

Migration and Citizenship

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Organized Section on Migration and Citizenship

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Letter from the Co-Presidents

“A Great Transformation: Status without Rights?”

The world of migration and citizenship is in turmoil. Long-standing regimes, norms and commitments to the rights of refugees, internal migrants and immigrant minorities are eroding in response to popular sentiment and unprecedented levels of human movement. As of 2015, 62 million people were either refugees or had been internally displaced. Fear (both real and imagined) of “others” now dominates discussion of available options. The British exit from the European Union is a cautionary example.

Citizenship scholarship for a long time celebrated the expansion of rights to groups previously denied them – including ethnic and racial minorities, women, and the disabled. Scholars of migration and citizenship now point to a reversal or narrowing of rights, bringing into focus citizenship’s exclusionary potential and the power of unbridled capitalism and numbers of persons in need to coopt rights. Saskia Sassen’s recent work, for example, describes the mass expulsions and simple brutalities visited upon those most marginalized by the logic of capitalism and the politics of fear. And Margaret Somers points to the contractualization and marketization of rights amid the rise of neoliberalism. Citizenship rights are both contracting and fragmenting, disproportionately impacting those already at the bottom of a citizenship hierarchy.

In keeping with this year’s annual meeting theme of “Great Transformations,” we point to the ways in which the most vulnerable subjects of our scholarship are too often witnessing the diminution of their status and citizenship rights. While there are many immigrant



success stories and successful refugee resettlement programs, even in the face of current pressures, it is becoming clear that legal membership is no guarantee of basic human rights. Prospective refugees and asylum claimants must often navigate restricted employment opportunities in host states while awaiting formal status. A minimal level of survival is made even more difficult with restrictions on related social and political integration opportunities. Long-standing refugees in developing states (e.g. in Indonesia, Kenya, Morocco, Pakistan, Sudan, and South Africa, among others) often remain in poverty for decades. Life in poverty with no escape route belies the promise of refugee resettlement, which should involve support and protection by the host community.

These cases provide a cautionary note to the current refugee crisis in Europe. Keeping refugees in limbo, delaying adjudication, denying claims based on bureaucratic technicalities and restricting employment only impoverish refugee rights and create needless poverty. Long-term refugee populations are facing intergenerational poverty in many host and transit states, creating challenges to future integration.

Internal migrants often face a similar disconnect between their citizenship status and the rights they enjoy. In major urban cities of the global south (such as Beijing, New Delhi, Jakarta, and Rio de Janeiro, among others) citizenship becomes immaterial, an empty promise for the vast urban poor, destitute homeless, and slum residents. For the urban underclass in China, India, Indonesia and Brazil, the ability to engage in wholesome citizenship rights is severely restricted to bare minimal survival, even when citizenship status is unquestioned. A 'thin citizenship' is becoming the norm in these places. Entangled with issues of state capacity, the gulf between citizenship status and rights belies citizenship's inclusive claims.

In the global north, thin citizenship permits institutionalized discrimination towards ethnic/racial minorities. Failed municipal policies have led to ghettoization and impoverishment while election-induced anti-immigrant sentiment and rhetoric have brought into question the viability of multiculturalism. For immigrants, government's attempts to distinguish between those worthy of status and those who do not qualify further impoverishes and fragments rights. Specialized courts, deportation schemes, outsourced border controls and criminalized immigration laws isolate these residents. Implicit in debate about citizenship, legal status, and rights is the more complicated question of responsibility and/or obligation to those most marginalized.

As citizenship and migration scholars, we need to interrogate the meaning of citizenship. If refugees, immigrants and the urban poor alike experience impoverished rights, what does this imply for our political future? For the stability of states? For the future of rights? Rights consciousness is on the rise

among immigrants and other marginalized populations, as evidenced by hunger strikes, sit ins, protest candidates, and growing numbers of demonstrations. This is the hopeful side of the transformations occurring in an increasingly globalized, corporate-dominated world.

Expanding our analytical and geographical lens to consider cases from the global "south" in tandem with those emerging in the global "north" will generate innovative analysis and perhaps move the field toward more penetrating and richer insights into the great transformations that are occurring around us.

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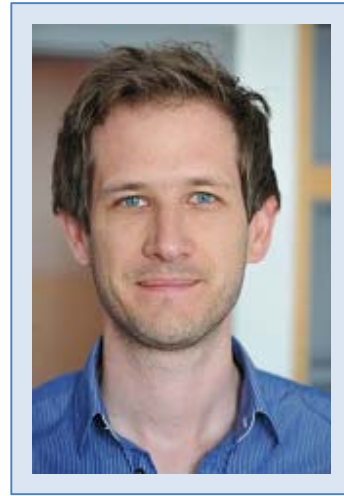
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Letter from the Editor

This issue of the Migration and Citizenship newsletter is dedicated to the one topic that has kept migration scholars probably most preoccupied over the last year, namely the increasing inflow of refugees in Europe. To what extent it is justified to speak of a crisis and what that crisis exactly would be is highly contested. In any case, one can certainly agree with Alexandra Filindra who wrote in the last issue of this newsletter that “the outcome of this multi-level crisis is likely to have even more lasting effects than the economic crisis of recent years and to reshape the Union in more ways than one.” (4(1): 33)

The various contributions in this issue pursue two goals: The symposium that was organized by Rebecca Hamlin allows us, first, to take a step back, to go beyond the current political debates and to ask the more fundamental questions of what a refugee is, why they migrate, how these refugee flows can be regulated and what this tells us about state sovereignty and citizenship. The different approaches in these essays and the various empirical examples allow us to put the current debates in a broader perspective.

Learning from other contexts and trying to see the bigger picture might help us solve the day-to-day problems European states and the European Union currently face. As the political debates over the last year have shown the proposed solutions range (as in many other cases) from building walls to prevent refugees from entering these states to flying refugees directly from their countries of origin to Europe. In June, the Berlin based Center for Political Beauty launched its controversial campaign with the morbid title “Eating refugees”. A makeshift arena was set up next to the main building of the Humboldt University with four



real live tigers to represent what was called the violence of the new Roman empire. The conceptual artists announced to feed real live volunteer refugees to the tigers if a paragraph in German law forbidding refugees from booking normal airline tickets to Europe was not annulled (for more information see here: <http://www.politicalbeauty.com/index.html>).

What the best political responses to these new challenges are is not only contested among politicians but also among academics. The second goal of the newsletter is therefore to also let academics debate about how the current problems could be solved. Georg Menz starts with a critique of what he calls “Europe’s odd migration policy choices”. Ruud Koopmans, Cathryn Costello and Kelly M. Greenhill respond to his arguments and provide their own views.

In further contributions Costica Dumbrava and Maarten P. Vink present their Maastricht Centre for Citizenship, Migration and Development (MACIMIDE). And Irene Bloemraad, Els de Graauw and Rebecca Hamlin provide some tips on how to build a productive mentoring relationship for migration

and citizenship scholars. As always, the news section features information on the latest book and journal publications, as well as member news. A very big thank to everybody who contributed to this issue, especially to Jakob Biernath for his assistance. I hope that many of you will come to the section's business meeting and the off-site reception at the annual conference in Philadelphia on Friday

September 2 at 6:30 (Franklin 1 room, Marriott).

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Symposium:

The Refugee in Political Science

Introduction

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The refugee has been a relatively neglected figure in Political Science, a surprising fact given the clear connections between refugee migration and concepts central to the study of politics, such as sovereignty, war, and citizenship. The fields of Refugee and Forced Migration Studies have also remained strikingly distinct from Migration Studies, which has slowly been integrated into Political Science. However, as this symposium will demonstrate, Political Science is embracing the study of refugees and forced migration more than ever before, with some exciting results. As our Migration & Citizenship section of the American Political Science Association continues to grow, the study of refugees is becoming a central part of our section's work.

This new level of scholarly attention comes at a critical time, as crises of displacement around the world grow in number and severity to levels not seen in at least a generation. While still dominated by International Relations, scholars from all Political Science sub-



fields are using their knowledge and skills to ask incredibly important questions, such as: What is a refugee? Why and under what circumstances do they migrate? When does this migration become a 'crisis'? How do we explain various state responses to arrivals? What role does international law and global governance play in managing large-scale displacement? Further, what can the study of refugees teach us about larger debates within Political

Science about the future of state sovereignty, the scope of international legal authority, and the meaning of citizenship?

To try to answer these questions, I reached out to scholars across subfields, at various stages of their careers, and who approach the topic from a variety of angles. I also included a Political Sociologist and a Legal Anthropologist to give a sense of the questions that scholars in adjacent disciplines are asking. What follows is a window into the wide array of excellent work addressing these topics.

Despite the diversity of the issues explored below, some common themes are striking. First is the difficulty with using coherent terminology to describe categories that are inherently unstable, overlapping, and politically fraught. Some authors use the term refugee to refer to anyone who has been displaced, acknowledging that receiving states may not recognize them as such. Others distinguish legal refugees (who meet the UN Convention definition) from sociological refugees (who may not qualify for protection). Some scholars illustrate the same distinction with the terms refugees and forced migrants. Many essays refer to the distinction between those who cross international borders and internally displaced people (IDPs). Some essays suggest that the distinction between refugee and migrant is a false binary, while others argue that the protection of refugees as the most vulnerable migrants relies on the perpetuation of a conceptually distinct type. Some essays even call into question the importance of the distinction between refugee and citizen, observing that they often share experiences of marginalization. As I see it, we need not resolve these debates as long as we are clear about what we mean by the terms we use, and as long as we are pre-

pared to explain why we categorize and define migrants the way we do in our scholarship.

The second theme across these essays is the difficulty of locating the practice of border control. Several contributors argue persuasively that border control can occur internally to the geographical borders of a state, and be applied to people seeking asylum as well as those already recognized as refugees. Conversely, some contributors focus on the ways in which border control has been externalized, often taking place in locations that are far removed from the geographical borders of a state.

Finally, these contributors remind us that when it comes to displacement, our scholarship disproportionately focuses on the policies of the United States, Canada, Australia, and Western Europe. As someone admittedly guilty of this, I greatly appreciate the essays that describe the major impact of refugee migration on the most disadvantaged parts of the world. Even within Europe, the least resourced countries are managing the largest numbers of asylum seekers. Moreover, the practice of externalization exacerbates this reality, keeping displaced people further from the attention of the advanced industrial democracies of the world.

The first two essays in this symposium engage directly with the question of motivation. **David FitzGerald** and **Rawan Arar** point out that our understanding of what propels refugee migration has been limited by the fact that the UN's definition of a refugee has particular drivers of migration built into it. They ask the larger question of what causes displacement, recognizing that many displaced people today may not officially qualify as legal refugees. When one steps back to examine this much larger group, FitzGerald and Arar insightfully remind

us that the motivations behind such migration are complex, multifaceted, and even subject to change over multiple stages of migration.

Seeking to unpack these exact types of motivations, **Jonathan Hiskey** shares results from exciting research that he and his colleagues have been conducting in the Northern Triangle of Central America. Using large-scale survey research instruments, Hiskey demonstrates that the biggest predictor of migration for people from this region is not economic hardship, which is fairly universal, but crime victimization, which affects some more than others. While legal experts disagree about whether being targeted by a gang makes one eligible for refugee status, Hiskey's findings suggest that the United States has been too quick to insist that Central Americans are economically motivated migrants as opposed to refugees.

The next two contributions wrestle with the puzzle that arises from states' increasingly forceful assertion of their right to turn asylum seekers away, combined with the endurance of an international protection regime. **Phil Orchard** argues that a constructivist approach helps to explain the situation. States pay lip service to refugee protection because of the importance of norms, yet they escalate techniques designed to contain potential refugees within their states or regions. Thus, he reveals that the numbers of IDP's have grown while official counts of worldwide refugees have stayed more stable. Because international protection for IDPs is limited, they are left vulnerable while norms, legal instruments, and global governance institutions struggle to keep pace with this change.

