Independent refugee youth in waiting

Social navigations while in transit in Indonesia

Masardi, R.D.

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CHAPTER TWO

Transit in Indonesia: An Enabling Waiting Spot

Indonesia has been attracting asylum seekers from various countries for almost two decades, who come either for a short transit or to wait while their refugee applications are processed. Considering that many of these refugees' countries of origin do not share a border with Indonesia and the fact that Indonesia is not seen as an attractive final destination, it is puzzling why it is so frequently chosen as a transit country from among other countries in the Global South. In this chapter, I will unfold the logics behind the choice for Indonesia, with a particular focus on the specific conditions of its refugee management approach that are seen as preferable and even enabling for independent refugee youth.

In this chapter, I focus on the conditions in Indonesia that independent refugee youth – and in some cases their supporting families – expect to encounter when they decide to transit there while waiting for relocation to a resettlement country. I present the Indonesian context not only by assessing the formal framework of refugee management in the country, but also by including young refugees' imaginations and points of view. I offer several reasons why young refugees choose to transit in Indonesia, in particular easier travel routes, and cheaper and safer journeys to the country; and Indonesia's unclear and thus flexible implementation of its regulations regarding the handling of refugees, including the state's outsourcing to international institutions of the task of dealing with refugees and its deliberate practices of non-recording. I argue that Indonesia, with all of these characteristics, offers a pleasant, safe, and enabling space for asylum seekers, particularly independent youth.

By centralizing young people's perspectives, I do not mean to

imply that the decision to travel to Indonesia is always the result of long and well-meditated considerations without any external interventions. My young informants came from countries with prolonged wars and oppressive social environments, which were often unable to protect their citizens. Some of the young people might have had the luxury to plan their journey strategically by choosing their preferred mode of transportation, contacting relatives in Indonesia prior to departure, and already knowing where they wanted to ultimately resettle. Others might have taken the decision to travel ad hoc, based on limited information and few feasible options. And yet others simply might have made the decision to transit in Indonesia along the way or just ended up there. The choice to 'stop' in Indonesia could have been taken together with parents, relatives, friends, and/or smugglers, it could have been solely the young person's decision, or it was a combination of the two. Despite the diverse processes and hasty conditions of decision making, the young people's points of view regarding the choice for Indonesia nevertheless deserve proper attention. Through an analysis of the perspectives and rationales of young refugees, Indonesia's position not only as an emerging transit country but also as an emerging global migration hub, becomes clearer.

By analyzing young people's imaginations and experiences while transiting in Indonesia, this chapter contributes to the existing literature on transit migration in Indonesia. Missbach wrote that many asylum seekers prefer Indonesia over other Southeast Asian countries because of its image in terms of Muslim solidarity, its location one-step-closer to Australia, its relatively low living costs and favorable living conditions, its weak enforcement of immigration law, and its relatively mild punishment of 'illegal migrants' compared to, for example, Malaysia (2015, 69). With regard to the role of international organizations, Missbach also noted that the UNHCR in Thailand and Malaysia was overloaded with applications compared to the UNHCR in Indonesia, and that the International Organization for Migration (IOM) and UNHCR Indonesia offered better facilities (ibid, 68).

In the following, I will elaborate on the rationales and experiences of young asylum seekers who decide to go to Indonesia. Building on ethnographic data, I aim to contribute

to the discussion of Indonesia as a transit country, particularly in terms of the specific conditions the state has created that offer a relatively safe, maneuverable, and even enabling environment for refugees, especially independent refugee youth.

A BRIEF HISTORY OF INDONESIA AS A WAITING SPOT

The discussion of Indonesia as a transit country cannot be separated from the fact that prior to September 2013 Indonesia was merely a short stopover point en route to Australia. On September 18, 2013, however, the Australian government launched Operation Sovereign Borders, a program aimed at turning back all boats carrying "irregular maritime ventures" to Australia and thus stopping all people planning to arrive in Australia by boat.[1] The information about this program was disseminated to refugees transiting in Indonesia (see Figure 1). Then-Australian Prime Minister Tony Abbott claimed that due to this policy, boat arrivals went down by 90 per cent from the peak of arrivals under the Labor Party. For their part, Labor responded that the decision of former PM Kevin Rudd to send asylum seekers to Papua New Guinea and not to resettle irregular maritime arrivals had been responsible for slowing boat arrivals to Australia (Ireland 2013). Either way, the number of boat arrivals surely declined. ABC News (2016) recorded that 1,106 people entered Australian waters by boat in the period September 22 to December 19, 2013, while 157 people were recorded on July 27, 2014, and 12 people from May 2-6, 2016. As a result of these new policies in Australia, many people now have to wait longer in Indonesia.

Although the new Australian policy stopped people from arriving by boat in Australia, it did not necessarily stop people from coming to Indonesia to seek asylum with the UNHCR. Even after Scott Morrison – Australia's then minister for immigration – announced in 2014 that "no refugees who registered with UNHCR in Indonesia after July 2014 would be resettled in Australia" (Hirsch 2018), many people still went to Indonesia to

[1] More information about Operation Sovereign Borders can be found at https://osb.homeaffairs.gov.au/home.

Figure 1. Poster about Operation Sovereign Borders in the streets of Cisarua (photo credit: Henri Ismail 2016).

process their asylum claims. Australia's policies were also framed as an attempt to protect Indonesia's interests, with the argument that people would stop traveling to Indonesia if Australia applied its stricter policy. However, looking at the registration rates for asylum seekers at UNHCR Indonesia from 2014 to 2016, it is safe to say that Indonesia has already developed its own attraction for refugees.

From Figure 2, it can be observed that although the trend for new asylum seeker registrations in Indonesia did decrease sharply immediately following the implementation of Operation Sovereign Borders and then fluctuated around a relatively lower level for most of 2014 and early 2015, there were three significant spikes in the number of registrations (in September and December 2014 and May 2015), after which the numbers leveled out again and remained relatively steady. What these numbers indicate is that despite the closing of the route from Indonesia to Australia, the reduced yet continual stream of arrivals in Indonesia probably had other reasons to want to register their refugee status there, and to remain in the country in transit while waiting for ultimate resettlement.

Upon arrival in Indonesia, asylum seekers, including independent youth, must wait for their refugee status to be processed, wait for the opportunity to resettle in another country, and they must wait for another chance if their initial refugee application is denied. Waiting is an integral part of the migration process, so waiting in Indonesia can be seen as an important part of the strategy to achieve the goal of resettlement. In this chapter, "waiting as method" is discussed as part of independent young refugees' strategies, particularly those who arrived after 2014 and who were prepared to wait for several years in Indonesia until resettlement. This chapter aims to answer the question of why people choose to wait in Indonesia.

INDEPENDENT REFUGEE YOUTH'S REASONING

In this section, I will elaborate on the reasoning of independent refugee youth with the aim of explaining why so many decide to transit in Indonesia. Two main aspects will be discussed: the first

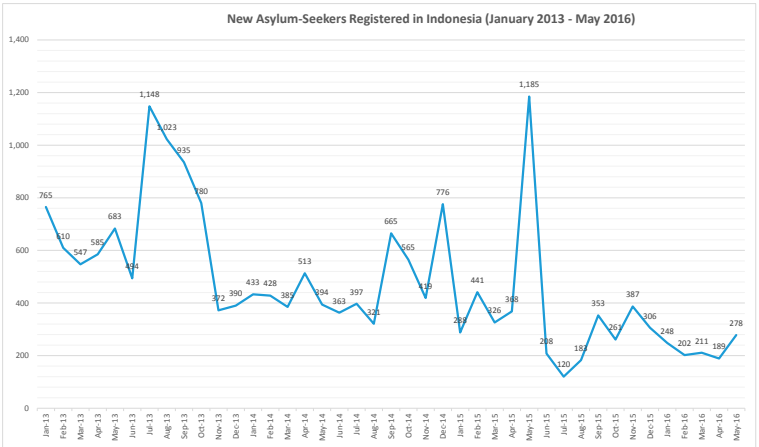

Figure 2. Refugee registration trends in Indonesia (UNHCR Compilation 2016).

relates to the easier travel routes to Indonesia, plus the fact that the journeys are generally cheaper and safer, especially for young voyagers; the second focuses on Indonesia's (deliberately) unclear and thus flexible implementation of its regulations regarding the handling of refugees, including the state's outsourcing to international institutions of the task of dealing with refugees and its deliberate practices of non-recording. While discussing the first aspect, young people's logics and experiences in the routes they followed to Indonesia will be discussed, including their personal accounts of the degree of difficulty of the journey to Indonesia, the safety of the routes they chose, and the use and payment of smugglers. The second section shows how the condition of unclear regulations regarding the handling of refugees in Indonesia, and their flexible implementation, is perceived in a positive light by independent refugee youth. The absence of proper legal frameworks to deal with refugees, and the state's practice of non-recording, will be discussed as an additional attraction for refugees. Furthermore, I show how this ambiguous official position actually serves the interests of both the state and private officials.

