying those unlikely to qualify for international protection, the regulation facilitates the swift return of rejected migrants, with the entire verification expected to be completed within seven days.²⁰

Meanwhile, the implementation of the new pact has bolstered the success of anti-immigration parties across numerous EU member states, raising doubts about the feasibility of the proposed reforms. These parties have effectively leveraged growing public dissatisfaction with mandatory solidarity measures, concerns over crime rates attributed to immigrants, and the absence of a clear strategy to curb immigration flows. Consequently, anti-immigration rhetoric has gained significant momentum, influencing national elections and strengthening their presence in the European Parliament. This pushback

19 *Regulation (EU) 2024/1349 of the European Parliament and of the Council of 14 May 2024 Establishing a Return Border Procedure, and Amending Regulation (EU) 2021/1148*, "Official Journal of the European Union. L Series", 32024R1349, 22 V 2024.

20 *Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817*, "Official Journal of the European Union. L Series", 32024R1356, 22 V 2024.

against the new pact has intensified opposition to the EU's unified approach to migration, complicating efforts to achieve consensus on the issue.

In response, key political leaders across the European continent are taking strong positions and proposing ways to manage the issue. Italian prime minister Giorgia Meloni, Germany's justice minister Marco Buschmann, and UK prime minister Keir Starmer confirm that immigration is a serious problem that needs urgent action. Meloni has suggested processing asylum applications in third countries like Albania to reduce the strain on Italy. Buschmann said that rejected asylum seekers could be sent back to Syria and he was looking for ways to send back immigrants from Afghanistan. Starmer promised to make securing the borders a top priority to stop illegal crossings and ensure a more controlled system. These leaders may have different ideas, but they all recognize the growing challenges immigration brings to Europe. Their plans show a shared understanding that action is needed to find effective solutions for their countries.

Australia's immigration policy

Australia's immigration policy differs significantly from the European Union's approach. It operates on a points-based system designed to prioritize skilled migrants who can positively impact the economy. Points are allocated based on criteria such as age, education, work experience and language proficiency. This method enables Australia to address specific skill shortages and regulate the influx and type of immigrants effectively.²¹ This strategy is crucial as Australia faces a chronic shortage of skilled workers. In May 2022, the number of job vacancies in Australia reached 480,100, while there were 548,100 unemployed people across the country. This equates to just 1.14 unemployed individuals per job vacancy. Additionally, Australia's ageing population places significant pressure on the economy, particularly in sectors such as health and aged care, highlighting the need for more workers than the domestic population can supply.²²

21 M. Sumption, *The Australian Points-Based System: What Is It and What Would Its Impact Be in the UK?*, The Migration Observatory, Oxford 2019, p. 2.

22 *Policy Implications of the Ageing of Australia's Population*, Productivity Commission and the Melbourne Institute of Applied Economic and Social Research, Melbourne 1998, p. 263.

Australia's immigration policy emphasizes attracting skilled individuals through strategic planning regarding the desired qualifications and countries of origin. The process is streamlined to promote essential economic migrants, ensuring it doesn't deter those needed most. This approach involves actively promoting Australia as an attractive destination to the specific migrants required, rather than merely accepting anyone who wishes to come. A key objective of this system is to supply the market with necessary skills, particularly in sectors experiencing employee shortages.²³

This approach has led Australia to proudly assert its status as the world's most successful multicultural nation. Immigrants have significantly boosted the population and fueled economic growth. Initially, the allure of sunny weather and lucrative employment opportunities attracted European migrants. Today, a growing number of immigrants arrive from China and India.