Thomas Gammeltoft-Hansen focuses on the rise of elaborate methods used by developed

states to keep potential refugees out. He discusses how the subfield of International Relations has responded to this reality, suggesting that liberal institutionalists and realists cannot adequately explain it. Further, critical legal studies' insights about the indeterminacy of law do not explain why states work so hard to claim they are still abiding by it. Explaining the puzzle of the international refugee regime requires elements of each school of thought, and thus can help develop our understanding of international law more generally.

The next set of essays focuses on the internal treatment of people seeking refuge. **Heath Cabot** reports from her long-term fieldwork in Greece, where she has been witness to the massive scale of asylum seeker arrivals and the many ways in which Greek state and society have responded. She places the intersectional figure of the refugee within the context of Greek austerity, reminding us that the distinction between vulnerable migrants and marginalized citizens can collapse in the face of neoliberal economic policies.

Lamis Abdelaaty studies the reception context in developing countries, which host the vast majority of the world's refugees. In order to truly understand the experience of refugees in the developing world, she argues, one must look not just at the laws on the books but the ways in which policies are implemented on the ground, and the degree to which rights are actually made available.

The last two essays provide an important caution to Political Scientists studying refugees. **Gregory White** reminds us that even though world leaders focus on refugees as security threats, scholars should have a more critical lens. While the phrase 'climate refugees' has become ubiquitous, White argues that when

leaders invoke it to generate public concern about climate change, the concept focuses discussions onto the potential security threat to advanced industrial states and encourages support for militarized border control. Meanwhile, the evidence suggests that most people displaced by climate change will remain within their states or regions. More importantly, he argues that this alarmist trope distracts policymakers from more productive strategizing.

Galya Ruffer reminds us that Refugee Studies and Forced Migration Studies have had fruitful and often intense debates about how to define our field of study. Political Scientists should learn from the critical approach of these spe-

cialty fields as we think about how best to approach the study of displacement. She argues that it is important to consider people seeking refuge as actors with some agency, rather than only as subjects of governance. Further, she suggests that a critical view of north/south relations and power dynamics should be central to the study of refugees. Finally, she concludes with the essential point that refugee 'crises' are often constructed and obscure much larger humanitarian concerns.

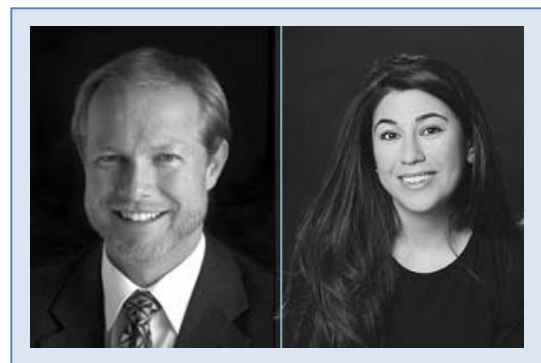
I hope you enjoy reading these essays as much as I did. I look forward to engaging with their ideas in my work, and to watching the Political Science study of refugees continue to expand.

What Drives Refugee Migration?

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What drives refugee migration? A relatively small body of political science research has attempted to answer this question using mostly quantitative methods. Types of conflict that are likely to generate refugee flows include nation-state building (Roucek 1939; Stoessinger 1956; Zolberg et al. 1989), wars with foreign interventions, generalized violence rather than institutionalized violations of human rights (Schmeidl 1997), and genocide and "politicide"—the elimination of politically-defined groups (Fein 1993; Schmeidl 1997; but see Neumayer 2005). Yet these findings risk circular reasoning because they are based on statistics collected by the UNHCR and national governments that use particular legal definitions of "refugee" to define those who are displaced. It is not surprising that genocide and politicide generate refugee flows when the definition of refugees used to calculate these statistics is people who flee "owing to a well-



founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion" (Article 1(2) of the 1951 Refugee Convention). It may be that people fleeing other kinds of violence outside the statutory definition are refugees in a sociological sense but not counted as such by the official sources on which researchers rely (Crisp 1999; Bakewell 1999; Betts 2013). It is difficult to escape

the *legal* construction of the refugee category when attempting to measure the determinants of the migration of *sociological* refugees, a broader category of people fleeing violence yet who may not be designated as refugees by a legal authority.

There is not a commonly accepted definition of just who would constitute a sociological refugee or even what the proper term should be to avoid confusion between categories based on law and categories based on social scientific analysis. The choice of terms has political as well as analytical implications. Some advocates and legal scholars promote a restricted definition of refugee that closely adheres to the classical UN statutory definition because they believe that in doing so they stand on firm discursive and legal terrain for maintaining existing protections. Others seek to widen the definition with the hope of protecting more people, such as internally displaced persons and those displaced by development or environmental disasters, yet in doing so they risk weakening the political support for existing protections (see Price 2009, Betts 2013). More broadly, the analytically difficult distinction between economic migrants and refugees serves an instrumental function. Essentially, the United Nations High Commissioner for Refugees relies on creating a moral imperative to solicit donations for refugees based on humanitarian as well as rights-based appeals that are defined against the economic motivations for generic migration.

We do not seek to fully address or resolve all aspects of the definitional debates here. Rather, for the purposes of this essay on the *empirical* drivers of refugee migration, we adopt a social scientific definition of refugee. We follow Zolberg and his colleagues, who define sociological refugees as those fleeing violence “according to criteria grounded in observable

social realities, independent of any determination by official bodies.” This step back from the legal category is necessary in the scholarly pursuit of comprehensively assessing experiences of violence-induced displacement. Defining refugees in sociological terms allows us to benefit from a dialogue with extant theories of international immigration to more fully explain how violence and other factors shape refugee movement.

Refugees and theories of international migration

The fact that the Refugee Convention defines refugees as persons who have already crossed an international border, often in the context of war, heightens the salience of foreign policy inputs and securitization. States essentially make refugees. By statutory definition, refugees would not exist without being able to cross an international border into another state’s territory (Haddad 2008). Legally defining refugees by their ability to cross state borders makes the topic inherently amenable to IR and other statist approaches. Pluralist and institutionalist theories of the state and the constructivist approach to international relations are particularly powerful for explaining how states of destination shape refugee flows and for investigating the often competing logics by which governments select refugees (Zucker and Zucker 1989; Gibney 2004; Betts 2011). World systems theory posits that interventions by core countries spawn migration in the opposite direction (Portes and Walton 1981). Many refugee flows are shaped by this dynamic in the United States and European metropolises (Day and White 2002; Castles 2003), though counterexamples abound (Vogler and Rotte 2000; Neumayer 2005).

States may accept sociological refugees as economic migrants without acknowledging legal refugee status. Various measures were passed

in Saudi Arabia, Kuwait, and the United Arab Emirates following the onset of the Syrian war in 2011 to facilitate the entry and residence of hundreds of thousands of Syrians without registering them as refugees (De Bel-Air 2015). There is evidence that rich, democratic countries of destination have sometimes used legal refugee resettlement as backdoor labor migration policies (Dirks 1977, Gibney 2004, Fitzgerald and Cook-Martín 2014), although some scholars reject these arguments (Charlton et al. 1988, Mitchell 1989, Suhrke and Klink 1987). Weiner (1992) reframes the cost/benefit analysis of refugee movement by placing political considerations over economic ones in his discussion of states' attention to security and stability.

While discussions in the public sphere dismiss unwanted refugees as “merely” economic migrants, empirical questions remain about the extent to which violence and economic conditions intersect in producing mobility. The handful of quantitative studies vary in their support of economic explanations for refugee flows. There is widespread acknowledgement that violence and dire economic conditions often feed on each other (Zolberg et al. 1989; Neumayer 2005). Moore and Shellman (2004, 2007) and Neumayer (2005) find that all else being equal, per capita income and/or GDP in the country of origin are negatively associated with refugee migration, though Schmeidl (1997), Davenport et al. (2003), and Melander and Öberg (2006) find that economic factors do not predict refugee migration. Refugees fit more awkwardly within the new economics of labor migration framework, in part because it is based on the idea that households allocate labor to different markets, including the one they currently occupy (Stark and Bloom 1985). In contexts of violence, the major risks to be managed are to life and limb more than the maximization of a household economic portfo-

lio. However, individual members of a household may be targeted for persecution, and not everyone who can leave always does, so the applicability of the new economics framework is ultimately an empirical question requiring more research (see Alvarado and Massey 2010).

Economic perspectives on refugee migration are most useful when distinguishing between two stages of mobility. In the first stage, violence drives the refugee to the most easily accessible safe space, which is usually a neighboring, often poor, country. Secondary movements in which the refugee has the opportunity to consider long-term solutions and options look more like migration for the purposes of work or family reunification (Zimmerman 2009; but see Day and White 2002). Thus, segmented labor market theory helps explain some secondary flows to rich countries, but not the initial departures. Efforts to maximize long-term safety, access to rights, and social benefits for oneself and family members may affect the timing of departure and specific destinations for asylum seekers. Family reunification policies may influence the decisions of asylum seekers and the routes of secondary movement. While wealthy receiving states have enacted policy measures to impede family reunification in an effort to deter asylum seekers, there is a dearth of systematic or conclusive evidence that such practices achieve their intended goal unless they use the most draconian methods. For example, in 2016, the Danish government tried to discourage new asylum seekers by applying new restrictions to family reunification that extended the wait time for reunification from one to three years. It is unknown if such policies are actually a deterrent. On the other hand, simply rejecting the possibility of asking for asylum, such as Australia's refusal to accept asylum applications for those who arrive by sea, has effective-

ly stopped maritime entries, albeit at the expense of Australia's compliance with its international treaty obligations (McAdam and Chong 2014).

Secondary refugee movements from the Global South to the Global North may also be shaped by the pull of citizenship acquisition. The promise of citizenship can translate into long-term stability, which may be especially enticing for refugees that are trapped in protracted situations lasting five or more years. Push factors like poverty, lack of employment opportunities, and host country efforts to discourage the local integration of refugees have been cited as promoting secondary refugee flows. However, each of these challenges can be attributed to the lack of membership status. Most of the world's refugees reside in countries that do not offer a pathway to citizenship. Following Arendt (1951), refugees may be searching beyond humanitarian relief for the chance to fully belong to a community.

Social networks channel migrants along particular routes and reduce the costs of movement (Boyd 1989). The refugee literature shows that a similar dynamic applies to people fleeing violence (Hein 1993; Koser 1997; Crisp 1999; Neumayer 2005; Williams 2006; Scalettaris 2007; Shellman and Stewart 2007), although refugees may avoid recourse to their social networks in contexts where doing so would render them or their families vulnerable to further violence (Arar 2015). Even when it comes to refugees in camps, social networks can influence which camp one may enter and whether it is possible to leave to settle in urban areas. For example, Sullivan and Tobin (2014) show how the *kafala* sponsorship system in Jordanian refugee camps allows a Jordanian citizen to "bail out" a Syrian refugee so he or she can live in the city.

The migration industry makes it possible for people moving for all manner of reasons to cross borders even if they do not have established social networks or legal permission (Gammeltoft-Hansen and Sørensen 2013). Gibney (2004) and Zimmerman (2009) highlight how the migration industry facilitates the movement of asylum seekers. The mass movement of asylum seekers to Europe in 2015 introduced new kinds of social network organized around solidarity as well as economic motivations. People on the move turned to Facebook, Twitter, Google Maps, and phone applications to find support and learn about the changing landscape of border crossings. In some of the more creative uses of technology, *Refugees Welcome* allows citizens from ten host states to house refugees in their homes, matching 608 refugees with hosts as of April 2016. With over 2000 members, *Techfugees* brings tech engineers and entrepreneurs together with NGOs to address the challenges of the refugee crisis.

While there are aspects of international migration theory, such as a culture of outmigration (Massey, Goldring, and Durand 1994), which may be less applicable to violence-induced mobility, scholars don't know the answer without asking the question and doing new research. The dialogue between refugee studies and theories of migration can be far more mutually productive.