1. Easier Routes, and Cheaper and Safer Journeys for Refugee Youth

The logics of those who decided to transit in Indonesia before and after the implementation of Operation Sovereign Borders differ. One common reference, however, when asked about their journey to Indonesia, was that it was considered relatively easy, cheap, and safe, particularly for young migrants. For the majority of the independent refugee youth I interviewed, the route taken from their country of origin to Indonesia first involved a flight to Malaysia. From there, they could either take another flight or a short boat trip to reach Indonesia. Travelling by plane requires elaborate planning because it entails procedures and documents that may be complicated to organize, such as passports for international flights, return tickets, and visas for the destination. In this case, young people mostly relied on smugglers to arrange their travel documents, tickets, and contacts during their transit and connecting flights. These additional complications are seen to be worth it, however, because the journey to Indonesia is generally considered much safer and more convenient than the migration routes to other transit countries.

The only possibility to access Indonesia by boat is across the Malacca Strait, "a narrow stretch of water between the Indonesian island of Sumatra and the Malay Peninsula" (Winn 2014). The accounts of my young informants who spoke of this route are confirmed by other studies that mention that refugees commonly enter Indonesian territory via Malaysia (Ali, Briskman, Fiske 2016, 25; Missbach 2015, 66). The four-hour boat trip is considered safe compared to crossing the Mediterranean Sea from North Africa to Europe, for example. Travelers will not face barbed wire fences or armed border security guards once they arrive in Sumatra, as is the case with the border between Morocco and Spain; and if they are intercepted, they may be detained, but they will not be shot to death, as is the case at the Bangladesh-India border. A trip to Indonesia is considered safer compared to the migration journey through other transit countries such as Greece, Turkey, and Morocco. Furthermore, entering Indonesia along this route has a high success rate. Since Sumatra has a long eastern coastline, there are many options for smugglers to anchor their boats transporting people who want to enter Indonesian territory.

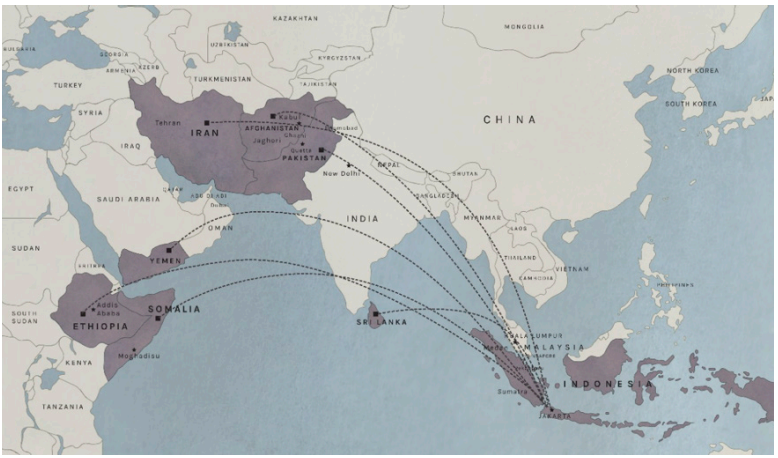

Figure 3. Routes from countries of origin to Indonesia (source: author).

Easy Routes to Indonesia

To gain a deeper understanding of the journeys young people take to arrive in Indonesia, below I will elaborate on some of the more common routes taken by my informants. The routes described below are based on their own stories. Most of the routes described by my young informants were also taken by refugees from other age groups, although there were a few differences. The accounts I present here mostly cover routes from Afghanistan, Pakistan, Iran, Ethiopia, Somalia, Yemen, and Sri Lanka (see Figure 3), as these were the nationalities of my interviewees.[2]

Studies on smuggling networks by the Indonesian anti-people-smuggling taskforce have noted that three main networks operate in Indonesia: a Sri Lankan network, an Iranian-Iraqi network, and an Afghan-Pakistani network (Meliala et al. 2011 in Missbach 2015, 211). The stories of the young refugees I interviewed compliment this picture: the Hazara youth from Afghanistan, Pakistan, and

[2] With regard to the routes of Myanmarese Rohingya youth, the primary data that I collected was from young people who had been abandoned by smugglers in the Bay of Bengal and the Andaman Sea, and who had become stranded in Aceh, Indonesia in 2015 (see 'Mixed Maritime Movements' report, UNHCR South-East Asia 2015). Rohingya refugees stay in camps for most of their transit time in Indonesia and are not admitted to detention centers. Given that their transit experiences in Indonesia are very different to the rest of the refugee population (geographically, socially, and institutionally), I have left the 2015 Rohingya case out of the dissertation.

Iran mostly used the Afghan-Pakistani network, while Somali, Yemeni, and (Oromo) Ethiopian youths used the East African network, and Sri Lankan young men used the Sri Lankan network.

Routes from Afghanistan, Iran, and Pakistan

The routes that my young interviewees took from their countries of origin to Indonesia often depended on the amount that they were able or willing to pay to smugglers. The more money they paid, the faster and more convenient the journey would be. If they did not want to take the boat trip, Hazara youths, who typically departed from Kabul, Afghanistan, could choose a flight-only trip to Soekarno-Hatta international airport in Jakarta. They could travel from Kabul to India, then on to Kuala Lumpur, arriving in Jakarta. Another possible trip was from Kabul to India, then on to Singapore, and finally to Jakarta, all by flight. The cost of the journey from Kabul to Jakarta ranged from 7,000 to 12,000 US dollars per person, depending on the route and other factors. Flight costs were said to have been more expensive around 2010-2012, though the price fell significantly after Australia closed its borders. I met several young people who said that they had paid only 6,000 US dollars for the full trip around 2014-2015.

To maintain their reputation, smugglers usually offer guarantees for the trip. If a refugee is rejected by Indonesian immigration in an airport, the smuggler will facilitate a second and third attempt. If the third attempt is still unsuccessful, however, the refugee will be left on their own and cannot claim back the money. Ali Rezai (17), who came to Indonesia with his sister (18) and his girlfriend (16), told me that the three of them had paid smugglers to bring them from Kabul to Jakarta by plane, but they were sent back twice by Indonesian border officers before they were transported by boat via Sumatra.

> We flew from Kabul to India and we had to wait there for 16 days. The smuggler paid the hotel but the food was on us. We were told where to buy things we needed, we were given a phone and told how to use it, and we were passed from one person to another. After that, we went from Malaysia to Jakarta by plane, and we were deported back to Malaysia. Again, from Malaysia to Bali [airport] and they deported us

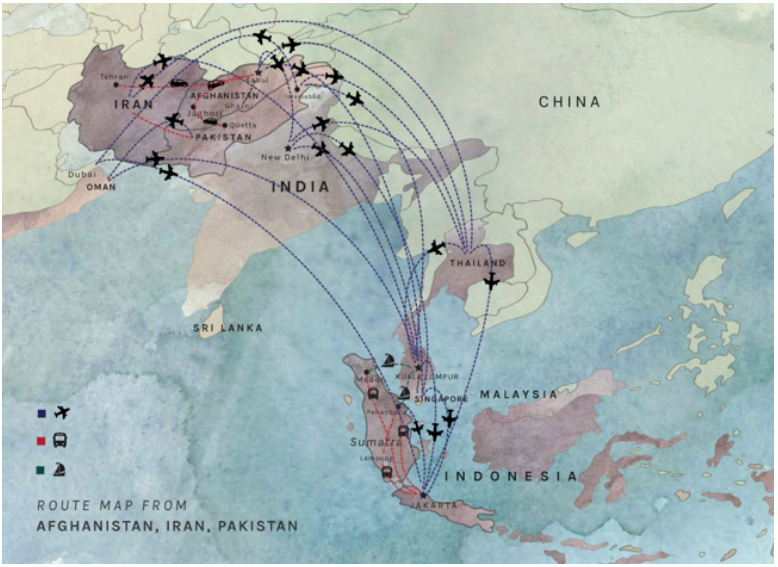

Figure 4. Routes from Afghanistan, Iran, and Pakistan (source: author).

> again to Malaysia. For three days we were going back and forth in the air. At last we went by boat from Malaysia to Indonesia. We passed a jungle [in Malaysia] before reaching the boat and it was very dark and dangerous. My sister cried (Ali Rezai, interview, March 31, 2016).

If entering Jakarta through the airport was not possible, smugglers would direct refugees to take an alternative route by boat, crossing the Malacca Strait and docking along Sumatra's eastern coast, often in Medan, Dumai, or Pekanbaru. After a brief stay of between one night up to a couple of days in one of these towns on the coast, the journey to Jakarta continued. Some young people said they had continued the trip by taking a domestic flight to Jakarta. Other young people said that they had taken a two-day bus trip to Jakarta via Lampung. Journeys involving a boat or bus trip were considered less convenient, though they were also generally cheaper than a full-flight trip; on average, for a flight-boat-bus trip from Kabul to Jakarta, the young people paid

around 5,000 US dollars per person. Aside from the convenience issue, a full-flight journey was also more expensive as presumably smugglers had to bribe Jakarta international airport officials to allow travelers to pass through the immigration check.