While Australia has clearly defined rules for accepting immigrants seeking job, simultaneously it enforces stringent refugee policies. For over a decade, the navy has been tasked with turning away boats carrying asylum seekers attempting to reach Australia. Those who manage to evade detection are automatically detained until their claims are processed. Under the current government policy, boats carrying unauthorized asylum seekers are not allowed to land in Australia. Instead, these boats may be turned back to international waters, or Christmas Island. Subsequently, they are typically transferred to offshore processing centers in Nauru or Papua New Guinea or returned to their country of origin. A militarized border force was banned from disclosing on-water operations. The measures were effective in halting the flow of boats. Consequently, the number of unauthorized boat arrivals in Australia is relatively small compared to Europe. Similarly, the number of asylum claims lodged in Australia is also low compared to Europe. All unauthorized arrivals, including those arriving by air without authorization, are subject to Australia's mandatory immigration detention policy, established by the Keating Government in 1992.²⁴ This policy mandates the detention of unlawful non-citizens

23 A. Gonçalves, *Harmonising Migration: An Analysis of Points Based Systems Adapting the Best Practices from Canada, Australia, and the UK for a Unified European Union Immigration Framework*, Universidade Católica Portuguesa, Braga 2024, p. 7.

24 J. O'Carroll, *Borderwork in Multicultural Australia*, Routledge, New York 2006, p. 47.

unless they are granted temporary legal status through a bridging visa while their immigration status is determined. Due to stringent border control, majority of asylum seekers initially arrive by air with a valid visa and subsequently apply for asylum while living in the community. Historically, boat arrivals have constituted only a small fraction of asylum applicants. Estimates suggest that between 96% and 99% of asylum seekers arrive by air with a valid visa.

Immigrants in Australia classified as unlawful non-citizens are placed in immigration detention centers. Those facilities are designed to detain individuals without valid visas, including asylum seekers and non-citizens awaiting deportation. These centers are integral to Australia's strict immigration policy and are managed by the Department of Home Affairs. Their primary purpose is to detain individuals who arrive without authorization, such as those arriving by boat seeking asylum. Facilities include onshore centers located on the mainland and offshore processing centers on Nauru and Manus Island. These places have been the subject of significant controversy, facing criticism for the conditions within the facilities, the treatment of detainees, and the mental health impacts on asylum seekers. The operation of these centers is governed by the Migration Act 1958, which mandates the detention of all unauthorized arrivals.²⁵

Deportation process

In Australian law, immigrants can face deportation for a variety of reasons outlined in the Migration Act 1958 and its subsequent amendments. These reasons are structured to ensure the safety, security, and integrity of Australia's immigration system and society as a whole. One primary reason for deportation is criminal conduct. This includes being convicted of a crime that results in a prison sentence of 12 months or more, engaging in criminal activities within Australia, or posing a risk to the safety of the community. The Australian government takes these actions seriously, considering the potential threat such individuals may pose to public safety and national security. Under Section 501 of the Migration Act, individuals who fail the character test due to a substantial criminal record,

25 L. Weber, R. Powell, *Crime, Pre-Crime and Sub-Crime: Deportation of "Risky Non-Citizens" as "Enemy Crimmigration"*, Palgrave Macmillan, London 2020, p. 245.

ongoing criminal behavior, or actions deemed not of good character are subject to deportation. In practice, this means that immigrants found guilty of serious offenses such as drug trafficking, violent crimes, or sexual offenses, are often prioritized for deportation. The Australian Border Force and Department of Home Affairs have the authority to detain and initiate deportation proceedings against these individuals, even if they have lived in Australia for many years and have established roots in the community. This approach aims to balance the protection of society with the principles of fairness and justice. Moreover, the process of deporting criminal immigrants is often expedited to mitigate any potential risks they might pose while awaiting removal. The Australian government has established strict guidelines and procedures to ensure that deportation cases are handled swiftly and efficiently. This includes mandatory detention for those who are considered a flight risk or a threat to public safety, as well as rigorous checks to ensure that deportation orders are compliant with international human rights standards.²⁶

Additionally, the government has strengthened its focus on preventing criminal elements from entering the country in the first place. This includes thorough background checks and security assessments during the visa application process, as well as cooperation with international law enforcement agencies to identify and intercept individuals involved in criminal activities before they reach Australian shores.²⁷

Furthermore, Australia's approach to deporting criminal immigrants also extends to individuals who have committed offenses outside Australia but are residing within its borders. In such cases, the government may rely on international agreements and bilateral treaties to facilitate the deportation process, ensuring that individuals who have committed serious crimes in other countries are held accountable and removed from Australia.