Conclusion

Social scientific analyses of the drivers of refugee migrations are especially timely as European politicians and scholars research the over one million asylum seekers who arrived by sea in 2015. Through bilateral agreements and extra-territorialization measures, Western states are negotiating the exchange of migration concessions with buffer countries like Turkey (such as visa free movement for Turks)

in an effort to stymie secondary refugee flows through Turkey to Europe. In this way, labor emigration, labor immigration, and refugee displacement become inextricably linked—and the social scientific cannon that has developed around the experiences of economic migrants becomes useful for understanding the latest in a chronic series of refugee crises.

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Changing the Message

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In the spring and summer of 2014, U.S. border apprehensions of unaccompanied minors and family units arriving from the Northern Triangle countries of Guatemala, El Salvador and Honduras increased dramatically, leading to an enhanced effort on the part of the Department of Homeland Security (DHS) and its subsidiary agencies Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) to “send a message.” This message came in the form of the widespread detention of border arrivals, denial of bond (or inordinately high bonds), expedited removal procedures, and the launching of the “Dangers Awareness” media campaign throughout the Northern Triangle countries. In short, this shift in U.S. policy represented a resurgence of a longstanding U.S. policy of “prevention through deterrence” that dates back to the early 1990s (Rosenblum 2012: 1; see also Hamlin 2012) and is explicitly designed to persuade potential emigrants to stay home. As DHS Secretary Jeh Johnson emphatically stated in June 2014:

Our message to those who are . . . contemplating coming here illegally: We will send you back. . . . People in Central America should see and will see that if they make this journey and spend several thousand dollars to do that, we will send them back and they will have wasted their money (Jeh Johnson, Secretary of Homeland Security, June 27, 2014).

Through analysis of data collected by Vanderbilt University’s Latin American Public Opinion Project (LAPOP),¹ my colleagues² and I are

¹ The Latin American Public Opinion Project (LAPOP) of Vanderbilt University is directed by Prof. Elizabeth Zechmeister, and receives support from the United States Agency for International



engaged in ongoing research that seeks to disentangle the myriad factors that shape the emigration decision calculus among individuals living in high violence contexts such as the Northern Triangle region. Through reliance on survey data of *potential migrants*, we are able to provide a complementary approach to extant qualitative research on the determinants of the recent wave of Central American migrants.³

Development, the United Nations Development Program, and the Inter-American Development Bank. For over three decades, LAPOP has conducted interviews to gauge political attitudes and behaviors throughout the Latin American region. Information concerning sampling, as well as reports using the LAPOP data is available at <http://www.vanderbilt.edu/lapop/>.

² Dr. Abby Córdova, Assistant Professor at the University of Kentucky, Dr. Mary Malone, Associate Professor at the University of New Hampshire, and Dr. Diana Orcés, Assistant Professor at Oakland University.

³ See, for example, Elizabeth Kennedy’s outstanding report (2014) on child migrants from Central America entitled *No Childhood Here: Why Central American Children Are Fleeing Their Homes*.

We also evaluate the extent to which the U.S. deterrence message works on those Central Americans most directly affected by the recent wave of crime and violence in the region. Using data collected by LAPOP across twelve Honduran municipalities in the summer of 2014, we assess Hondurans' views on the U.S. immigration context in an effort to gauge whether they had received the message the U.S. was sending during the height of the border crisis. Below, I offer an overview of this research and conclude with a discussion of the implications of our findings for U.S. border enforcement policy.

Sending a Message

The U.S. policy response to what President Obama referred to as an “urgent humanitarian situation” (Obama 2014) seems to have been driven, at least publicly, by the widely held and seemingly unquestioned belief among U.S. policymakers that the border crisis was a product of the widespread misunderstanding of U.S. immigration policy among Central Americans. As a consequence, detention without possibility of bond, an expedited removal process, and the CBP’s “Dangers Awareness” public relations campaign in Central America became critical tools to not only solve the 2014 influx of migrants, but also deter future waves of migrants. Once potential emigrants realized that migrating to the U.S. was not easy, and would likely result in deportation rather than receipt of a permiso, they would no longer attempt the journey in the first place.

As of July 2015, the strategy seemed to have paid dividends, as the CBP reported a reduction in unaccompanied minor and family unit apprehensions of over 50 percent between October 1 2014 and July 31 of 2015 compared to the same time period in the previous year (CBP 2015). However, some border crossing zones (particularly the Big Bend and Yuma

sectors) reported sharp increases in apprehension rates during this period, suggesting that migrants and traffickers may have simply adjusted their tactics to try to elude U.S. border agents.⁴

Further, by December of 2015, apprehension rates were again outpacing those of previous years, calling into question the degree to which the “send a message” policy was having its intended deterrence effect. In an apparent attempt to re-send the message, DHS launched a series of household raids in January of 2016, explicitly targeting those women and children who had arrived at the border in the spring and summer of 2014 and who, according to DHS, had “exhausted appropriate legal remedies” (DHS 2016). Although still early, this messaging tactic also appears to have had a limited deterrence effect, as the number of border apprehensions in March of 2016 exceeded those of March 2015.⁵

Finally, the enhanced role of the Mexican government in preventing Central Americans from reaching the U.S. border has also played a significant role in U.S. apprehension numbers. In the summer of 2014, the Mexican government announced implementation of the *Plan Frontera Sur*, a redoubling of efforts to detain and deport Central American migrants apprehended in Mexico. By 2015, apprehensions in Mexico had increased 80 from the previous year, to a point where Mexico had surpassed the U.S. in terms of the number of Central Americans it was detaining and deporting (2015). With all of these factors in mind, then, it is unclear how effective the U.S. “send a message” policy has

⁴ For data on unaccompanied minor apprehensions, see the U.S. Customs and Border Patrol statistics, available at:

<http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>.

⁵ See footnote 1 for source of apprehension data.

been in terms of dissuading Central Americans from risking their lives to have a chance at gaining entry into the U.S.

Evaluating the Premise of the Message

Despite the anecdotal testimony of ICE and CBP agents in support of “detention as deterrence,” (Rosenblum 2012) we have very few systematic, empirical evaluations of the underlying assumption that an increased focus on detention and expedited removal in the U.S. will deter potential migrants, particularly those fleeing violence. Indeed, it seems Central Americans are still trying to leave, with Mexican enforcement efforts simply shifting the geographical location of this humanitarian crisis from the southwestern U.S.-Mexico border to the southeastern border of Mexico and Guatemala.

In an effort to empirically assess at least some elements of the “send a message” strategy, we analyze the *emigration intentions* of survey respondents in Central America, providing us some indication of the relative weight that violence has compared to awareness of the U.S. immigration climate. From this research, we have strong evidence that “knowing the facts”⁶ about the U.S. immigration climate has very little deterrence effect on whether or not individuals consider emigration as a viable life strategy. Rather, the most decisive factor for residents of El Salvador and Honduras is, unsurprisingly, crime victimization.

On what basis do we make these claims? LAPOP surveys from the Guatemala, El Salvador, and Honduras include several items that allow us to accomplish three empirical tasks: (1) Identify those respondents most directly

affected by crime in the previous year; (2) evaluate the relative impact of crime on one’s emigration intentions and (3) assess the degree to which respondents’ awareness of the U.S. immigration climate, circa August 2014, affected their emigration plans. In the following sections, I discuss our preliminary findings for each of these tasks.

Crime Victimization in the Northern Triangle

For the first, the *AmericasBarometer* survey asked respondents if they had been victimized by crime in the previous twelve months. Those who answered yes to this item were then asked how many times they had been victimized and the type of crime that occurred. We categorize respondents into those who reported no incidents of crime victimization, those who reported one such incident, and those victimized more than once in the previous twelve months. It is this latter group of respondents that we view as least likely to be dissuaded by a message of deterrence from the US.

Additional items in the *AmericasBarometer* survey help fill out the picture of what those individuals who had suffered multiple incidents of crime were confronting in their daily lives in the spring and summer of 2014. In Honduras, for example, close to ten percent of survey respondents were classified as multiple crime victims in 2014. 8.6 percent suffered one such incident, and 82.1 percent were fortunate enough not to be a direct victim of crime. When asked if there had been a murder in the neighborhood within the previous year, 48.6 percent of those respondents in the multiple victimization category responded “Yes”, compared to 24.6 percent of respondents in the non-victim category. In El Salvador, of the nearly 10 percent of respondents who were

⁶ The name of the Custom and Border Patrol’s 2015 public relations campaign launched throughout the Northern Triangle countries was “Know the Facts.”

victimized multiple times, nearly half reported knowledge of incidents of extortion or blackmail in their neighborhood, while “only” 18.2 percent in the non-victim category had heard of such incidents.

These are but two examples of the severity of the situation confronted by some individuals in the Northern Triangle countries. This fairly simple, and intuitive, approach will help push forward our understanding of who, and how many, Central Americans may have at least some legitimate basis for an asylum claim. This is an important first step in offering systematic, large-N support for what to date have largely been qualitative accounts of the role crime and violence are playing in the lives of citizens of the Northern Triangle countries.

Crime Victimization and the Emigration Decision

The next question we can then tackle with these data is the degree to which crime victimization plays a role in the emigration decision. In a recently published report (Hiskey et al. 2016), we find strong and robust support for the idea that those most likely to emigrate from Honduras and El Salvador in 2014 were driven far more by their experiences with crime and violence than they were by economic motivations. In Honduras, an individual who has been victimized multiple times by crime is nearly twice as likely to report emigration intentions than her counterpart who has not been victimized in the previous year. Just as importantly, the standard predictors of economic migrants, such as age, gender, and the household economic situation, do not offer any significant help in identifying those Hondurans considering emigration. Only receipt of remittances rivals our multiple crime victimization category in helping identify who among the survey respondents reported intentions to

emigrate. The picture painted by our findings is similar in El Salvador but not in Guatemala, where those considering emigration appear similar to standard economic migrants, with crime victimization not emerging as a significant predictor of emigration intentions.

When taken together, these findings suggest that U.S. immigration policy needs to recognize Central American migration flows as decidedly mixed in terms of the various push factors at work. We are certainly not the first ones to make this point, but our survey data analysis of Central Americans still residing in their countries of birth reinforces the conclusions others have drawn using different methodologies. Indeed, our conclusion that migrants from Honduras and El Salvador are likely not economic migrants, while those from Guatemala are, is precisely the conclusion reached by the Department of Homeland Security in its own analysis of the migration determinants of unaccompanied minors from the Northern Triangle countries, finding that “many Guatemalan children . . . are probably seeking economic opportunities in the U.S. [while] Salvadoran and Honduran children . . . come from extremely violent regions *where they probably perceive the risk of traveling alone to the U.S. preferable to remaining at home*” (as quoted in Gonzalez-Barerra et al. 2014; italics added). This recognition that Honduran and Salvadoran migrants, and particularly women and children, are not economic migrants is a critical first step in changing the message. Whether any further steps will be taken, however, remains in doubt.

Message Received . . . and Ignored

Finally, we explored whether Central Americans were misinformed about the U.S. immigration climate in the summer of 2014, and if so, whether that influenced their emigration

calculations. We included four questions on a LAPOP survey carried out in August of 2014 across twelve municipalities in Honduras. The items were as follows:

1. Taking into account what you have heard about undocumented migration, do you think crossing the U.S. border is easier, more difficult, or the same as it was 12 months ago?
2. Taking into account what you have heard about undocumented migration, do you think crossing the U.S. border is safer, less safe, or the same as it was 12 months ago?
3. Now, keeping in mind what you have heard about Central American migrants in the United States, do you think [they] are being treated better, the same, or worse than 12 months ago?
4. Do you think that deportations in the United States have increased, stayed the same, or decreased in comparison to 12 months ago?

If the U.S. campaign to “send a message” worked, we should find most respondents in agreement with the view that immigrating to the U.S. in August of 2014 was much more difficult than it was in 2013. And in fact, this is precisely what we find. Over 85 percent of respondents thought crossing the border was more difficult, 84 percent thought it was less safe, 79 percent felt that deportations had increased, and 65 percent thought that migrants were treated worse in the U.S. Clearly then, these results suggest that Hondurans, if not all citizens of Northern Triangle countries, were getting the message being sent by the U.S.