For Hazara youth from Pakistan, while some departed directly from Pakistan, many decided to travel first by road from Quetta to Kabul, from where they used the same routes as described above. A young man told me that in 2012, he had chosen the cheapest route from Pakistan to Oman, and had then gone on to Malaysia by plane, before continuing from Malaysia to Indonesia by boat across the Malacca Strait (he did not remember the name of the city where the boat had docked in Sumatra). He had then continued the journey to Jakarta by bus. For the entire journey, he had paid around 7,000 US dollars. There was another option – a direct flight from Pakistan to Jakarta with possible transit in Malaysia – but this would have cost around 12,000 US dollars, so he had chosen the more affordable option. According to the stories of other independent youth from Pakistan, there were some variations in the flight routes between Pakistan and Jakarta, such as via India, Iran, Thailand, or Singapore. Those who took the route by boat from Malaysia to Indonesia generally entered Indonesia via Medan or Pekanbaru.

The routes of Hazara youth from Iran were similar to those taken by other Hazara youth from Afghanistan or Pakistan; the most common route was to go to Kabul first, before departing to Jakarta via a number of transit countries such as India, Thailand, Malaysia, and Singapore.

The abovementioned routes from Afghanistan, Pakistan, and Iran to Indonesia were easier, safer, and cheaper compared to the routes to Europe. NBC News reported a two-and-half-year journey taken by Zubair Nazeri, a 25-year-old young man from Afghanistan to Germany. The journey took him through Iran, Turkey, Greece, Macedonia, Serbia, Bosnia-Herzegovina, Croatia, Slovenia, Italy, and France, before he finally arrived in Germany (Banic and Smith 2018). Nazeri paid more than 8,000 US dollars, met dozens of smugglers along the way, and had to cross both a minefield and the Mediterranean Sea; a route that claimed around 30,000 lives between 1993 and 2020 (ibid). For underage independent refugees and their supporting family members, the

dangerous and difficult routes to Europe might be considered unbearable. Thus, coming to Indonesia is seen as a reasonable and affordable choice.

Routes from Somalia, Ethiopia, and Yemen

Oromo people from Ethiopia arrived in Indonesia one after another over the course of a relatively short time period (around two years) (SUAKA 2016, 3). After some time, however, it seems that no more Oromo travelled to Indonesia. According to UNHCR Indonesia monthly reports from January to December 2016, the Oromo population in Indonesia was stable in 2016: 295 people in January and 285 people in December. The young refugees from Ethiopia that I spoke with had typically reached Indonesia by plane. The variety of routes followed the available flight connections between Ethiopia and Jakarta. Some said that they had travelled from Addis Ababa to Dubai and then on to Jakarta. One 17-year-old boy told me that he had gone from his village in Dire Dawa by road to Djibouti and from there had flown to Jakarta, with two transits in Qatar and Thailand. He said that his uncle had arranged all of his documents and tickets for the trip, and his uncle accompanied him to Djibouti because there were more options for international flights there.

According to several independent refugee youths from Somalia that I encountered, they had originally intended to go to Malaysia, either to get a job, to have the opportunity to enroll in school, or to apply for asylum at UNHCR Malaysia. Upon arriving in Malaysia, however, they saw that it would be better for their situation to move on to Indonesia and apply for asylum there. Even those who already knew that they wanted to go to Indonesia still travelled via Malaysia given that it has a free entry visa policy for almost all Muslim-majority countries.[3] The most usual route was from Mogadishu to Malaysia by plane, and then from Kuala Lumpur to Sumatra by boat, followed by a road trip or domestic flight to Jakarta. Some had to transit in Dubai between Mogadishu and Malaysia. Another possibility was to go to Ethiopia and take the Southeast Asian routes via Thailand and Malaysia, and then

[3] Malaysia is attractive to migrants given its free visa policy for many Muslim-majority countries, including Somali passport holders (14-day visa-free entry) and Yemeni passport holders (90-day visa-free entry) (VFS Global Website, accessed July 2019).

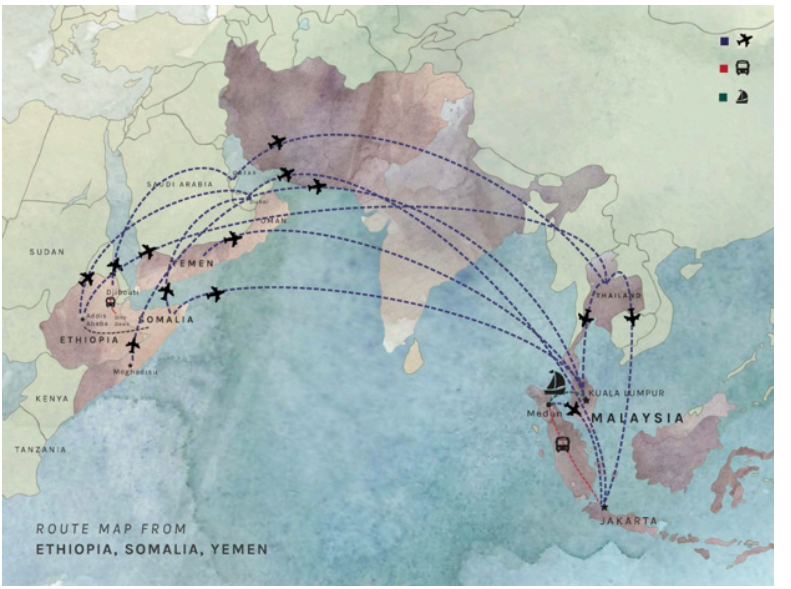

Figure 5. Routes from Ethiopia, Somalia, and Yemen (source: author).

cross to Indonesia by boat. Yemeni youths also followed this route; they usually went to Hargheisa in Somaliland first, then arranged a flight to Malaysia, before entering Indonesia by boat through Medan, and finally taking a bus to Jakarta.

Unlike the Hazara youth I interviewed in Jakarta, I met several independent refugee youth from Somalia who did not continue their journey to Jakarta once they had reached Medan. One young woman who had stayed in IOM community housing in Medan told me:

> For us, Indonesia is the same everywhere. We do not have much information about other cities. So the sooner we report ourselves to immigration, the better. We will get support from them. So we report here [in Medan] (Aisyah, interview, November 25, 2017).

Aisyah's choice to stay in Medan rather than continue on to Jakarta illustrates how even though many journeys were well-

prepared in advance, the young people also had to navigate opportunities along the way and make choices and determine their best course of action as more information became available. The decision about where to apply for refugee status, and thus where to spend the potentially long transit time waiting for relocation, was also an important one. Often, the young people preferred to wait in a place where other members of their ethnic community were already living.

Routes from Sri Lanka

I met several independent refugee youths from Sri Lanka who had been intercepted in Medan and then detained in the local Belawan Immigration Detention Center (IDC). Rajan, a 16-year-old Tamil from Sri Lanka, told me that he had stayed in India for five years with his aunt before coming to Indonesia. From India he had flown to Malaysia, and then he had taken a boat from Malaysia to Jakarta. At the time I met Rajan, all of his Sri Lankan friends whom he had met a year earlier in the Belawan IDC were still staying in IOM community housing in Medan. He said that he had been released sooner from the IDC because he was a minor, and had been transferred to the Church World Service (CWS) shelter in Jakarta.

Rajan's route was probably not a common one for Tamil Sri Lankan migrants, given that most of them try to reach Christmas Island, Australia by boat, departing from Sri Lanka's east coast directly. Many Sri Lankan migrants have been intercepted in the sea near Aceh, Johor, or in the Sunda Strait. In 2009, for example, a Sri Lankan boat carrying 260 people was intercepted by four Indonesian Navy boats near the Sunda Strait (Kompas 2009). In 2015, 65 migrants from Myanmar (1), Bangladesh (10), and Sri Lanka (54) were sent back by the Australian Navy in their attempt to sail to New Zealand (Kelen 2015). In June 2016, a boat transporting 44 Tamil Sri Lankans (20 men, 15 women, and 9 children) on its way to Australia became stranded on Lhoknga Beach, Aceh after the engine failed and the crew ran out of food (BBC 2016). In May 2018, the Malaysian Police stopped a tanker carrying 131 Tamil Sri Lankans who were attempting to sail to Australia and New Zealand (Prastiwi 2018). The seizure was claimed as a big success in terms of destroying the chains of a

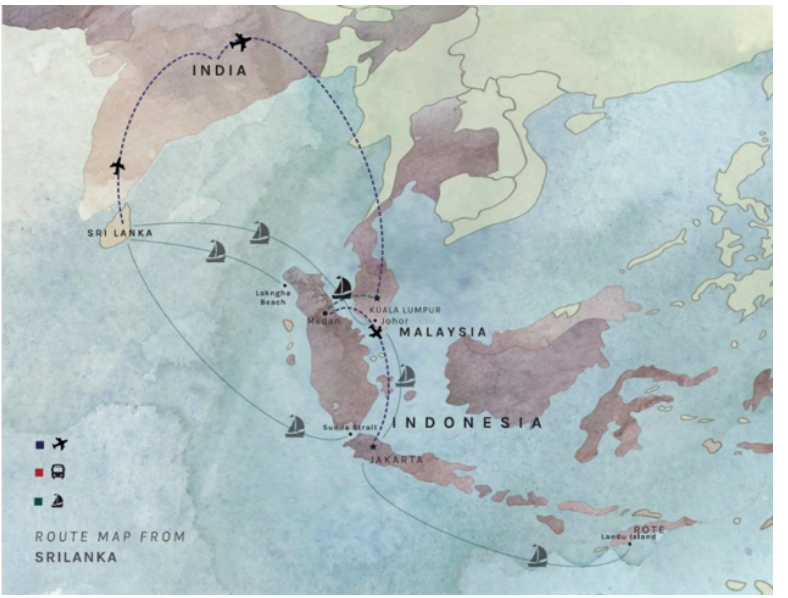

Figure 6. Routes from Sri Lanka (source: author).

smuggler syndicate with connections in Sri Lanka, Australia, New Zealand, Indonesia, and Malaysia, which was estimated to have been operating since mid-2017.