Overall, these measures are designed to uphold the integrity of Australia's immigration system and protect its citizens from potential threats posed by individuals involved in criminal activities. The focus

26 M. Marmo, E. Smith, A. Varnava, *Historicising Australian Deportation of "Suspect and Undesirable" Migrant Communities*, "International Journal for Crime, Justice and Social Democracy" 2023, vol. 12, No. 1, p. 3.

27 F. D. Yeung, *Cloud Accounting Risks and Mitigation Strategies: Evidence from Australia*, "Accounting Forum" 2020, vol. 44, No. 4, p. 423.

remains on maintaining a safe and secure environment for all residents while ensuring that justice is served.

Visa violations also constitute grounds for deportation. This includes instances where individuals overstay their visa duration, breach visa conditions, or provide false or misleading information during the visa application process.

Public health and safety considerations are another factor. Immigrants who pose a significant risk to public health, such as having a contagious disease that could spread to the community, may be subject to deportation. As of December 2021, the average detention period was 689 days before deportation took place.²⁸

Challenges of mass immigration

Australia distinguishes itself from Europe concerning immigration-related crime and integration issues. Unlike some parts of Europe, Australia has not experienced significant challenges with immigrants committing crimes at higher rates than the native population.²⁹ However, Australia does face distinct challenges related to immigrants working below their qualifications, a phenomenon known as underemployment or skill underutilization. Several factors contribute to this situation. Immigrants frequently encounter challenges in getting their overseas qualifications recognized, which can prevent them from working in their trained professions. Limited proficiency in English also poses a barrier, making it difficult for immigrants to secure jobs that match their qualifications and leading them to accept lower-skilled positions. Additionally, many Australian employers prefer candidates with local work experience, disadvantaging newly arrived immigrants who may have extensive experience and qualifications from their home countries but lack Australian work experience. Certain professions in Australia require specific licensing or certification, necessitating

28 *Australia's Immigration Detention Policy and Practice*, "Australian Human Rights Commission" [online], 13 V 2004 [accessed: 31 VII 2024]: <<https://humanrights.gov.au/our-work/projects/6-australias-immigration-detention-policy-and-practice>>.

29 A. Schloenhardt, *Migrant Smuggling: Illegal Migration and Organised Crime in Australia and the Asia Pacific Region*, Martinus Nijhoff Publishers, Boston 2021, p. 30–34.

additional training or exams for immigrants, which can further delay their entry into their chosen fields. Furthermore, discrimination in the job market may also be a factor, with some employers preferring native-born applicants or those from similar cultural backgrounds. As a result, Australia brings educated immigrants from different countries to bridge the gaps of acute skill shortage, but after coming to Australia, skilled and educated immigrants are not being properly utilized in the workforce. Facing labour market disadvantages in various forms of unemployment, underpayment and deskilling is a common practice.³⁰

Similar situation can be observed with foreign graduates. Australia being a popular destination for international students – thanks to its strong global reputation of high quality of education – attracts many young people. However, similar to newly arrived immigrants, foreign graduates often face challenges when seeking employment. Many of them struggle to transit smoothly into the labor market after graduation. Approximately 50% of alumni who decide to stay in Australia end up working in lower-skilled jobs that do not match their qualifications.³¹

Mass immigration in Australia significantly impacts housing demand, driving up property prices and rents. As people move to Australia, particularly to major urban centers like Sydney and Melbourne, the demand for residential properties intensifies. These cities, known for their job opportunities and amenities, attract newcomers, leading to increased competition for housing. The surge in demand often outpaces the supply of new housing, creating a shortage that puts upward pressure on property prices and rental rates. This phenomenon is particularly pronounced in areas with limited housing development and high population growth. Consequently, both homebuyers and renters face rising costs, making housing less affordable for many residents.

As the population grows, land becomes relatively scarcer, making it more difficult for people to afford land for agricultural or domestic use. In cities, population growth has at least two cost-related negative effects. Firstly,

30 M. Sharmin, A. Quamrul, H. Charmine, *Skill Shortage and Underutilization of Educated Immigrants in the Australian Labour Market: A Paradox*, "European Journal of Management" 2008, No. 2, p. 155.