Did these perceptions of the U.S. immigration context affect the emigration decision? Does the U.S. “regime of deterrence” (Hamlin 2012: 52) work? The short answer is “No.” In none of

our multivariate regression models did any of these U.S. immigration context items emerge as significant predictors of emigration intentions among Hondurans. Throughout all of our analyses and different model specifications, the final message was always the same—perceptions of future risks entailed in the journey to the U.S. do not matter, while being victimized multiple times by crime matters a lot. It seems that those Central Americans most entangled in the region’s spiral of violence would rather leave the devil they know, and take their chances with the devil described in the U.S. “send a message” campaign.

Conclusion

Crime and violence currently are the most powerful determinants of emigration from Honduras and El Salvador. If U.S. policymakers recognize this fact, perhaps they will begin to view the thousands of unaccompanied minors and family units that will arrive at the border in the summer of 2016 as likely refugees with legitimate asylum claims, rather than “illegal immigrants” who simply need to be sent back. The dogged insistence of U.S. officials to stay on message, and treat all those arriving from Central America as illegal immigrants rather than potential asylum-seekers, ignores the clear humanitarian crisis occurring in the Northern Triangle, and the role it is playing in the current migration flows from that region.

As Hamlin (2012: 52) has pointed out, “Central Americans have long been viewed as illegal immigrants by the U.S. For these groups, the regime of deterrence is not new; it is the only regime that has ever been in place.” Perhaps, with the growing body of research that highlights the role of violence in current Central American migration flows, along with continuing pressure from the U.S. courts on this most recent version of a “regime of deterrence,” we

may see some progress in efforts to change the message.

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The Tensions in Protecting Forced Migrants

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We seem to be in a period when international cooperation around refugee protection and broader forced migration issues is breaking down. We've seen a significant increase in the number of forced migrants globally, with UNHCR estimating at the end of 2014 that there were 19.5 million refugees and 38.2 million internally displaced persons (IDPs).¹ The Syrian conflict has been a significant driver of this increase, with half the country now displaced as 4.1 million refugees and over 6.6 million IDPs.² At the same time, the recent EU-Turkey deal appears to be violating fundamental norms around refugee protection, particularly with accusations that Turkey has been deliberately refouling refugees, and cannot ensure full protections for refugees under international law.³

But these tensions reveal an ongoing set of problems in the modern international refugee regime which is based around the Refugee Convention and Protocol and the role of UNHCR. While the EU-Turkey deal may appear to be the most egregious recent example, we can see similar violations of international law routinely occurring. Australia has been sending all



boat arrivals to two detention facilities in Papua New Guinea and Nauru since 2013, with Immigration Minister Peter Dutton noting that “We are not going to allow people to settle in our country who seek to come here by boat” irrespective of whether they are determined to be refugees.⁴ And yet Australia, like other states, does not seek to leave the refugee regime. In fact, its detention policies cost AU\$400,000 per year per asylum seeker and the government continues to resettle 13,750 refugees a year, while also being one of the top ten funders of UNHCR.⁵

¹ This includes 14.4 million refugees under UNHCR's mandate, and 5.1 million Palestinian refugees under the mandate of the United Nations Relief Works Agency (UNRWA). See UNHCR, 'Global Trends: Forced Displacement in 2014', p. 2.

² The Internal Displacement Monitoring Centre (IDMC), 'Syria IDP Figures Analysis', December 2015, <http://www.internal-displacement.org/middle-east-and-north-africa/syria/figures-analysis>.

³ See Amnesty International, “Turkey: Illegal Mass Returns of Syrian Refugees Expose Fatal Flaws in EU-Turkey Deal”, 1 Apr 2016, <https://www.amnesty.org/en/press-releases/2016/04/turkey-illegal-mass-returns-of-syrian-refugees-expose-fatal-flaws-in-eu-turkey-deal/>

⁴ See Kate Aubusson, “Peter Dutton rules out sending Manus Island detainees to Christmas Island” *The Sydney Morning Herald*, 28 Apr 2016, <http://www.smh.com.au/federal-politics/political-news/peter-dutton-rules-out-sending-manus-island-detainees-to-christmas-island-20160428-gohobh.html#ixzz47BntCdiQ>.

⁵ On the \$400,000 figure, see Oliver Laughland, “Immigration Detention Centre Services Should be Reduced, Audit Report Says” *The Guardian*, 1 May 2014, <http://www.theguardian.com/world/2014/may/01/immigration-detention-centre-services-should-be-reduced-audit-report>. Figures on Australia's Humanitarian Programme are available at: <https://www.border.gov.au/about/corporate/information/fact-sheets/60refugee>.

Refugee Protection as a Puzzle

Seeking to examine and explain this perplexing mix of behaviours has been the focus of much of my research, and what I discuss here draws on my 2014 book, *A Right to Flee: Refugees, States, and the Construction of International Cooperation*. There is a confusing pattern of continuity and change associated with refugee protection as an issue area. For example, if we step back from the Syrian crisis and look at the early 2000s, we can see a similar ambivalence in the statements of policy makers. No government has yet adopted the strategy advocated by former British Conservative Leader Michael Howard in the 2004 election that if elected, “we will pull out of the 1951 Refugee Convention, as is our right... Its authors could not have imagined that it would come to be exploited by tens of thousands of people every year” (Howard 2004). But President George W. Bush that same year argued that the United States will “turn back any refugee that attempts to reach our shore” (Bush 2004).

Statements like this echo Matthew Gibney’s (2004: 229) conclusion that “if the provision of protection for refugees is its central goal, then the system of asylum offered by Western states is currently in deep crisis.” Governments across the North acknowledge their commitment to asylum and the regime in rhetoric, while at the same time prioritizing national interests such as immigration and border control over humanitarian interests. This has led a number of commentators to suggest that the international refugee regime has, since the end of the Cold War, been either in crisis or unravelling (see Loescher 1994; Keely 2001; Roberts 1998). But the puzzle here is this: if states are so concerned over the issue of refugees, why have none of them actually followed Michael Howard’s view and left the Refugee Convention?

We can make another historical comparison as well, looking at the contemporary period and the period following the Second World War. While forced migration figures have risen considerably (as shown in Figure below), they do not come close to the flows following the Second World War. In 1945, there were 65 million refugees and displaced persons in Europe alone. Further, in the next five years—up to the point that the Refugee Convention was negotiated and UNHCR founded—new flows in the millions were generated by the partition of India, the creation of Israel, and the Korean War. By 1950, refugees were fleeing across the Iron Curtain into West Germany at a rate of 15,000 per month, a continuous refugee flow with little prospect of ending. Facing that crisis, states still agreed to build the regime that governs international cooperation today, albeit with some modifications.

A Constructivist Explanation

In order to explain these patterns of continuity and change, I anchor myself within an international relations constructivist approach. Constructivist theorizing has brought the study of ideas and social structures back into international relations scholarship. In particular, constructivists focus on the role of international norms, defined as shared understandings of appropriate behaviour for actors with a given identity which isolates a single strand of behaviour (Jepperson et al. 1996: 52; Finnemore and Sikkink 1998: 891). While I consider norms to be critical, in my work I view them as working together within a regime. Regimes create webs of meaning by linking together individual norms (Neufeld 1993: 43; Hasenclever et al. 1997: 165). Since a regime bundles together what might otherwise be disparate norms, it provides a clear sense of the scope of the international behaviour and

how states within international society *should* deal with the problem.

How do norms work within the area of refugee protection? Perhaps not surprisingly, there are relatively few prescriptive norms—those that require a *positive* duty or action on part of states (Glanville 2006: 154-6). The main positive duty that states have accepted in the refugee regime is the requirement to offer asylum to refugees who are within a state's territory or at its borders; in other words they reflect a direct responsibility to refugees who have reached the state's territory. A broader diffuse responsibility also exists towards refugees as a whole, frequently defined both by states providing funds to UNHCR and by resettling refugees from countries of initial asylum. But because this is not a positive duty, there exists a gulf between bare observance of the international norms which constitute the international refugee regime at any one time, and states accepting that they have an active obligation to provide protection to all refugees globally and acting on that obligation. This gulf, as Weiner (1996: 171) has noted, is brought about by a moral contradiction "between the notion that emigration is widely regarded as a matter of human rights... while immigration is regarded as a matter of national sovereignty."

A Brief History of Refugee Protection

The idea of refugee protection as a concept took centuries to develop (Orchard 2016). Following the First World War, the League of Nations created the first international organization, the "High Commissioner on Behalf of the League in Connection with the Problem of Russian Refugees in Europe" (its title was later shortened). The first High Commissioner, Fridthof Nansen, was able to introduce an Arrangement system which provided first Russian and then other refugees groups with an

international legal identity they could use to move between countries. But this system was ad hoc and each Arrangement needed the approval of the League. While a binding Refugee Convention was negotiated in 1933, it applied only to groups of refugees already recognized by the League and only sixteen states would ultimately become a party to the treaty or adhere to it (Beck 1999). The 1938 Convention on Refugees Coming from Germany was signed by only seven countries and did not come into force before the war (Skran 1995: 137).

Thus, when the decision was made by states to create the 1951 Refugee Convention, this was a significant break with past practice. It provided the first clear definition at the international level of who a refugee was, though it was initially both geographically and temporally limited.⁶ In addition, the United Nations continued the pattern set by the League of establishing international organizations to provide refugees with protection and assistance, first through the International Refugee Organization and then, from 1950 onwards, through UNHCR. States, in other words, demonstrated a clear collective responsibility to provide refugees with protection and assistance. And UNHCR effectively demonstrated that it could deal with new refugee flows, first from the Communist world and then, from the 1960s onwards, the developing world as well (Loescher 2001).

⁶ The Convention originally established that refugee status was limited to individuals displaced by events prior to 1 January 1951 and states could decide whether to apply this definition only to Europe, or to Europe and elsewhere. These latter limitations were removed by the 1967 Refugee Protocol.

The Challenges of the Contemporary Period

Unfortunately, the significant growth in refugee numbers globally which began in the 1980s undermined this normative consensus (see Figure 1⁷). In particular, states began to limit their obligations towards refugees through extraterritorial measures, like those mentioned above, and through the so-called containment agenda, designed to contain most refugees in their regions and even countries of origin in order to avoid incurring direct responsibilities towards them (Betts 2009: 12; Crisp 2003). Thus, Helton (2002: 65-66)

intervention to address the proximate causes of displacement in the states of origin of would-be refugees.”