Although Rajan's route differed from the more common routes taken by Sri Lankan refugees, I consider his journey to be a significant finding. His story is important because unlike other Sri Lankans who became "accidentally stranded" in Indonesia, Rajan chose to wait in Indonesia by registering himself at the UNHCR office in Jakarta. His decision to come as a minor to a transit country that is located far from his ethnic community underlines the key argument of this study, namely that Indonesia has become an attractive destination for many underaged migrants who hope to be relocated to other countries. The distinct route taken by Rajan also substantiates the fact that independent youth often take the safest and easiest route to reach a transit or destination country.

Independent youth from Afghanistan, Pakistan, Iran, Ethiopia, and Somalia generally also said that they believed that the journey

to Indonesia was safer and cheaper compared to the routes to Europe. When discussing the safety reasons for choosing Indonesia, Mustafa, a 17-year-old boy from Somalia, referred to an earlier incident where around 200 Somali migrants, many of them teenagers, had drowned in the Mediterranean Sea while trying to reach Europe by boat from the Egyptian shore. He emphasized the fact that it is now very difficult and, if possible, very dangerous for young boys from Somalia and other African countries to try to reach Europe. European borders are getting stricter. Given this fact, he was more convinced that transiting in Indonesia would be safer and "more convenient" for him.

Paiman, a 26-year-old from Pakistan, said that back in 2008 he could have reached Europe by road via Iran and Turkey, and then by boat to Greece, but nowadays it has become more dangerous (interview, May 3, 2016). In saying that the trip has become more difficult and dangerous, the implication is also that refugees have to pay more expensive fees to smugglers to make the journey. Particularly for independent youth who planned the journey with their parents or relatives, the safest option was always preferable. By gathering information from previous travelers and based on the convincing explanations of smugglers, the journey to Indonesia was seen by parents as a safe option to let their child travel alone. For independent girls, this journey was even more preferable because everything was prepared by the agent or smuggler and the trip did not require long stretches of walking or running or many possibilities for abuse in remote places. The smugglers themselves also preferred to send girls on a low-risk journey, so they usually suggested that they go to Indonesia.

In conclusion, from my interviews with young migrants, it became clear that the decision to travel to and transit in Indonesia was taken consciously and after comparing the prices, risks, and transit situations in other places. When border security and/or journeys become very difficult in the Global North, this has repercussions in the Global South, as the case of Indonesia illustrates.

Malleable border security

A second crucial factor explaining the attractiveness of Indonesia as a transit country is its malleable border security. Missbach has

written that Indonesia has weaker immigration law enforcement compared to other countries in the region (2015, 69). With its large territory and extensive coastline,[4] it is very challenging for police and other border control officers to monitor mobility in and out of Indonesia's territory. It is not only the border control at sea that is weak, but also border security in Indonesia's international airports. Previous studies have discussed the involvement of Indonesia's immigration officers in people smuggling activities and human trafficking, not only in terms of entering Indonesia but particularly in terms of leaving the country (see Pertiwi 2018). It is evident that when immigration officers are open to negotiation, borders will be easier to breach.

Jawad, a 19-year-old from Pakistan, told me that he had been astonished by an experience after his boat had disembarked in a city in Sumatra after sailing from Malaysia. Jawad, with other people who had traveled in the same boat, were brought by the smugglers to stay in an old house for a night. The following day, they were picked up by bus and transported to a domestic airport. The smuggler gave each of them a boarding pass and told them to go to a certain gate. They were escorted to the gate and then directly onboard a plane that brought them to Jakarta. He recalled the experience:

> It was amazing. We were greeted with big smiles and there was an officer, maybe from immigration, who watched us so we would not get any problem. It was like the whole airport has been bought by smugglers. Hahaha... (interview, March 20, 2016).

Such stories spread quickly among young people and reach their communities back home, which leads more young people and their families to view the journey to Indonesia as not only relatively cheap and safe, but also as promising a high success rate with little risk of meeting harsh migration officers.

The high success rate also makes it more profitable for smugglers to lure potential customers to travel to Indonesia. To

[4] According to the Geospatial Information Agency (BIG 2015), Indonesia has 13,466 islands with identified names and coordinates and has 99,093 km2 of shoreline.

get a more comprehensive perspective, I also interviewed an ex-smuggler, a Hazara elder who had spent a significant amount of time in Indonesia. When I asked why people still chose to transit in Indonesia, even after Australia closed its borders, he explained:

> We need to map the location of countries that have UNHCR for asylum application. For example, UNHCR exists in Turkey, Syria, India, Malaysia, Thailand, or Cuba. You know, [the route to] Turkey is now dangerous and too many refugees took it already. Syria is obviously not possible. India, Malaysia, and Thailand have a long process. And Cuba, you know… officials are not corrupt in Cuba so it is difficult to get in there. In Cuba, if an agent tries to smuggle 20 people, maybe only 2 people will successfully get in, and the other 18 will be deported. In Indonesia, if a smuggler brings 20 people, so all the 20 people will pass the immigration check. Here, everything can be managed and dealt with money, same like in Pakistan and Afghanistan. With this high success rate, many people still choose to come. We know that the Indonesian government will not allow refugees to become citizens, but they are allowed a refugee status and to transit temporarily. This is why Indonesia is a good option (interview, May 2, 2016).

That immigration officers at the border and in airports allow refugees to enter the territory can be viewed as one of Indonesia's practices of non-recording. Non-recording is defined here as an implementation gap between what is written in the law and how individual officers enforce – or not – that law, and is based in this case on the "self-interest of the state agents" and not on the "national interest of the state" (Kalir and van Schendel 2017, 2). Non-recording practices that serve the interests of state agents through bribes can also be categorized as "corruption," which in the Indonesian context can be considered an illicit practice: "legally banned but socially sanctioned and protected" (see Abraham and van Schendel 2006, 22). Nevertheless, they create some benefits for the refugee community, including independent youth, as such practices enable them to navigate borders and boundaries more easily.

In the next section, I will elaborate on another aspect that makes Indonesia an attractive transit country for refugees, in particular independent refugee youth, namely Indonesia's unclear national regulations on the handling of refugees and its practices of non-recording that are, unlike the case of border agents described above, actually based on the national interests of the state. Missbach wrote in 2015 that one of the reasons why asylum seekers chose to transit in Indonesia was the fact that UNHCR Indonesia had a relatively small caseload compared to other countries. Moreover, the IOM and the UNHCR in Indonesia provide comparatively better facilities than in other countries (ibid, 68). Missbach also mentioned the pull factor of Indonesia's weaker immigration law enforcement and its relatively mild punishments for "illegal migrants" compared to Malaysia (ibid, 69). I also found that these factors were relevant from the perspective of the young people I interviewed.

2. Limited Regulations Regarding the Handling of Refugees in Indonesia: The State's Deliberate Practices of Non-Recording

Aside from costs, safety, and the malleable border security in Indonesia, there are several other factors that make it an appealing place to transit. In this section, I focus on the ambiguities in Indonesia's national law that manifest in the deliberate policy of non-recoding. Kalir and van Schendel have noted that the practice of non-recording does not always reflect a failure of the state to control the population residing in its territory; it can in fact be a conscious strategy to disown populations that the state categorizes and treats as undeserving, undesired, and unproductive (2017, 6). Non-recording allows the state to "disregard, outsource, desert, expel, sanction, exploit, or victimize nonrecorded subjects" (ibid, 2).

In contrast to this rather negative characterization of the state practice of non-recording, however, in this section I focus on how the non-existence of a national legal framework for handling refugees, the outsourcing of the registration of refugees to international organizations, and confusion around the mandate to handle refugees and asylum seekers in Indonesia all lead to a more favorable situation from the perspective of refugees, especially

independent refugee youth, for transiting in Indonesia. The discussion is divided into two sections: first, Indonesia's decision to outsource the handling of refugee populations to international institutions will be highlighted as a favorable condition for independent refugee youth; second, the state's deliberate policy of non-recording, which shapes a passive bureaucrat system, has created a fluid arena in which young refugees can easily navigate.