31 T. Nguyen, D. Hartz, *International Students in Australia, Employability and Cultural Competence*, Springer, Sydney 2020, p. 331.

builders typically construct houses on relatively flat land. However, as this flat land becomes fully utilized, builders and property developers are forced to build on increasingly steep land, which is much more expensive. Secondly, as inner-city land becomes fully occupied, people have to build their houses further from the city center. This increases the cost for individuals who need to commute longer distances to and from their workplace, often located in the city center. Currently, Australia is facing a shortage of affordable housing, primarily driven by population growth due to an influx of immigrants. As the population increases, so does the demand for housing. Since this growth occurs rapidly, the demand for housing exceeds the supply. Simply put, the building industry cannot construct homes quickly enough to keep up with the influx of new residents.

The impact of immigrants on real estate prices in Australia is a complex issue involving multiple factors. The supply of new housing does not keep pace with the increased demand from immigration. However, immigrants also contribute positively to the economy by participating in the workforce, starting businesses, and paying taxes, which can lead to increased investment in housing development.

Increased population due to immigration has significantly overburdened Australia's infrastructure. While state and federal governments often advocate for population growth, they frequently overlook the associated costs. For instance, there is a nationwide shortage of public hospital beds, and population growth exacerbates the demand on these hospitals. Additionally, many of the nation's roads struggle to handle current traffic volumes, and this situation worsens with an increasing population. Several capital cities are also facing water supply challenges. Even if population growth is supported, a logical approach would be to address the existing infrastructure issues before welcoming large numbers of overseas migrants. However, in practice, proponents of population growth often fail to consider the heightened strain on infrastructure.

Historically, Australians have welcomed newcomers with open arms, embracing the cultural diversity and economic benefits brought by skilled migrants. However, the increasing strain on essential services and infrastructure has begun to test this tolerance. Acknowledging these pressures, the government has been re-evaluating its skilled migration program to ensure it aligns more closely with Australia's capacity to support new arrivals. This involves setting stricter criteria for skilled migration

and potentially reducing the overall intake to more manageable levels. The objective is to mitigate the adverse effects of overpopulation, allowing time to enhance infrastructure and public services. By prioritizing the sustainability of population growth, the government aims to balance the benefits of skilled migration with the need to maintain and improve the quality of life for all residents.

Healthcare, education, and housing systems

Large-scale immigration in Europe, similar to Australia, raises concerns about the housing systems to handle the growing number of immigrants. This anxiety has become a major factor driving anti-immigration sentiment in Europe. Many local populations worry that an influx of immigrants will increase real estate prices.

Surprisingly, studies conducted in Germany did not confirm these concerns. It was found that property prices rose by 3% and rental prices increased by 1% only. Additionally, available research indicates that the effects of immigration on real estate prices are similar both in rural and urban areas of the country.³²

In contrast to the findings from German researches, the situation in Australia is quite different. According to Scott Orford, macroeconomic factors such as migration policies significantly influence housing prices.³³ The Australian Bureau of Statistics reports that over half of permanent migrants are homeowners in this country.³⁴ Research sponsored by the Australian Property Institute indicates that the Australian housing

32 U. Unal, B. Hayo, I. Erol, *The Effect of Immigration on Housing Prices, Evidence from 382 German Districts*, "The Journal of Real Estate Finance and Economics" 2024, p. 1, DOI: 10.2139/ssrn.4325192.

33 S. Orford, *The Capitalisation of School Choice into Property Prices: A Case Study of Grammar and All Ability State Schools in Buckinghamshire, UK*, "Geoforum" 2018, vol. 97, p. 231–241, [as reflected in:] Z. Rahman, *Analysing Housing Price to Account for the Spatial Accessibility of Locational Amenities in Australia*, Central Queensland University, Melbourne 2024, p. 17.