These limited opportunities for asylum in the developed world are one of the reasons that while refugee numbers were relatively constant until the Arab Spring, the number of internally displaced persons (IDPs) has grown continuously since the mid-1990s. This is not to entirely blame the containment agenda—the growth of IDP numbers is also linked to the increased number of civil wars as a proportion of conflicts and to deliberate displacement

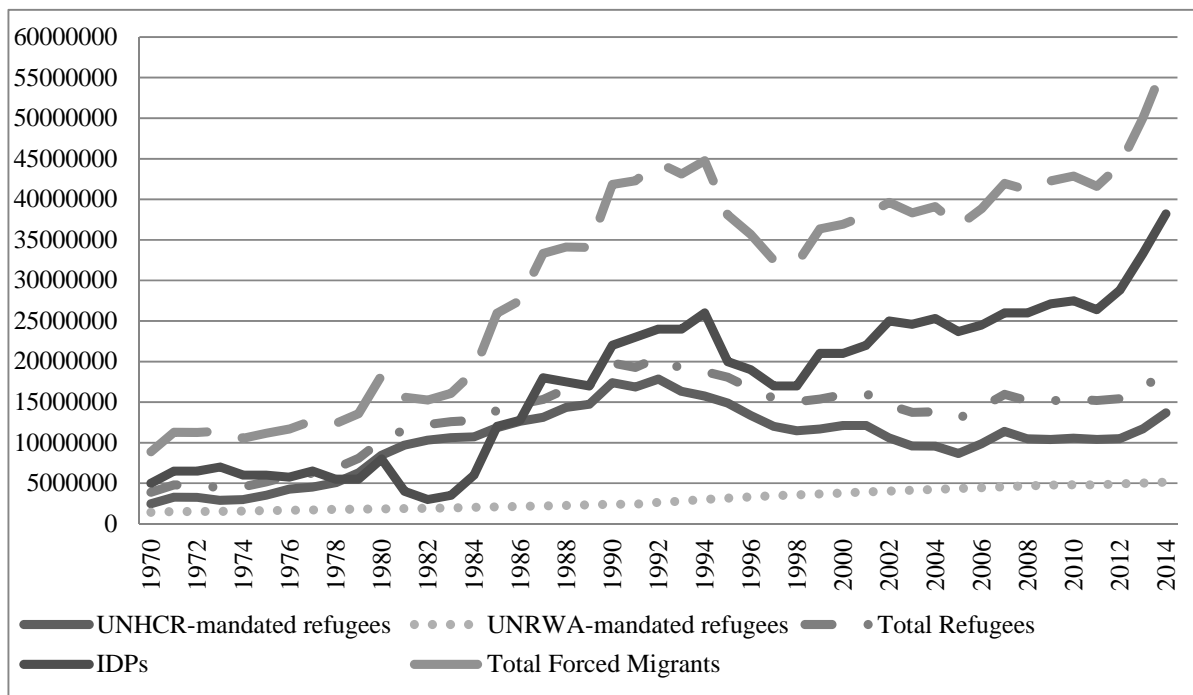


Figure 1: Total Forced Migrants, 1970-2014

warned the international response to the refugee problem has evolved from one “of providing asylum in Western countries to containment of movement and humanitarian

strategies undertaken by some states (Orchard 2010a). And we are seeing positive work to create a global IDP protection regime based around the soft-law Guiding Principles on Internal Displacement, which have been widely accepted and institutionalized at the international and regional as well as at the state level, where a number of states have sought to im-

⁷ Adapted from Orchard (2014:204). UNRWA refers to the UN Relief Works Agency for Palestinian Refugees, which has a separate legal mandate to protect and assist refugees from Palestine.

plement domestic policies or legislation to protect their own internally displaced populations in line with the principles (Orchard 2010b, 2014). And, in an important shift, the Principles have been brought into regional hard law through the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (or the Kampala Convention), though the Convention's implementation is lagging (Abebe 2010: 42, Orchard Forthcoming).

Yet providing IDPs with protection and assistance is a significant and costly undertaking. To give only one example, in Darfur, Sudan, 13 years after the outbreak of conflict 2.5 million IDPs remain in camps and receive international assistance and protection (through the UN Assistance Mission in Darfur) at an annual cost of almost USD 2 billion. What do these shifting patterns mean? First, I would argue that international developments since the end of the Cold War have transformed the international refugee regime. While the post-war norms, embodied in the 1951 Refugee Convention and in UNHCR continue to have resonance, layered over top of them have been extraterritorial controls designed to prevent would-be refugees from accessing the asylum system. Second, this has not only had the direct effect of limiting refugee access, but also the indirect effect of significantly increasing the numbers of IDPs. This has over the past twenty years necessitated a new form of response, anchored in the Guiding Principles on Internal Displacement and a global IDP protection regime. But as these international structures and solutions proliferate, increasingly we are also facing questions of regime complexity (Alter and Meunier 2009)—how do these regimes interact, and how should UNHCR, for example, respond when its effective (if not legal) mandate is divided between refugees and IDPs? These

are the questions that are now driving my research because, as Syria has shown, we are entering a new age of displacement.

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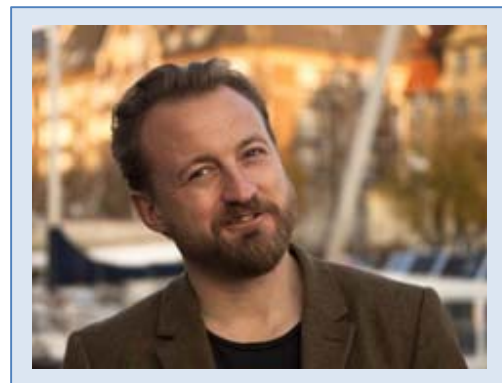
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Does International Refugee Law Still Matter?

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Most international lawyers like to think that their particular branch of law exerts a certain, undeniable influence on state behaviour. And while international human rights law has traditionally been derided by some as abstract and wishful legal thinking, stronger oversight and judiciary mechanisms have arguably made many states more actively concerned with their core human rights commitments.

The current refugee protection crisis, however, appears to have prompted several states to blatantly disrespect even the most basic norms of international refugee law. In some countries, such as Turkey, Lebanon, or Greece, violations may partly be explained by the understandable shortcomings in capacity by those countries, which continue to face large arrival numbers and very limited international solidarity. Yet, even less affected and wealthier countries have by and large responded to the Syrian refugee crisis by introducing a host of draconian mechanisms, ranging from elabo-



rate migration control to measures making life harder for arriving refugees, including mandatory detention policies and denying access to family reunification.

The current surge in asylum applications have further led several states to start questioning the continued viability of the current refugee regime and accused the 1951 UN Convention Relating to the Status of Refugees of being outdated and placing too cumbersome burdens

upon receiving states. Both the Australian and the Danish prime ministers have openly suggested that the Convention ought to be renegotiated.

While in principle all states remain free to simply withdraw from a treaty, should they decide it no longer serves its interests, neither these nor any other states have yet done so in regard to the Refugee Convention. A range of factors may help explain this fact, both domestic and international. From an analytical perspective, not only is the argument that the Refugee Convention has become redundant dubious—one would be hard-pressed to find a human rights instrument as sensitive to states' security and sovereignty concerns—the Refugee Convention also serves as an important tool to ensure that states in the developing world remain engaged in refugee protection. Today, more than 80 percent of the world's refugees currently reside in a developing country. It is difficult to imagine that any of the world's top refugee hosting countries would not want a new legal instrument to address this gross disparity in terms of global burden-sharing. In other words, although developed states are increasingly concerned about the commitment that international refugee law is placing upon them, receding from or renegotiating the current legal framework is hardly in these states' best interest.

This dilemma has given rise to the *deterrence paradigm* as a particularly worrisome instantiation of the global refugee protection regime. While the developed world continues to formally endorse the current regime, they have shied away from no means to block refugees from reaching their territory or gaining access to their asylum systems. Over the last decades, a panoply of measures have been taken to extend controls to every step of prospective ref-

ugees' journey, often enlisting the help of both private companies and authorities in origin and transit countries. While such deterrence policies are nothing new—states have sought to curb the number of spontaneously arriving asylum-seekers since the 1980s—these policies have developed substantially over time, and today involve increasingly elaborate arrangements with third countries to shift or avoid legal liability.

The consequent 'externalisation,' 'privatisation' and 'internationalisation' of migration control has inspired a significant amount of scholarship across the social sciences. Similarly, there has been no shortage of legal scholarship devoted to addressing the complicated and often unclear issues of state responsibility in these situations, including by myself. The challenges to refugee protection, however, also constitutes a critical case for examining the continued impact, or lack thereof, of international refugee law upon national and transnational refugee policy. A perspective that in turn may help us unpack larger questions about the role of international law in international relations more generally.

What role for international law in international relations?

Most intuitively, the rise of deterrence policies would seem to challenge the predominant progressive or liberal view of international refugee law as a continuously developing project paving the way for increased international governance and a gradual willingness of states to submit to international institutions and judiciaries. Within International Relations theory this position resonates in particular with the work of liberal institutionalists, perceiving international law as a common good to order and constrain state power, or those within the constructivist camp who view international

law as a crucial source of legitimacy and argue that states gradually internalize international norms to condition their behaviour.

Even if one should not overlook the substantial advances in refugee and human rights law over the last decades, it is difficult to square a liberal theory of international law with the deliberate attempts of virtually all developed states to adopt deterrence policies specifically designed to avoid or circumvent legal responsibility. More generally, it is evident that positive developments in international refugee law have often been accompanied by political resistance towards both norm application and the authority of international institutions in interpreting international refugee law. A number of states have even been seen to revert from otherwise accepted standards, returning instead to more 'black-letter' readings of their international commitments.

At the other end of the spectrum, deterrence policies might be seen to support those among realist IR scholars who argue that international law only matters to the extent that it constitutes a 'self-enforcing equilibrium' where states have clear interests in participating. What we currently see is thus a return to politics, and disagreement about normative content and lack of hierarchy thus means that more powerful states ultimately remain free to "ignore norms, try to change them, or pick and choose among them" (Krasner 2004: 26).

What most realist scholars overlook in the present context, however, is that moves to shift migration control to e.g. third countries or private contractors to avoid incurring correlate legal obligations *inter alia* presume that such norms do actually, under ordinary circumstances, affect state action. Even if deterrence policies are specifically aimed towards

eclipsing legal responsibility, as practices they implicitly affirm that legal norms continue to structure policy. Similarly, realist theory has a hard time explaining why governments make great efforts to present deterrence policies as being in conformity with international refugee law, even if the argumentation underpinning these claims is often spurious and sometimes evidently incorrect.

Many deterrence schemes are moreover costly. The recently concluded EU-Turkey refugee deal set back the Union USD 6.8 billion. In 2009, Italy similarly pledged USD 5 billion in exchange for Libya's cooperation in carrying out interception and accepting returned migrants and refugees. If governments felt they could simply disrespect international refugee law 'at home', then there would be little need to engage in cumbersome and costly schemes to shift governance of refugees elsewhere.

A third attempt to theorize the relationship between international law and politics has come from scholars associated with the critical legal studies movement. A fundamental premise within this group of otherwise widely different scholars is a belief in the inherent, or at least relative, indeterminacy of international law. In areas of political and legal contestation this approach favours instrumentalism, allowing states to justify and validate just about any policy in legal terms. At the same time, international law remains the quintessential venue for dealing with political antagonisms in a legitimate form, thereby accounting for its continued growth and subsistence.

According to this view, the continued, nominal reference to international refugee law as part of deterrence and rejection practices is thus not surprising. Treaty language, moreover, is inherently open-ended, and much of the cur-

rent debate on the scope of the 1951 Refugee Convention would no doubt have been avoided had the drafters somehow been able to foresee that states would one day move outside their territory to do exactly what is prohibited inside it (Henkin 1993).

At the same time, however, deterrence policies seem to challenge any claim of radical norm indeterminacy for the same reasons that realist accounts must be rejected: the very resort to 'exceptionalism' and creative policy measures suggests that at least under some circumstances international refugee law sets certain boundaries that these very states accept as being beyond dispute. In other words, if international law casts a relatively wide net, where the particularities of certain cases or political practices may fall somewhere in the gaps, the overall framework remains in place and there is thus a limit, determined by both language and context, to how far legal interpretation can be bent.

Secondly, the history of deterrence shows that refugee law is far from always a plaything of governments. While critical scholars may accept a space for resistance to political agendas by judiciaries, scholars and NGOs, the open-ended character of legal interpretation makes lasting interpretative advances difficult. This challenge is particularly acute in international refugee law, which has neither the dedicated international judiciary or a UN supervisory committee afforded to many other human rights instruments. Yet, contrary to expectations, important and far-reaching developments have nonetheless taken place in regard to legal interpretation, ensuring a dynamic and overall expansive development. Many of the first and second generation deterrence policies have, even if sometimes very belatedly, been successfully challenged in domestic and re-

gional courts, forcing states to abandon or substantially adjust their policies.

Towards a more holistic understanding

While none of the above positions would thus appear to provide a sufficient understanding of the present case, insights may nonetheless be drawn from each towards a deeper and more nuanced understanding of the interplay between international law and politics in this area. Even if the progressive assumption of liberal theory to improve human rights is not realized, states implementing deterrence policies, for whatever reasons, do consider certain norms and interpretations of international refugee law as setting clear barriers for their actions. In line with realist theory it may conversely be acknowledged that where normative commitments are no longer aligned with political interests, liberal states are likely to pursue more self-interested policies to limit material obligations to the extent that this is perceived to be consistent with basic principles of refugee law. It is this tension that leads states to introduce deterrence policies that work at the fringes or in the interstices of international law. Within this more limited context, states may be seen to exploit interpretative uncertainties, reverting to soft law standards, or establishing novel categories and concepts on the basis of domestic or other parts of international law—much in line with the legal processes described by critical legal studies.