Outsourcing to International Institutions

Indonesia did not sign the 1951 UN Refugee Convention and does not process asylum claims, though it has Law No. 39 of 1999 on Human Rights, Article 28(1), which states that "everyone has the right to seek and receive political asylum from another country." The country has not, however, set up a proper practical mechanism within its governmental body to assess refugee status. During the research period, the Regulation of the President of the Republic of Indonesia No. 125/2016 Concerning the Handling of Foreign Refugees had not yet been ratified. The legal and institutional regulations that were in place that referred to the management of the refugee population in Indonesia were: Law No. 6 of 2011 on Immigration; Government Regulation No. 31 of 2013 Concerning Implementing Regulation of Law No. 6 of 2011 on Immigration; and Regulation of the Director General of Immigration (DGI) No. IMI-1489.UM.08.05 of 2010 Regarding Handling of Irregular Migrants. These legal instruments did not consider the status of "refugee" to be a criterion for state intervention or protection. Law No. 6 of 2011 on Immigration referred only to *orang asing* (aliens/foreigners), *korban perdagangan orang dan penyelundupan manusia* (victims of people smuggling and human trafficking), and *deteni* (detainees); while the Regulation of the DGI No. IMI-1489. UM.08.05 of 2010 Regarding Handling of Irregular Migrants referred only to *Imigran Ilegal* (illegal immigrants).

Half way through my research period, the Regulation of the DGI No. IMI-0352.GR.02.07 of 2016 on the Handling of Illegal Migrant Claiming to be Asylum-Seeker or Refugee was released on April 19, 2016, signed by Dr. Ronny F. Sompie, the then DGI. In this regulation, the classifications of "refugees" and "asylum seekers" were acknowledged, and it focused on the placement, recording, and care provided for these populations. The heads

of immigration offices and IDCs were mandated to record self-proclaimed refugees under their jurisdiction, but the population would be referred to the UNHCR to start their asylum applications in the country, and to the IOM to access logistical support and living allowances.

Aside from outlining in general terms the handling of the refugee population in Indonesia, the abovementioned laws do not offer sufficient information on transit refugees' rights in the country. Both the DGI regulations of 2010 and 2016 indicate that refugees who stay outside of IDCs must follow the following rules: they are obliged to sign an affidavit stating that they will stay in a placement decided upon by the Indonesian DGI; they are forbidden to go near harbors and airports if not escorted by an immigration officer; they are not allowed to receive guests overnight at their housing; they have to respect Indonesian laws (including not working, not engaging in any income generating activities, not driving without a license, and maintaining public order); and they have to report themselves regularly to the immigration department.

During my research period, Indonesia deliberately refused to take full responsibility for managing its refugee population, although it did allow refugees to transit in the country for humanitarian reasons. To make this happen, Indonesia outsourced the management of all arriving refugees to various international organizations. The absence of a national legal framework and the ambiguity provided by the international agencies offering support were interpreted positively by the young people I interviewed. Given that their aim was to have a conversation with the international refugee regime, many believed that the fact that Indonesia did not process refugee status itself was an advantage.

The Presence of the UNHCR and its Faster Processing Track

Indonesia has been allowing the UNHCR to operate in the country since 1979 to process the status determination of refugees and to conduct the process of resettlement to third countries (UNHCR Indonesia, n.d.). According to the Regulation of the DGI No. IMI-0352.GR.02.07 of 2016, article 3, "The stay permit of foreigner who has been granted refugee status from UNHCR Indonesia will not be questioned, provided that they do not violate the laws and regulations." This effectively protects refugees from

refoulement and deportation as long as they abide by Indonesian law while in transit.

Outsourcing refugee status determination to the UNHCR can be understood as a deliberate state practice of non-recording (Kalir and van Schendel 2017). Even though, according to the DGI, the heads of immigration offices and detention centers must register asylum seekers and refugees, the UNHCR is the only institution that has the most complete and up-to-date record of the number of refugees in Indonesia. The DGI and the IOM share similar statistics, given that both only deal with refugees who have been detained or who self-report to the immigration office. The UNHCR, on the other hand, records and registers those who are detained as well as the self-settled population who register their case directly at the UNHCR office in Jakarta. The UNHCR regularly reports the updated number of refugees to the DGI, but the DGI does not have any arrangements to verify it firsthand.

A deeper discussion of non-recording will be elaborated on later in this chapter. Here, I would like to emphasize that the refugee management system in Indonesia and the practice of outsourcing, particularly the presence of the UNHCR, is viewed as preferable by independent refugee youth, and is central to their reasoning when choosing Indonesia. Dealing with the UNHCR directly is generally seen as more desirable than a direct confrontation with the host state. For young people, UNHCR procedures are more predictable and the information on how the UNHCR will assess their application is easier to access. Given that most refugees do not intend to resettle in Indonesia, transiting in a country where the UNHCR is present is seen as crucial.

According to the young people I interviewed, the UNHCR processing mechanism in Indonesia – from the refugee determination process to resettlement – is relatively fast compared to its operations in other Asian countries. Hazara youth from Afghanistan generally compared the asylum seeking procedures in Indonesia, where they expected to have to wait for a maximum of four years, with India and Malaysia, where the refugee determination process could take up to nine years, not including the resettlement process. The young people had received this information from others who were already transiting in Indonesia, as well as from smugglers. Alisha, a 15-year-old Hazara girl, told

me:

> My uncle searched for information in which countries UNHCR offices are located. Pakistan has UNHCR but now Afghan people are not safe there. Then India and Malaysia [...] but the process takes too much time, I heard many people had to wait for 10 years in Malaysia. Tajikistan also has UNHCR but the process is too slow. So his friends suggested him that Indonesia is a safe country and the process is relatively fast. They said we just have to wait for 3-4 years and then we will be sent to the third country (interview, March 24, 2016).

At the time of their arrival and the interviews, this information might already have been out of date. Considering the current dynamics of the global refugee management system, the allocation rate of resettlement from Indonesia is decreasing and the priority for resettlement globally is reserved for refugees from certain countries and mainly for vulnerable groups.

Based on data from Resettlement Data Finder, Figure 7 shows that 613 persons were resettled from Indonesia in 2015; this figure went up to 1,273 persons in 2016; but the numbers decreased again to 763 persons in 2017; 509 persons in 2018; and 664 persons in 2019 (UNHCR, n.d.). Nevertheless, as the young people compared the processing time in Indonesia with other transit countries, coupled with the relatively low number of refugee applicants in the country, they still expected that transiting in Indonesia would be shorter than elsewhere.

Refugees are prepared and do expect to have to wait some time to be resettled. Yet when the waiting time is much longer than expected, then waiting can shift from being a method to becoming an unbearable burden. Regulatory changes within UNHCR Indonesia, migration policy alterations in resettlement countries, and new conflicts in refugees' countries of origin have all lengthened the expected period of waiting in transit countries, including Indonesia. The waiting that was expected to be short, easy, and temporary instead became a daily reality that was no longer tolerable or desirable. Nevertheless, the situation in Indonesia still provided various spaces that were open for

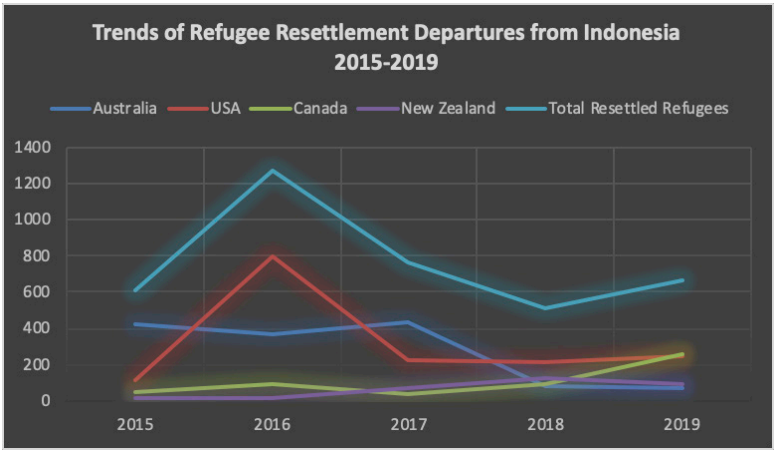

Figure 7. Refugee resettlement departures from Indonesia, 2015 to 2019 (UNHCR, n.d.)

negotiation, and there remained some room for maneuver where independent youth could plan their next move and exercise some agency while waiting.

Varied Access to Financial Assistance

In 2000, Indonesia, the IOM, and Australia agreed on a trilateral Regional Cooperation Agreement (Hirsch and Doig 2018, 7), which formalized the referral by Indonesian authorities of irregular migrants who were intercepted on their way to Australia or New Zealand to the IOM in Indonesia for "case management and care." This agreement can thus be seen as a part of Indonesia's outsourcing practices by granted access for the organization to operate in the country. IOM Indonesia, which is funded by Australia, provides migrants with food, logistical support, and accommodation, and facilitates assisted voluntary repatriation (Taylor 2010). Through the IOM, Australia also supports capacity-building programs for the Indonesian DGI and has funded a renovation of the country's two largest IDCs (Missbach 2015, 143; Nethery, Rafferty-Brown, and Taylor 2013, 96). Between 2001 and 2016, Australia provided US$238 million for Indonesian projects through the IOM (Hirsch and Doig 2018, 688). In 2016 alone, IOM Indonesia's operation costs amounted to US$49 million, which made it the IOM's eighth

most expensive field location in the world (IOM 2016 in ibid, 687).