34 *Understanding Migrant Outcomes – Insights from the Australian Census and Migrants Integrated Dataset, Australia*, "Australian Bureau of Statistics" [online], 18 VII 2018 [accessed: 31 VII 2024]: <<https://www.abs.gov.au/statistics/people/people-and-communities/permanent-migrants-australia/2016>>.

market has thrived in recent years, with the house price index reaching records. Analyzing data from 2004 to 2021, the study found a strong correlation between population growth and house prices, while traditional factors like unemployment rates, economic growth, were deemed less significant.³⁵ This suggests that the influx of immigrants has played a crucial role in the housing market's price.

Labour market

Mass immigration poses also significant challenges to the labor market by saturating it with a large influx of new workers. Since the EU does not have a policy to allow entering only desired type of workers, current mass influx of immigrants can lead to competition among both native and immigrant workers. As a result, there is downward pressure on wages and working conditions, as employers have a broader pool of candidates willing to accept a lower pay. The competition for jobs intensifies as immigrants and native workers compete for the same positions.

These concerns are not substantiated by empirical evidence. In fact, the correlation between immigration and unemployment rates appears to be weak. From 2013 to 2023 the unemployment rate in the European Union declined. This trend indicates that the migration crisis did not impact the labor market. The unemployment rate in the EU decreased from 11.4% to 6.1% during this period.³⁶ A comparable trend is observed in Australia, where the unemployment decreased from 5.7% in 2013 to 4.1% in 2024.³⁷

35 J. S. Kim, *The Differential Effects of Exchange Rate Fluctuations on Local Housing Price Growth: Evidence from Australia*, "Regional Studies" 2024, vol. 58, No. 1, p. 192.

36 *Migrant Integration Statistics – Regional Labour Market Indicators*, "Eurostat" [online], 27 V 2024 [accessed: 31 VII 2024]: <https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migrant_integration_statistics_-_regional_labour_market_indicators>.

37 *Labour Force, Australia. Headline Estimates of Employment, Unemployment, Underemployment, Participation and Hours Worked from the Monthly Labour Force Survey*, "Australian Bureau of Statistics" [online, accessed: 31 VII 2024]: <<https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-australia/latest-release>>.

Conclusions

Australia's immigration system presents a notable contrast to that of the European Union, particularly in its emphasis on skilled migrants and swift deportation policies for individuals posing a threat to public safety. Australia's strategy of prioritizing skilled migrants has proven beneficial for addressing labor shortages and stimulating economic growth. However, the country also confronts challenges, such as a housing crisis exacerbated by population growth and instances where newcomers find themselves working below their qualifications. These complexities underscore ongoing areas for improvement within Australia's immigration framework. Unlike the EU, struggle to stop illegal immigrants from entering the member states, Australia keeps its territory safe from unwilled individuals. Furthermore, Australia's proactive deportation policies underscore its commitment to public safety. Swift action against individuals who are deemed threats helps maintain social order and protect citizens. This approach contrasts with the EU's struggles in managing undocumented migration and navigating the legal complexities surrounding deportation across its member states. Looking forward, the EU could benefit from adopting measures akin to Australia's approach. Implementing a cap on the number of immigrants accepted annually would assist in managing migration flows. Additionally, prioritizing deportations for economic migrants originating from countries without ongoing conflicts would help uphold the integrity of asylum and refugee systems. Extending agreements with safe third countries could provide additional options for processing asylum claims outside the EU, thereby reducing strain on internal resources and enhancing efficiency in handling migration challenges. In tandem with these measures, reducing social support for immigrants could promote self-sufficiency and deter misuse of welfare systems, ensuring that resources are effectively allocated to those most in need and discourage immigrants entering the EU to benefit from social programs.

While Australia's immigration system showcases strengths in skilled migration management and security, it also faces significant challenges, such as housing shortages and infrastructure shortages. By balancing economic imperatives with stringent border controls and responsive deportation policies, Australia provides a compelling model for managing migration that prioritizes national interests while addressing ongoing societal and economic

needs. The EU stands to benefit from adopting a more strategic and cohesive approach to immigration management, drawing lessons from Australia's experiences to enhance the effectiveness and sustainability of its immigration policies in a complex and evolving global landscape.

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