What emerges is hence a picture of international refugee law as simultaneously constraining and producing particular kinds of politics; that international law matters, albeit not always the way it was intended to. When developed states attempt to circumvent the strictures imposed by the 1951 Refugee Convention, it is legal interpretation and sover-

eighty norms that are instrumentalized in the process. States both react to developing interpretation of international law, as well as employing argumentative structures that draw directly on international norms in order to be exempted from legal responsibility in their increasingly globalized projections of power. These practices are thus not simply a sign of eroding respect for international law, nor international law's inherent fungibility. On the contrary, they could be seen as a reaction to the impositions made by international law and institutions in the first place. And importantly, international law does not remain static in the process.

The politics of deterrence furthermore exemplify that states may apply a degree of 'creative legal thinking' when designing their policies; develop novel forms of migration control, exploiting interpretative uncertainties, reverting on soft law standards, or establishing novel categories and concepts on the basis of domestic or other parts of international law. Within international law, progressive developments in the form of soft law, adjudication and treaty codification is often assumed to remedy this problem by further clarifying interpretation. As international law has developed, however, this may equally work in reverse. The multiplication of legal regimes, overlapping jurisdictions, and diffusion of authority also provides for more conflicts. This in turn opens up an increased room for political manoeuvring in relation to international human rights law,

where governments are able to apply a pick-and-choose approach across different legal regimes, standards and adjudicatory venues.

The way that governments appear to respond to the duties imposed by international human rights law in this area may perhaps best be likened to how self-interested citizens and corporations react to tax laws. The obligation itself, that taxes are due, is seldom denied. Yet, rather than paying up, resourceful individuals and companies are more likely to seek creative ways to find the loop holes and possibilities within the legal framework to minimise obligations. Just like individuals or corporations that carefully relocate income to offshore bank accounts in order to circumvent national tax laws, governments are thus themselves increasingly engaging in 'offshore' and 'outsourcing' strategies in order to distance the exercise of power from the state itself and their obligations under international law.

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The European Refugee Crisis and the Crisis of Citizenship in Greece

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Refugees and citizens

In this essay, I argue that the increasing ne-liberalization and austeritization of Europe are crucial aspects of the European refugee response. While, from a policy perspective, austerity has been framed largely in terms of its effects on *citizens* and the welfare state, my research highlights the close relationship between the rights afforded to refugees (grounded on alienage) and those granted to citizens. In both scholarly and popular discourse, refugees are often treated as exceptional to the framework of citizenship. In Europe today, however, the predicaments of citizens and refugees alike share a conceptual panorama. The steady dismantling of citizens' rights on Europe's borders, alongside the crisis with regard to the reception of refugees, attests to the increasing precaritization of the terrain of rights as they apply to *both* citizens and refugees in Europe.

Scholarship in political philosophy has often framed the refugee as the antithesis, or mirror image, of the citizen: the *other* who, in being cast out of the polis, reinforces the insides of the body politic. The refugee has thus been characterized as a legal "freak" (Arendt 1976 [1951]) whose aberrant qualities highlight the inextricable link between national belonging and human rights, the "bare life" (Agamben 1998) that exposes the troubled grounds of citizenship. Anthropological scholarship has explored the peculiar position of refugees and asylum seekers as "matter out of place" (Douglas 1966): antithetical to, and yet constitutive of, what Malkki calls "the national order of things" (Malkki 1995, 1995). Symbolically and ideologically, then, refugees have often called attention to stark lines of inclusion and



exclusion on which citizenship is based in a world organized according to nation states.

Since 2005, I have been conducting long-term ethnographic research on asylum and social support infrastructures in Greece. Following other qualitative migration scholarship (Coutin 2000, 2005; Coutin and Yngvesson 2006; Coutin 2007; Cohen 1991; Ngai 2004; Menjívar and Coutin 2014; Mountz et al. 2002), my research highlights the complex and fluid ways in which refugees and asylum seekers move across the boundaries of formal legal recognition, showing the border between citizen and alien to be much more flexible than it might first appear. On the one hand, refugees (and others occupying the position of "aliens" within a national territory), often live "substantively" *as* citizens (Basch et al. 1994; Glick Schiller and Fouron 2001), irrespective of their formal legal status: participating actively in social networks and political actions, and identifying in many ways with the "host" country. On the other hand, those with the formal trappings of citizenship also navigate their own experiences of alienage and otherness, whether in terms of gender, race, class, sexual orien-

tation, or other forms of marginalization and frameworks of in/ex-clusion.

In 2005, Greece emerged as the primary entry-point into Europe for persons fleeing Iraq and Afghanistan. At that time, Greece was at a high-point politico-economically: enjoying the initial burst of growth following accession to the Euro and deregulation (Placas 2009), as well as the infrastructural improvements following the Olympic Games. Over the next few years, Greece, with its land and sea borders (in the Evros region in the North, and in the Aegean, respectively), became an increasingly fraught doorstep of Europe (Cabot 2014). In 2009, Evros emerged as the most trafficked external EU border. Through this spike in asylum and labor-related migration, a country often framed as unproblematically homogeneous, where the *ethnos* or nation was seen to have “triumphed” long ago (Just 1989), increasingly reckoned, en masse, with the presence of persons marked as “other.” These encounters with alterity served both to buoy up and throw into question existing notions of Greekness. Still, the assumed boundary demarcating Greek citizens, those inside the body politic, remained strikingly robust in relation to those marked as “foreigners” (*xenoi*).

Austerity and the crisis of citizenship

With the rise of austerity in Europe and the harsh, top-down austerity packages imposed after the Greek debt crisis (framed as “trimming the fat” of the public sector), the extant Greek welfare state has been increasingly dismantled. Mass unemployment (26%), pension cuts (of 30-50%), the increasing privatization of the public sector, material shortages in pharmaceuticals and medical technologies—these are just a few of the trends that characterize austeritization in Greece. Austerity has thus drastically impinged upon citizens’ rights,

throwing the meaning of citizenship itself into crisis. Access to stable employment, healthcare, retirement, and education— all long accepted as crucial to the configuration of Greek (and European) citizenship—is now increasingly precarious.

As the Greek debt crisis has continued to unfold, it has overlapped with the refugee crisis of 2015-16. Greece has become the key entry-point for those seeking protection in Europe, placing extraordinary pressures on state, NGO, and community-based infrastructures which have sought to respond to the needs of new arrivals. With the recent EU/Turkey deal (in March 2016) to deport those deemed “irregular migrants” to Turkey, formally recognizing Turkey as a “safe third country,” Greece promises to become the last territorial holding cell on Europe’s borders, as routes of internal European migration have been shut down, along with the “Balkan route” between Greece and contiguous European territory.

The austerity-racked Greek state, unable to provide adequate services even for its own citizens, is hamstrung with regard to receiving, caring for, and “managing” refugees. As such, international organizations and NGOs have stepped in (as they so often do), and perhaps even more strikingly, widespread, highly organized, grassroots movements based on the principle of “solidarity” have emerged, offering support to both citizens and non-citizens. Solidarity networks provide services where other formal infrastructures of support have failed, particularly in the arenas of housing, food, and medical care. The ways in which “regular people” increasingly fill in for a state ravaged by austerity attests to the overlapping predicaments, and the difficulty of accessing livable lives, faced by both citizens and non-citizens on Europe’s borders.

Solidarity on Europe's margins

The notion of "Fortress Europe" presents an image of the EU as a smooth, homogeneous territory, with a common enemy outside, eliding the differentials in power, sovereignty, and capacity that structure the European Union both in regimes of migration management and finance. A view from the margins of Europe, however, makes such power differentials, and the constitutive inclusions and exclusions within Europe itself, impossible to ignore. The longstanding marginality of Greece has come to the fore in European responses to the debt crisis, and now the refugee crisis, through critiques not just of Greek leadership but of Greeks themselves and Greek "culture." Serious discussions regarding a "Grexit" (whether from the Euro-zone or Schengen Area) link Greece's symbolic marginality to concrete geopolitical and financial precariousness.

Anthropologists have long studied the segmentary logics of belonging: the ways in which relations between those deemed insiders or "kin," versus those marked as strangers, shift according to varying scales on which threats to in-group cohesion are identified. While refugees have been marked as others *outside* the body politic of Europe (though now territorially "inside"), there are also those who have long been marginalized even within the European imaginary. Greece, in particular, has occupied a peculiarly unstable position within Europe. Michael Herzfeld (1987, 2002) has shown that, on the one hand, Greece has often been framed as a font of European civilization for the symbolic role of antiquity in the West. On the other hand, through an internal European Orientalism, Greece has been marked as backward, disorganized—a problem child of Europe, contaminated by the cultural and political influences of the East.

Greece, however, has acquired a new image during the current refugee crisis thanks to the remarkable grassroots responses of the Greek populace, as residents have mobilized to provide care for new arrivals and establish solidarity with refugees. These responses have made headlines internationally, even garnering a couple of Nobel Peace Prize nominations, for how Europe's poorest country has been "the most welcoming to refugees." The overwhelming "hospitality" of much of the Greek populace has been particularly impressive not just owing to the recent increase of neo-Nazism in Greece, but also thanks to the increasingly dominant xenophobia articulated in other countries on Europe's margins (Hungary and Poland, in particular).

What many do not know about the solidarity movement in Greece is that these grassroots networks have, since 2011, provided services to both citizens and non-citizens who have fallen victim to the debt crisis and austerity. These existing networks formed a crucial organizational and ideological backbone on which solidarity with refugees has been enacted in 2015-16. Solidarity (*allileggii*) in Greek refers to the act of being close or near to "the other," however that other is conceived. Solidarity initiatives have included *pantopoleia* (or groceries), soup kitchens, anti-middlemen markets (Rakopoulos 2014, 2015), and clinics and pharmacies (Cabot 2016). Since January 2015, I have carried out research on the meaning and of practice solidarity in Greece under austerity, focusing on solidarity clinics and pharmacies in Athens. This research thus builds on my earlier work on the role of the NGO sector in Greece in providing service provision and legal aid to asylum seekers and refugees. Yet whereas my earlier project focused on the distribution of rights and services to those marked explicitly as "aliens," my current

research considers how diverse groups of people (citizens and non-citizens) become both beneficiaries of, and participants in, solidarity networks.

Solidarity initiatives, while extremely diverse, by and large seek to provide often urgently needed services through lateral and horizontally organized modes of resource redistribution. As such, they attempt to transform shared modes of precariousness and need into new forms of community, creating frameworks of shared participation and belonging that might transcend differences in class, race, gender, as well as country of origin. Of course, the way in which solidarity is ideologically conceived and imagined may differ strikingly from how it unfolds in practice (and indeed, for all of solidarity's strengths, many forms of power asymmetry and exclusion also permeate solidarity work). What I want to emphasize here, however, is how a social and political movement practicing novel forms of resource distribution, with accompanying visions of political community, has increasingly taken on the work of the welfare state in providing crucial services to both citizens and refugees.

Solidarity in Greece has emerged concurrently as a way to respond to fellow citizens in need as well as to the needs of refugees. Yet, despite the impressive scale and organizational level of solidarity networks, we must not forget—as "solidarians" themselves often lament—that solidarity itself is a direct product of austerity. Solidarity work is done, in large part, because those institutions formally responsible for providing rights and services have either failed to show up (in the case of institutions of European governance) or have actively been dismantled (in the case of the Greek state).

Thus, in approaching the refugee crisis, and Europe's perplexing response to it, it is crucial to hold in the same field of vision the predicaments of both citizens and refugees on the margins. The failure of the state of rights, which we see increasingly in Europe, and the increasing capitulation to neoliberal austerity policies, have formed the ground for modes of both inclusion *and* exclusion through which citizens and non-citizens are able (or not) to access and realize livable livelihood.