Under the 2000 Regional Cooperation Agreement, refugees in Indonesia should be located in various sites and cities. Indonesia has thirteen IDCs across the country, in Tanjung Pinang, Balikpapan, Denpasar, DKI Jakarta, Kupang, Makassar, Manado, Medan, Pekanbaru, Pontianak, Semarang, Surabaya, and Jayapura (DGI, n.d.). As all of the IDCs are overcrowded, the immigration offices in some cities, such as in Pekanbaru, have opened "interception hotels" to accommodate newly arrived refugees or those who self-surrender to immigration offices. In general, the IOM covers the basic needs of all migrants in all accommodation facilities, except for those who are self-settled and for underaged migrants who fall under the care of the CWS, one of the UNHCR's implementing partners in Jakarta.

Officially, the Government of Indonesia "remains to be the primary caregiver, with the IOM giving support only upon request" (IOM 2014), though in practice the IOM is the one that provides for all refugees' logistical needs. To access IOM assistance, refugees need a referral from the immigration office. This means that they must report themselves to an immigration office in order to be transferred to an IDC, from where they can process their asylum application. After the UNHCR has institutionally approved the applicant's refugee status, they can be released from the IDC to be transferred to community housing and are entitled to receive a monthly allowance of Rp 1,250,000 (78 euros) from the IOM until they are resettled to a third country. The DGI reported in 2016 that there were 53 community housing units under the administration of the IOM located in eight cities: Medan, Pekanbaru, Batam, Jakarta, Semarang, Surabaya, Makassar, and Kupang (ibid). Aside from the monthly allowance for daily meals and rent, refugees can also access health services and some support for sports and other activities.

According to the DGI, as of May 31, 2016 there were 13,879 "immigrants" in Indonesia: 2,347 people were located in 13 IDCs; 2,028 people were in detention rooms at different immigration offices; 3,878 people were staying in 53 community housing units provided by the IOM; and (according to a UNHCR report) 5,626 people were self-settled (DGI 2016). Figure 8 illustrates the different locations of the refugee population in Indonesia.

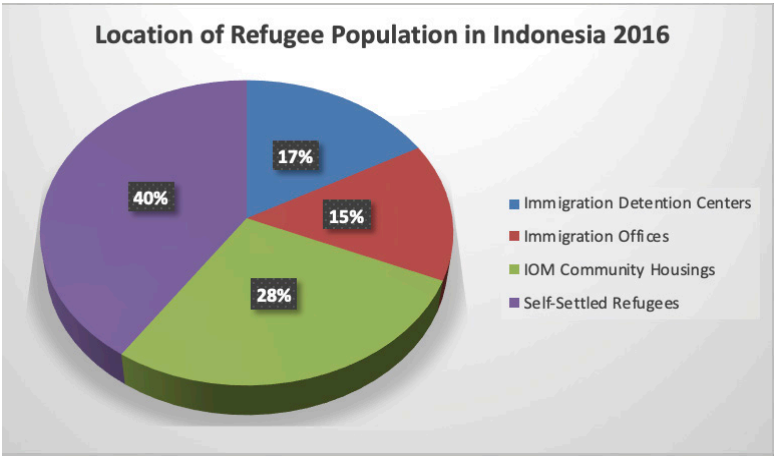

Figure 8. Location of refugee population in Indonesia as of May 31, 2016 (DGI 2016).

Indonesia's outsourcing policy has, however, also made it possible for people to register their application directly with the UNHCR without having to officially report to the immigration office. This allows refugees who are self-funded, and therefore do not need to access IOM support, to seek asylum protection directly at the UNHCR office in Jakarta. By not reporting to the immigration office, they can avoid the immigration detention phase and instead have the opportunity to live with Indonesian locals by renting rooms and houses in urban settings in Jakarta and its surroundings. This group is referred to as self-settled refugees. Given that the Indonesian DGI does not actively record the entire refugee population in the country – it only keeps a record of those who are intercepted while trying to enter Indonesia illicitly or who self-report to immigration offices – there are gaps in the data regarding the number of people who register with the UNHCR and the DGI. The DGI only knows the number of self-settled refugees from UNHCR reports, and this number is never actively verified.

Although self-settled refugees cannot access funding from the IOM, they can apply for small allowances from several other organizations. Refugees staying in Jakarta usually try to access a living allowance from CWS (more information about CWS will

be elaborated in the next section) and educational support for children from Dompet Duafa.[5] Those staying in Cisarua can apply for an accommodation subsidy or a small living allowance from the Jesuit Refugee Service (JRS) Bogor, or they can occasionally access support from the international community, the church, or from the private sector. In Bogor, JRS is the only operating NGO concerning refugees. JRS has identified self-settled refugees without official refugee status as one of the most vulnerable groups in society, given that other aid organizations usually assist only those who have received refugee status. JRS has a scheme to assist asylum seekers to pay rent, access some health services, and pay for daily necessities through a small monthly allowance, though it is limited: only around 100 people received assistance from JRS in 2016 (interview with CWS social worker, May 9, 2016). Given that the number of self-settled refugees staying in Jakarta and its surroundings (including Cisarua) was estimated at 5,626 in 2016 (DGI 2016), the chances of accessing aid from JRS were rather small.

The existence of the IOM and other organizations opens up an opportunity for all refugees, including independent refugee youth. Several of the young people I interviewed confirmed that one of Indonesia's attractions is the presence of several organizations that provide cash allowances, which compensate for the fact that the chances to work in Indonesia are very limited compared to in India and Malaysia. Ahmad, a 17-year-old boy from Somalia, told me that a friend had been transiting in Malaysia for seven years, "but organizations in Malaysia only provide accommodation and food supplies, no cash allowance." He underlined that financial assistance was one of the main reasons that he and his friends had come to Indonesia. Cash allowances were seen as desirable because young people could use the money as they wished, whether for meals or transportation, or to purchase internet access (something that they considered crucial).

In January 2017, IOM Indonesia assisted approximately 9,000

[5] Dompet Dhuafa is an Islamic philanthropic institution that focuses on empowering the poor and marginalized in society. Dompet Dhuafa manages funds collected from Zakat, Infaq, Alms, Endowments (ZISWAF), and other halal funds (Dompet Dhuafa, n.d.). In Jakarta, Dompet Dhuafa collaborates with the UNHCR to provide informal education to children. For more information about Dompet Dhuafa, see https://dompetdhuafa.org/en/home.

Figure 9. Contrasting conditions in IDC Pekanbaru (left), IOM community housing in Medan (center), and the interception hotel in Pekanbaru (right) (Henri Ismail 2016)

migrants from 22 countries, residing in both IDCs (including interception hotel) and community housing (IOM Indonesia, n.d.), with diverse conditions of the accommodations (see Figure 9). However, the IOM stopped giving assistance to new refugee applicants in March 2018. A spokesperson for the Australian Ministry of Home Affairs announced in a statement that the decision to cut its assistance was intended "to reduce the risk of irregular migrants [being] drawn to Indonesia" (Morse 2019). With this development, independent refugee youth in Indonesia could no longer rely on aid from the IOM, though they could still access assistance from CWS and other organizations. During the research period, their expectations to receive cash allowances from the IOM and other aid organizations were still reasonable, and show how such forms of support – and the information or rumors about potential financial support – have a strong influence on decisions regarding travel and destination plans.

This section has illustrated that during my research period, for refugees transiting in Indonesia, there were various organizations that offered shelter and a decent monthly financial allowance until they could be resettled to another country. The assurance that refugees could always turn to the IOM as a last resort if their savings or support ran out was a strong pull factor that attracted refugees to transit in Indonesia. Moreover, as I will elaborate on below, young people in particular could have better and easier access to IOM services or programs in Indonesia compared to other countries.

Special Protection for Underage Independent Refugees and Other Vulnerable Groups

Some members of the refugee population are categorized as

"vulnerable," including underaged independent refugees (or "unaccompanied minors"[6]) and independent young women. They are generally prioritized by refugee organizations in Indonesia in terms of obtaining protection and access to various assistance schemes. This approach to prioritization encourages those who meet the vulnerability criteria to choose Indonesia as a transit country. The categorization of vulnerability and its implications in terms of shaping young people's navigations will be further discussed in chapter 4.

In Jakarta in 2016, CWS, the local implementing partner of the UNHCR, had two shelters to accommodate underage independent refugees (boys), each of whom received a small living allowance of Rp 200,000 (12.50 euros) per week (see Figure 10).[7] CWS also provided some assistance to the most vulnerable groups of refugees, such as single women, single mothers, people with disabilities, and people with health problems. However, as their assistance capacity was limited, many people who fell under the definition of "vulnerable" according to global humanitarian standards were not receiving support.

Aside from CWS, the UNHCR also worked together with several operational partners, such as Dompet Dhuafa, the Buddha Tzu Chi Foundation, JRS, and the Indonesian Red Cross (UNHCR Indonesia, no date). During my research period, to add to its support for underage independent refugees, the UNHCR had invited the Buddha Tzu Chi foundation and Safe House for Children (RPSA) under the Ministry of Social Affairs in Jakarta to get involved in providing shelter and protection. Furthermore, the IOM also collaborated with the Department of Social Affairs to provide special shelters for underaged independent refugees in Medan and Makassar.