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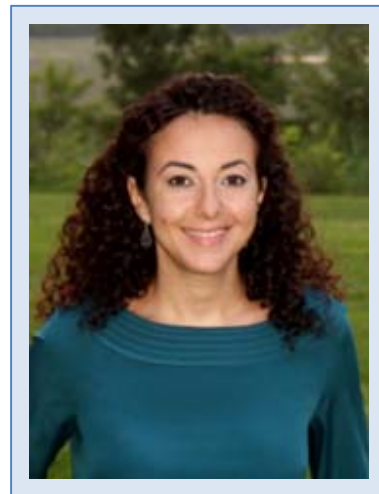
Explaining State Responses to Refugees

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Nearly five million Syrians, over half of them children, have fled to neighboring countries. Za'atari refugee camp is Jordan's fourth largest city. In Lebanon, one in five people is a Syrian refugee.¹ Elsewhere, Nigerians have crossed Nigerian and Cameroonian borders by the tens of thousands. And across the globe, thousands of people are struggling to escape deadly violence in Central America.

Depending on how other states respond, these refugees may be allowed to escape persecution and violence in their country, or they may be forced back. They may be permitted to live where they wish, earn an income, pursue an education, and access medical treatment. Or they may be confined to a camp, forced to rely on aid, and denied basic services.

¹ For the purposes of this essay, a "refugee" is an individual who has fled persecution or large-scale violence.



Not only are the lives of millions of refugees around the world in the balance, but state responses to refugees have consequences for international security as well. Refugee protection can be thought of as an international public good that increases security for all states, as Suhrke (1998) argues. The reception given to refugees can shape whether a conflict spills over borders, how long a war will grind on, and

what kind of society can emerge from the violence.

What explains state responses to the refugees they receive? With some notable exceptions, this question remains understudied in political science. For instance, much of the work on refugees and international relations has concentrated on conflict as a cause or a consequence of refugee movements (e.g., Salehyan and Gleditsch 2006; Weiner 1996; Zolberg et al. 1989). Most of the literature on border control and identity politics has focused specifically on labor migration (e.g., Fitzgerald 1996; Freeman 1995; Hollifield 1992; Joppke 2005; Tichenor 2002). Indeed, the conceptual separation between voluntary and forced migration might be partly responsible for these trends in the literature.

In this essay, I discuss three sets of considerations for research that (like my own) seeks to understand how states respond to refugees. More studies of developing countries, where the vast majority of the world's refugees reside, are needed. Examining the treatment of individuals after they are accepted or rejected enriches existing research findings on border control and asylum applications. And comparing policies-on-the-ground with laws-on-the-books can reveal considerable nuance that is both informative and consequential.

Paying More Attention to Developing Countries

Most research on asylum policy has focused on Western countries (e.g., Hamlin 2014; Loescher and Scanlan 1986; Miller et al. 2015). But some 86 percent of refugees reside in developing countries, and 42 percent of refugees live in countries with a GDP per capita below USD 5,000. Turkey had the world's largest refugee population in 2014, and Lebanon ranked first in number of refugees hosted per capita (UNHCR

2015). Some developing countries have experienced successive refugee movements from multiple crises. And some have been hosting long-standing refugee populations for years or even decades.

Fixated on the events in Europe today, many observers overlook conditions in the countries neighboring Syria. The UN Refugee Agency (UNHCR) estimates that only around 10 percent of Syrian refugees have headed to European countries. The vast majority of Syrian refugees remain in Turkey, Lebanon, Jordan, Iraq, and Egypt. Not only are these countries more resource-constrained, but they were already hosting sizeable refugee populations prior to the Syrian crisis.

My research emphasizes asylum policies in developing countries, specifically Egypt, Turkey, and Kenya. Egypt is broadly representative of most refugee recipients: it is a developing country that has signed on to the Refugee Convention and hosts a relatively small number of refugees per capita. Turkey is more of an outlier: one of only a handful of countries that retains a geographic limitation to the Refugee Convention (in effect, recognizing only Europeans as refugees), it has experienced several mass influxes and boasts one of the largest refugee resettlement programs in the world. And Kenya is often considered an important case: it hosts one of the largest refugee populations in the world, it is home to the largest refugee camp in the world, and it is the site of a grave protracted refugee situation.

There is significant variation across developing countries that host refugees. For instance, Egypt, Turkey, and Kenya vary on their adoption of domestic legislation, their use of refugee camps, and their relations with UNHCR. They also vary on domestic conditions that might be expected to affect asylum policies, like regime

type, intrastate violence, economic conditions, and public attitudes. But they share some of the same refugee groups: Sudanese and Somali refugees live in Egypt and Kenya, and Iraqi and Syrian refugees have gone to Egypt and Turkey. My case selection allows for the comparison of policies towards refugee groups across countries, i.e., holding the refugee group “constant.”

Recent studies (e.g., Klotz 2013; Margheritis 2015; Sadiq 2009) have demonstrated the value of examining migration and citizenship in developing countries, but more research on refugee politics in these contexts is needed. The vast majority of the world’s refugees reside in these countries, under far different conditions than those that characterize asylum in, say, the United States. Additional research can shed light on whether similar determinants and mechanisms shape responses to refugees by developing and developed countries.

Charting the Treatment of Refugees

Research on refugees has often been more interested in their admission at the border than on their treatment within a country’s territory. For instance, quantitative studies have sought to explain variation in the ratio of asylum applications accepted (e.g., Holzer et al. 2000; Neumayer 2005; Salehyan and Rosenblum 2008). The question of whether borders are open or closed, or whether individuals are granted refugee status, is certainly crucial.

But examining the treatment of individuals, whether their asylum applications are accepted or not, is also important for several reasons. First, under the international human rights regime, as well as treaties relating specifically to refugees, displaced individuals are entitled to a set of basic rights in the country that receives them. The 1951 Refugee Convention lists minimum standards of treatment relating to non-discrimination, access to courts, access to em-

ployment, access to social services, freedom of movement, and so on.

Second, treatment by host countries determines whether refugees remain there or attempt to move on. Indeed, the sharp increase in sea arrivals to Europe in 2015 is tied to conditions in neighboring countries, where humanitarian aid is stretched thin and refugees are not permitted to earn a living.

And third, the treatment of refugees can have long-term consequences. The screening of asylum-seekers can prevent armed elements from residing in the host country or infiltrating refugee communities. If host countries restrict refugees to camps or segregated settlements, the possibility of radicalization or infiltration seems compounded. Moreover, when host countries engage in early and coerced mass returns of refugees, this can undermine peace-building efforts in the country of origin by straining fragile institutions or even sparking conflict anew. In contrast, where host countries allow refugees access to social services and employment, refugees may be able to acquire transferable skills or generate remittances that can contribute to state-building and post-conflict reconstruction in their country of origin.

For these reasons, my research understands asylum policy to encompass more than just the decision to grant entry to asylum-seekers. Countries select the sorts of rights (restrictions) that are granted (imposed) on refugees. Are refugees permitted to move around freely? Are they allowed to work? Are they able to send their children to school? How are repatriation or integration handled? Here, I draw on UNHCR’s Global Strategic Priorities to assess the gap between international standards and a given country’s law and practices.

Whether displaced individuals are able to cross borders is critical, but it is not the whole story. For instance, Milner (2009) argues that there is a tradeoff between the quality and quantity of asylum: countries in the global North admit few refugees and treat them well, while those in the global South admit many refugees and treat them poorly. Research on the treatment of refugees can illuminate what happens to them after they have crossed borders.

Studying Policies as well as Laws

Several studies have sought to construct measures of asylum legislation, regulations, and directives (e.g., Gest et al. 2014; Hatton 2009; Thielemann 2004). But sometimes *de jure* laws on the books differ from the *de facto* practices implemented on the ground. This distinction certainly matters for the daily lives of refugees. For instance, their decisions to remain or move on are likely to be shaped by *de facto* experiences rather than *de jure* protections. And the distinction matters if scholars want to explain patterns of state compliance or non-compliance with their commitments under international refugee and human rights law.

For instance, Egypt does not have any domestic refugee legislation. As a result, the conventional wisdom about Egypt's asylum policy is that there is, in fact, no policy. One expert I interviewed wondered: "Does Egypt have or care to have a refugee policy?" He doubted there was an underlying pattern to the government's responses to refugees, suggesting that the "government may not think about refugees very much ... it couldn't care less." Another researcher described the country's asylum policy as "inconsistent" and "ad-hoc." However, examining *de facto* practices by state actors demonstrates that there are clear patterns in Egypt's responses to different refugee groups.

In Kenya, it was only with the adoption of the Refugee Act in 2006 that the country enacted a national legal framework governing asylum-seekers and refugees. Amongst other things, the 2006 Refugee Act set up a new refugee status determination (RSD) process. Now, a new Commissioner of Refugee Affairs had *de jure* responsibility for processing asylum applications. But up until 2014, UNHCR continued to undertake *de facto* status determination and issue certificates to refugees. Looking at the law alone neglects the important role that UNHCR plays in Kenya.

And Turkey has been selective in its application of the 1934 Law on Settlement (No. 2510), which permits the immigration of refugees who are of "Turkish descent and culture." It has been applied to Turkish-speakers from the Balkans, Caucasus, and Central Asia, but its provisions have also been extended to communities not usually considered to be ethnic Turks. By far the largest group to benefit from state-sponsored immigration were the 310,000 Bulgarian Turks who escaped Zhivkov's assimilation campaign in the summer of 1989. But when over 20,000 Bosnian Muslims fled to Turkey starting in March and April 1992, the 1934 Settlement Law was not applied. Thus, a single national law may be applied unevenly for different refugee groups.

To be sure, *de jure* laws play an important role in shaping asylum outcomes. It is also worthwhile to examine the circumstances surrounding their enactment. However, the adoption of laws is seldom the end of the story. As the examples above demonstrate, even the total absence of national legislation need not mean an absence of *de facto* policy. And even when national legislation on refugees exists, it may not be fully implemented. Seemingly general, national-level laws may vary in their application over time and by refugee group. It is not rare

for a state to ratify the Refugee Convention but restrict its coverage to certain groups by refusing to designate others as asylum-seekers or refugees. In-depth studies (e.g., Vigneswaran et al. 2010) are particularly well suited to reveal gaps between the law and its implementation.

Conclusions

The Syrian crisis has brought refugee issues to the fore for policymakers and academics alike. Political scientists are especially well poised to increase our understanding of how states respond to refugees and why. I have argued that this research agenda needs more studies of developing countries, more attention to the treatment of refugees, and nuanced comparison of *de jure* laws with *de facto* practices.

These questions matter for millions of refugees around the world and are especially relevant for concerned policymakers and advocacy organizations. They also enrich the study of political science by supplementing our knowledge on a host of political issues like border enforcement, national security, voting behavior, and so on.

The mass displacement of Syrians is particularly concerning due to its scale and the ineffectual policy responses it has engendered. But this is not the first, or even the only ongoing, refugee crisis. Refugee issues have long been part of international politics, and there is every indication that these trends will continue.

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The Specter of Climate Refugees: Why Invoking Refugees as a Reason to "Take Climate Change Seriously" is Troubling

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The argument is often made that climate change needs to be taken seriously because it will trigger "climate refugees" that will threaten international borders. This is now a common refrain in a wide array of arguments about climate change—not only from "dark green" environmentalists or mainstream climate scientists, but also from national security officials.

For example, in a speech delivered in Alaska in September 2015, US President Barack Obama pointed to the melting Arctic as a matter of national security for the United States and highlighted that climate refugees and migration are a particular threat.

There's not going to be a nation on this Earth that's not impacted negatively [by climate change]. People will suffer. Economies will suffer. Entire nations will find themselves under severe, severe problems. More drought; more floods; rising sea levels; greater migration; more refugees; more scarcity; more conflict.