Above, I outlined how the faster processing track of UNHCR Indonesia and access to financial assistance are two factors that make Indonesia an attractive transit country for refugees. The third factor, which is very specific to independent youth, is the availability

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[6] "Unaccompanied minors" is an institutional term used by the UNHCR, the IOM, and other international organizations. The term is heavily stigmatized, however, as will be discussed in chapter 3. In this dissertation, I prefer to use the term "independent refugee youth" or "underage independent refugee."

[7] As this dissertation is being written, CWS has opened three more shelters and has begun to accommodate underage independent refugee girls in one of them.

Figure 10. Underage independent refugees queuing for their weekly allowance in the CWS office (photo credit: Henri Ismail 2016).

Figure 11. Young independent refugees from Sri Lanka, Somalia, and Yemen dressed up for the Voice of Refugee Charity Night, September 2016 (photo credit: Henri Ismail 2016).

of accommodation and humanitarian aid for children, especially underage independent refugees and other vulnerable groups. The young people I spoke to expected that given the quota specifically reserved for underaged and so-called vulnerable populations, it would be easier to access accommodation and living allowances in Indonesia than elsewhere. For many, the availability of shelters meant more than the possibility of monthly financial assistance; it was also a guarantee that they would not end up in an IDC for too long. Given that underage independent refugees are among those who are prioritized for release from IDCs, the existence of special shelters for minors gave them some hope of having more freedom of movement while waiting in transit in Indonesia. Young people could also occasionally attend high-profile public events held by the UNHCR and its partners (see Figure 11), such as the Voice of Refugee Charity Night on September 24, 2016, sponsored by the Tahir Foundation and Media Group (see UNHCR Indonesia 2017).

Aside from that, the young people had hope that when they were accommodated in a CWS shelter for minors, they would also be prioritized in terms of getting refugee status and would thus also have a higher chance of resettlement. Asadullah, a 17-year-old Hazara from Afghanistan who was staying in a CWS shelter, said:

> I heard about the CWS from a friend who was assisted by the CWS when I was in Kabul. I was happy to hear that if I traveled alone, an organization would help me. I get Rp 200,000 [12.50 euros] per week. Here everyone collects money to cook together, I still can save up Rp 50,000 [3 euros] per week. They also give me shampoo and soap every month, one day per week for a medical check-up if we are sick. The CWS usually brings us to the *Puskesmas* [local health clinic]. Sometimes we get outdoor activities such as swimming or playing futsal. But what I like most is we can go outside the shelter from 8 AM to 10 PM. We have to report to security, though. And, we should follow the curfew [...] But there is a regulation change now. Before, those who are 18 years old still can access assistance, but now not anymore (interview, April 15, 2016).

Figure 12. Youth accommodation in Indonesia: a cell inside an IDC, Pekanbaru (left); a room in a CWS shelter for minors, Jakarta (center); and accommodation for underage youth under the IOM and Department of Social Affairs, Medan (right) (photo credit: Henri Ismail 2016).

These changes in the regulations have also brought about a change in intentions among young independent refugees. Previously, independent refugee youth transiting in Indonesia considered the CWS's special programs to be reassuring; during the time of my research, however, many had started to prefer to wait for their refugee status inside an IDC and to secure financial support from the IOM. If they stayed inside an IDC, the IOM would provide them with assistance until they could be resettled in a third country. Young people who were underage who were in an IDC generally preferred to be transferred to a shelter for minors, as long as it was under the IOM, so that when they turned 18 they could be easily transferred to IOM community housing. This path would be different if they were initially transferred to a CWS shelter, because upon turning 18 the referral process from CWS shelters to IOM community housing had become increasingly difficult over the years. To prevent the possibility of refugees becoming homeless upon turning 18, underage independent refugees who were staying in an IDC would be referred to an IOM shelter for minors, while those who were still self-settled and without support could be accommodated in a CWS shelter (interview with CWS officer, July 15, 2016). Figure 12 below illustrates the different conditions of the accommodation for young refugees in Indonesia.

In conclusion, there was a considerable range of possibilities of assistance for refugees in Indonesia at the time of my research. For independent refugee youth, it is always better to be in a country where there are good possibilities to access assistance. Coupled with the hope that the refugee management process would be faster in Indonesia, the young people I spoke with were convinced that their wellbeing in transit, while waiting for resettlement, would be

more guaranteed in Indonesia than elsewhere. Independent youths from diverse countries of origin were usually informed by others within their community and/or by smugglers that organizations in Indonesia provide special protection for minors and for young women travelling alone. My informants' expectations were largely fulfilled upon their arrival in Indonesia, given that up to the time of writing, the mechanisms for special protection were still in place. It is likely that reports of the positive experiences of early arrivals attracted further new young refugees.

This section has furthermore illustrated that the ambiguous regulations in place in Indonesia regarding refugee management, which are reinforced by the Indonesian state's practice of non-recording, are seen as beneficial for independent refugee youth, as they offer more freedom of movement, both geographically and tactically. The ambiguous official regulations regarding refugee management are further reinforced by the state's outsourcing policy. Since the refugee status determination process and matters of financial assistance for refugees are mandated by the UNHCR and the IOM, young people only need to deal with officers from these organizations and do not need to face the Indonesian police or security officers. Given that the organizations' core focus is on "protection," young people expect to have "softer" negotiations with them (see also chapter 4).

Another practice of non-recording is evidenced by the fact that the DGI in Indonesia regularly receives reports from the UNHCR and the IOM about the number of refugees transiting in Indonesia, but this number has never been verified since the government does not conduct its own registration of refugees in the country. This practice benefits the refugee population, particularly self-settled refugees, since it provides the option to obtain an asylum seeker card from the UNHCR, without the need to report directly to the immigration office. This decreases their chances of being detained by immigration officers. Further discussion of the effects of the Indonesian state's non-recording practices will be elaborated below.

Non-Recording Practices of Local Bureaucrats

Having discussed the normative structures of the refugee management system in Indonesia that are important factors for

independent refugee youth in their reasoning to transit there, this section focuses on the impact of Indonesia's deliberate non-recording practice in terms of shaping the passivity of bureaucrats who deal with the refugee population in the field. The practice of non-recording, coupled with ambiguous national laws, also creates confusion regarding which ministry or government institutions are in fact responsible for refugee management. The confusion, however, is not necessarily harmful for refugees. In fact, this passivity leads to omissions that make treatment more flexible and enable different forms of social navigations; this will be discussed in detail in chapters 4 to 7.

Above I have talked about the implementation gap caused by the Indonesian state's practice of non-recording based on the self-interest of state agents in the context of malleable border security. This section discusses officers' practices of non-recording which are based on the national interests of the state (Kalir and van Schendel 2017, 2). The absence of a proper legal framework often pushes officers in the field to perpetuate the practice of non-recording. I offer a case study from Cisarua that illustrates how officers on the ground compromise in order to remain passive with regard to refugee management in the area.

During my fieldwork in Cisarua in 2016, I spoke with heads of villages of Cisarua, Tugu Utara, Citeko, Cibereum, Kopo, and Batulayang; and the head of *Kecamatan* (district) Cisarua about refugees staying in their area.[8] Of the more than 5,500 refugees who were self-settled in Indonesia in 2016, approximately 3,000 were estimated to be staying in Cisarua. Cisarua's *lurah* and his secretary told me that in 2012 he had led an initiative to register all of the self-settled refugees in the area. These refugees were required to bring their documents, such as a copy of their UNHCR card or a passport, to be recorded and stamped by a village officer. This initiative was based on the official regulation that village offices must record anyone who stays in the area for longer than 24 hours. The *lurah* also thought that registering the refugee population in his area would prove convenient if the data was asked after by the district officer or an immigration officer. He thought that it

[8] Cisarua is both the name of a *kecamatan* (district) as well as a *kelurahan* (village) in Bogor Regency, West Java (see https://kecamatancisarua.bogorkab.go.id/). The head of a *kecamatan* is called a *camat,* while the head of a *kelurahan* is called a *lurah.*

would be a good initiative, since he would have solid proof of how many refugees were renting houses and where. Furthermore, if there would be any problems implicating the refugee population, he thought such a registry would make it easier to search for the person in question.

To the *lurah*'s surprise, his initiative was not really appreciated, particularly following the unrest in 2012 when several religious organizations and far-right paramilitary groups led by the Front Pembela Islam (FPI, or Islamic Defenders Front) demanded the expulsion of the refugee population from Cisarua District.[9] District officials informed all village heads not to record or stamp the permits of refugees staying in their regions, as this could be misinterpreted as "legalizing" the refugee population in the area. In the midst of the confusion over their official mandate regarding what they should do with the local refugee community, local administrative officers tended to assume that refugees were under the immigration office's jurisdiction, and thus they should not interfere too much.

> I got a memo from *Pak Camat* that we should stop recording and stamping refugees' documentation here. After the expulsion [of refugees demanded by the FPI], the mayor of Bogor stated that Bogor Regency had zero migrants in 2013. Recording the refugees might be seen as counterproductive with the statement of Bogor mayor, which favors the removal of the refugee populations from the area. It is the domain of immigration, anyway. Control and eviction of refugees are not part of the village officers' mandate. We do not want to breach it [the mandate], so we stopped recording them (interview, lurah of Cisarua, June 12, 2016).

During my fieldwork, I noted that the landlords who housed independent refugee youth would usually hand in a copy of the

[9] In 2012, an angry mob led by the FPI demonstrated in front of the mayor of Bogor's office and presented a petition demanding that the national authorities move the refugee population from Bogor regency to alternative housing (Missbach 2015, 107). According to a local hotel owner, the raid, which claimed to have the support of local people, was actually a blackmail attempt by the FPI and its allies to gain financial benefits from the IOM and other international refugee organizations operating in Bogor regency at the time (interview, February 12, 2016).

young people's ID (generally their UNHCR refugee/asylum seeker card) to the *Ketua Rukun Tetangga* (head of the neighborhood association) in Cisarua. The documents were then collected in the village office, though they were not stamped.

At the local level, there was also confusion over the mandate between local apparatuses, the police, and immigration officers. Immigration officers' order to record and report the refugee population is mandated by the DGI (as outlined above), but there are no regulations for local apparatuses to record refugees in their area. The police and *Satpol PP* (local security guards) in Cisarua, for example, would report undocumented refugees to the immigration office, after which they would be detained. They would be released soon thereafter, however, because the Bogor immigration office had neither the space nor the budget to keep them behind bars. Since 2014, the police and local apparatuses only facilitated the Bogor immigration office when they conducted occasional raids and random documentation checks of self-settled refugees in Cisarua. The raids were usually held after the appointment of a new head of the Bogor immigration office or when the media had highlighted the issue of refugees working in the area.

Local officers' individual practices of non-recording are driven by the state's non-recording approach regarding the refugee population, which is clearly founded on the logic that "if they are not recorded then they do not exist," as a way to avoid the responsibility of managing the population, particularly of those who are self-settled. According to Kalir and van Schendel, the practice of non-recording is part of a conscious strategy to disown populations that the state categorizes and treats as undeserving, undesired, and unproductive (2017, 6). By not recording the local refugee population, district officers avoid the responsibilities that could come through their official recognition. In saying, furthermore, that they do not want "recording" to be misinterpreted as "legalizing," officers further disown refugees. If recording is seen as an important part of the state's practice of managing its population, then the deliberate practice of non-recording can be interpreted as the Indonesian state's negligence regarding its refugee population.

Officers on the ground often perceive dealing with refugees as an extra job, though without additional payment. In the "game" of

global asylum seeking, local officers are unwilling actors who do not really want to play a role. With ambiguity over the mandate, officers find no incentive to try to manage the refugee population. On the other hand, refugees are generally not perceived as a threat to the country, especially as the officers comprehend that they do not have the intention to stay. Without the need to personally register and report to the immigration office, for example, self-settled refugees do not need to undergo unpleasant official encounters that are potentially dictated by power imbalances and may lead to the possibility of detention. This condition contributes to the creation of a transit environment that paradoxically offers more freedom to refugees: the freedom of movement to go from one location to another, and the freedom to engage in certain activities. All of this adds to the attractiveness of Indonesia as a transit country.

RETHINKING INDONESIA: BALANCING STATE SOVEREIGNTY AND HUMANITY

Indonesia's commitment to handling refugee issues needs to be analyzed through a consideration of aspects beyond the treaties that have – and have not – been ratified. Indonesia's arbitrary attitude towards refugee protection, manifested in the policy of non-recording, is best understood not as a problem of capacity, but rather as an intentional aspect of state-making, the state's strategy to negotiate its sovereignty vis-à-vis the international migration regime, including Australia's attempts at hegemony in the region. Australia has tried to establish a strong position in relation to Indonesia, though this has arguably not been successful (Kneebone 2017). Evidence of this is the fact that Indonesia refuses to be a buffer zone for Australia. Scholars have also elaborated on how Australia in fact needs Indonesia more than Indonesia needs Australia (Prabaningtyas 2015; Douglas and Schloenhardt 2012; Kneebone 2017).

Indonesia has agreed to cooperate with Australia in terms of handling "illegal maritime arrivals" through several inter-governmental agreements, such as the 2002 Bali Process on People Smuggling, Trafficking in Persons and Related Transnational

Crime (Bali Process)[10] and the 2006 Lombok Treaty that specifically deals with regulations on defense, counterterrorism, intelligence, and maritime security. Although the general assumption is that Indonesia is financially dependent on Australian funding to manage its refugee population, this should not be prematurely translated into a gesture of submission on Indonesia's part. Rather, Indonesia's stance not to ratify the 1951 UN Refugee Convention, as well as its deliberate practice of non-recording, including the outsourcing of refugee management to the UNHCR and the IOM, should be understood as part of the state's strategy to maneuver or negotiate with external forces. Paradoxically, however, Indonesia's strategy not to be "submissive" to international pressure has in fact created a flexible and enabling transit setting for independent refugee youth.

Although the Indonesian government normatively maintains its sovereignty over migration issues, its commitment to a humanitarian approach to refugees is maintained for two reasons. First, despite its non-signatory status to the UN Refugee Convention, Indonesia continues to allow refugees, including independent youth, to remain in its territory while waiting for relocation, and does not expel or physically harm them. Here, Indonesia's commitment to protect human beings who are not Indonesian citizens is thus better than the record of Australia or other countries which push back maritime refugee arrivals. Furthermore, although in principle Indonesia only allows refugees to stay outside of IDCs if they are under the care of international aid organizations, the country still tolerates self-settled refugees who are not supported by any international organizations. Second, Indonesia does not exhibit an equal degree of obsession in controlling its borders for migrants, as compared to other transit and destination countries. The issue of border control in Indonesia is more than an issue of protecting territory. In this chapter, I have shown that refugees are not seen as a threat to Indonesian security, particularly because only very few have the intention to stay in Indonesia. The discourse on immigrants, including refugees, in Indonesia is very different from the discourse in Europe, America, and Australia. The representation of refugees in the media, particularly those who are Muslim and

[10] More information about the Bali Process can be read at https://www.baliprocess.net/.

thus share the same religion as the majority of Indonesian citizens, is generally empathetic, and the majority advocates a humanitarian approach.

With its policy of non-recording, it should therefore not be assumed that Indonesia provides more inhumane living conditions for refugees compared to countries that claim to actively record their refugee populations. Kalir and van Schendel show that many states "project an illusion of vigorous recording internationally while actually engaging in deliberate non-recording" (2017, 3). On the contrary, Indonesia has engaged in a strategy of "passive protection" of its refugee population, particularly independent refugee youth, by providing a safe and flexible setting in which to wait.

CONCLUSIONS

Reflecting on the reasons of independent refugee youth to transit in Indonesia, the accounts of my interviewees show that the conditions in Indonesia are seen as better than in other transit countries in the Global South and Global North. Travel to Indonesia is relatively cheap and the country is relatively easy to enter. Moreover, there are more opportunities to receive cash allowances compared to other transit countries in Southeast Asia; there is better access to protection for minors who travel alone; there are more flexible immigration officers and other state apparatuses that deal with the refugee population; and there is more freedom of movement inside Indonesia due to the state's deliberate practice of non-recording.

On the one hand, the practice of non-recording can be seen as a state's "conscious strategy for disowning certain populations" (Kalir and van Schendel 2017, 6). On the other hand, the practice is perceived positively by independent refugee youth as they gain some advantages from it. The lack of a proper national refugee framework, coupled with the outsourcing to international organizations of the task of dealing with the refugee application process, as well as providing accommodation and assorted assistance for refugees, have shaped more room for independent youth to maneuver. Due to Indonesia's outsourcing policy, for example, young people can expect a "softer" negotiation with officers from

international organizations that value humanitarian principles and the protection of human rights. Furthermore, without the need to personally report to and register at a state immigration office, self-settled youth do not need to undergo intimidating official encounters that could potentially lead to detention. Indonesia can even be characterized as being engaged in "passive protection," especially since the state allows refugees to remain in the country and makes no attempts to reject or expel them from its soil. Through its practice of non-recording, Indonesia successfully balances its sovereignty with its commitment to humanitarian principles.

The practice of non-recording also contributes to shaping Indonesia as a fluid social terrain, rather than a stagnant terrestrial one (Vigh 2010). This fluid and flexible social terrain offers an enabling space for independent refugee youth to exercise a certain degree of freedom of movement in their negotiations with the officers of various aid organizations (chapter 4), as they engage in diverse economic strategies (chapter 5), build social networks (chapter 6), and as they actualize their potential (chapter 7). In light of this, the decision to travel to and transit in Indonesia was the logical result of a careful comparison of conditions and chances in various transit countries. In other words, the phenomenon of Indonesia becoming a transit country cannot be understood in a vacuum, but should be seen as part of the dynamics of global migration in other parts of the world. This being said, transiting in Indonesia is evidently no longer just a short "pit stop" on the way to Australia, but rather a comfortable waiting spot in itself.