Obama added, in apocalyptic tones, an explicit reference to cross-border refugees:

...[I]f we do nothing to keep the glaciers from melting faster, and oceans from rising faster, and forests from burning faster, and storms from growing stronger, we will condemn our children to a planet beyond their capacity to repair: Submerged countries. Abandoned cities. Fields no longer growing. Indigenous peoples who can't carry out traditions that stretch back millennia. Entire industries of people who can't practice their livelihoods. Desperate refugees seeking the sanctuary of nations not their own. Political disruptions that could trigger multiple conflicts around the globe (Obama, September 1, 2015).

Such invocations can obviously appeal to fearful electorates anxious about national security as it pertains to immigrants and refugees. Not only is there close media coverage of Europe's 2015-2016 refugee crisis and the proposal to build a wall on the Mexican border, but the public is also exposed to popular movies and novels that have the dystopic trope of hordes of refugees assaulting borders. Movies such as *Children of Men* (2006), *Elysium* (2013), and *Snowpiercer* (2014) feature scenes of desper-

ate refugees straining security barriers. As Drezner (2014) suggests, one might even consider *World War Z* (2013) and its depictions of border assault by implacable zombies as an example of this public imaginary. Young adult literature such as *The Hunger Games* franchise or literature by celebrated novelists Margaret Atwood and Barbara Kingsolver have also used displaced peoples in their imaginings of the future.

This essay argues, first, that viewing climate change as a threat multiplier that will produce “climate refugees” is problematic because it unduly accentuates migrants and refugees as an ostensible security threat. Second, it asserts that the evidence of large numbers of people moving toward borders in the past (and in the future) because of environmental change remains empirically questionable. Third and finally, it claims that such discourse distracts attention from more fruitful policy responses. There is no doubt that climate change is a very real phenomenon and a deep menace to the ecosystems in which humans and other species exist. Solving its challenges have been and will be hard enough. Nevertheless, injecting refugee and migration politics into the debate unproductively furthers an agenda focused on militarized border security.

Evolution of the Discourse

In the early 1990s, scholars and policymakers argued that the environment and climate change presented challenges to national security (Gore 1992; Homer-Dixon 1991; Deligianis 2013). The North Atlantic security establishment itself was initially resistant to this expansion of security beyond its traditional focus on strategic doctrine and force projection. In the late 90s, however, European defense ministries began to articulate that climate change did indeed pose a national security threat. And by the mid-00s, the Penta-

gon and US security establishment began to join the argument that climate change was a security concern, specifically citing climate refugees as one of the clear threats (Schwartz and Randall 2003).

In its early years, the Bush-Cheney White House and its Republican counterparts in Congress denied that climate change was a real phenomenon. Nevertheless, security bureaucracies and think tanks in Washington increasingly asserted that not only was it real, but that it also presented security challenges (Campbell and others 2007). By 2008, the last year of the Bush-Cheney Administration, the Director of National Intelligence released a National Intelligence Assessment on the *Implications of Climate Change to 2030*. It, too, pointed to climate refugees as a particular threat to international and national security (National Intelligence Council 2008). Other North Atlantic security bodies promulgated similar reports (Solana and European Commission 2008; German Advisory Council on Global Change 2007; Development, Concepts and Doctrine Centre of the UK Ministry of Defence 2007).

The reasoning for these arguments is rather straightforward and seemingly intuitive. Although the future scope and dimensions of climate change is unpredictable, its impact will nonetheless be significant. The logic seems to follow, then, that deterioration in ecosystems will displace people and prompt them to move toward international borders. Whether labeled environmental refugees, climate migrants, climate-induced migration, or sometimes even “climigrants,” this displacement would likely emerge from three causes. First, the increased incidences of catastrophic events such as typhoons or hurricanes would devastate communities; second, coastal or island inundations would render land uninhabitable; and, third, gradual onset climate change in the form of

drought would undermine livelihoods (Bates 2002).

Not surprisingly, the environmental left has found this kind of discourse appealing. It had long argued à la Homer-Dixon that environmental change prompted displacement and conflict (El-Hinnawi 1985; Black 2001; Kibreab 1997). Climate change as a particular kind of environmental change is (and would be in this logic) a new set of “forcings” that would deeply accelerate such dynamics. Estimates of the future displacement ranged from 200 million people to as many as one billion, with time horizons often uncertain (Myers 2001; Christian Aid 2007; International Organization for Migration 2008).

And once the North Atlantic security establishment started to take up the argument, as noted above, environmentalists subsequently cited the official reports as confirmation of climate change’s empirical validity. If the Pentagon is “taking climate change seriously,” so went the reasoning, others should, too. After all, no one could accuse the security establishment of being anti-capitalist or naïve tree huggers.

For environmentalists passionate about social justice, the argument that climate change would unduly affect vulnerable people is especially compelling because it accentuates the deep inequalities at the heart of the international political economy. The fact that greenhouse gases are overwhelmingly emitted by advanced-industrialized countries and would cause the dislocation of hundreds of millions of people raises crucial humanitarian questions and/or R2P-style obligations. In some instances, climate refugees have even been depicted as the “human face of climate change” in an attempt to humanize climate change’s impact. Michael Nash’s 2010 documentary film *Climate*

Refugees is a perfect example of that genre although it, too, ultimately emphasizes climate refugees as a security threat.

Pitfalls

Holding aside for the moment the question of the empirical evidence for displacement attributable to climate change—addressed below—why would it be a problem if national security establishments adopted neo-Malthusian arguments and treated climate change as a “threat multiplier” (Levy 1995; Smith 2007; Dalby 2009)? The reason is that framing climate change as a national security issue gives rise to an “anticipatory regime” that neither contributes to policies to *mitigate* greenhouse gases nor promotes *adaptation* to already occurring and future climate change (Hartmann 2014). It sets in motion a future-oriented logic that assumes the worst, thereby enhancing the potential for a self-fulfilling prophecy. In other words, thinking in terms of the worst-case scenario is itself the worst-case scenario. As Adams, Murphy and Clarke write:

Anticipatory regimes offer a future that may or may not arrive, is always uncertain and yet is necessarily coming and so therefore always demanding a response... Anticipation is not just betting on the future; it is a moral economy in which the future sets the conditions of possibility for action in the present, in which the future is inhabited in the present. Through anticipation, the future arrives as already formed in the present, as if the emergency has already happened (Adams et al. 2009: 236).

This notion of “the future [setting] the conditions of possibility for action in the present... as if the emergency has already happened” is exactly the fearful, catastrophist vibe that securitized discourse seeks to deploy. It endeavors to make an apocalyptic future as happen-

ing *right now* and immediately locked in emergency. Injunctions are invoked in ethical terms: we must be prepared, vigilant, and alert; the “perpetual ethicized state of imperfect knowing” renders us obedient (Adams et al., 2009, 254). It can also cultivate an acceptance of anxious preparedness and even violence as a political stance.

Again, thinking of climate refugees as an inevitable outgrowth of climate change does not lead to political support for the mitigation of GHGs nor adaptation to climate change “already in the pipeline.” The more likely response is a platform of policies such as enhancing border security, bolstering authoritarian “transit states” on the periphery of advanced-industrialized countries, and maintaining force projection capabilities in order to respond to “hotspots” with displaced populations.

The steady deepening of border security over the last 25 years is suggestive of this process. Since the fall of the Berlin Wall in 1989, countries have vigorously pursued the construction of fences, walls, and high-tech surveillance as a means of asserting control over borders (Brown 2010; Andersson 2014). Although these structures have obviously not been erected in the name of stopping “climate refugees,” an anticipatory regime built on their portent will only reaffirm their political appeal. Climate refugees fit neatly into the “rhetorical amalgamation” and interchangeable anti-immigrant, anti-refugee, and anti-terrorist discourses that serve to legitimate walls (Vallet and David 2014). Military and security firms that provide border security often lobby assiduously for contracts from governments (Lemberg-Pederson 2013). Their goal is to politically legitimate the necessity of the services they provide and, in effect, create the need for their own business (Buxton and Hayes 2015).

A recent example of this dangerous rhetoric is US presidential candidate Donald Trump’s rally cry of “I will build a great wall and have Mexico pay for it.” Trump has denied the mainstream scientific evidence that climate change is occurring. And his justification for a wall is a shifting potpourri of thwarting economic migrants, repelling refugees, and fighting ISIS. But when he and others in his ideological formation do concede that climate change is happening, enhanced walled security against climate refugees will inevitably be the logical outgrowth.

“Transit countries” on the periphery of advanced-industrialized countries—e.g., Mexico, Morocco, Tunisia, Libya, Turkey—have also long been enlisted in efforts to interdict migrants seeking access to the US and EU. Such countries have traded their cooperation on migration interdiction for economic assistance and preferential terms of trade. In the case of countries like Morocco and Turkey, they have parlayed their roles as transit states to deepen their diplomatic credential (Kimball 2007; White 2011; Düvell 2012). The case of Libya’s Qaddafi and his cooperation on migration interdiction from 2003-2011 especially illustrates its precarious and contradictory nature. And the April 2016 deal between the EU and Turkey, in which Turkey agreed to take back migrants from Greece in exchange for financial aid and the right for Turkish citizens to travel in the Schengen zone for 90 days without a visa is also part of this fraught process. The domestic politics of transit states are becoming more authoritarian, in no small part because of efforts by North Atlantic powers to externalize borders.

Uncertain Empirical Evidence

What is especially problematic (and perhaps even ironic) in using a threat-defense logic for climate refugees is that scholarship in migra-

tion and demography has indicated that people affected by environmental change—whether it be gradual onset climate change or catastrophic events—are actually *less* able or inclined to move (Henry et al. 2004; Massey et al. 2007; Perch-Nielson et al. 2008). Migrating great distances requires physical strength and economic resources, something that most people affected by environmental change rarely have. The literature also argues that people who do move because of environmentally-induced displacement tend to either return to their homes to rebuild or, if they are unable to do so, move to nearby cities or destinations (Gray 2009, 2010).

There is empirical evidence that climate change can indeed contribute to or exacerbate conflict (Dumaine and Mintzer 2015). It would be naïve to assume otherwise. But, if people seek “the sanctuary of nations not their own,” as President Obama worried, it is often in nearby poor countries—not distant advanced-industrialized countries.

Two brief examples illustrate the complexity of this issue. First, the 2006 drought in Syria—an occurrence strongly correlated to climate change—undoubtedly helped to catalyze the onset of the Syrian civil war in 2011. And some analysts have linked the drought to the 2015-16 European refugee crises. Nevertheless, it is important to stress that sophisticated analyses emphasize that the drought was a *contributing* ecological factor and not the sole cause of the civil conflict (Kelley et al. 2015). Other factors are far more salient—i.e., Hafez and Bashar al-Assad regimes’ economic and social policies over many decades, international interventions (namely, the US-led invasion of Iraq in 2003), the aftermath of the 2008 fiscal crisis and international food commodity prices, and the spreading upheavals associated with 2011 Arab spring (Randall 2016; Femia and Werrell

2012). Also, in keeping with the argument above, the vast bulk of Syrian refugees have stayed within the region; they cannot or do not want to leave Lebanon, Jordan and Turkey. They are not straining European borders.

A second example is the Sahel region of Africa and its experience with climate change. Tom Friedman’s April 2016 trilogy of articles in the *New York Times* had the clichéd title, “Out of Africa.” Friedman’s articles are peppered with phrases like “surging migrant tide” and “one way or another [Africans] will try to get to Europe” and “the headwaters of the immigration flood [are] now flowing from Africa to Europe via Libya” and “when the US and NATO toppled [Qaddafi] they essentially uncorked Africa.” Not only do the articles perfectly illustrate an alarmist, neo-Malthusian anticipatory regime (Verhoeven 2014), they are scant on empirical evidence about the impact of climate change on migration patterns. The third article begins, “You can learn everything you need to know about the main challenge facing Africa today by talking to just two people in Senegal: the rapper and the weatherman.” Would that it were so simple.

As argued above, most displaced peoples in sub-Saharan Africa do *not* move northward toward Europe but instead move south to the Gulf of Guinea, straining the massive urban centers along the Atlantic (Andersson 2014). This represents profound challenges for human security and sustainable development—and potential humanitarian challenges, too. Friedman does explicitly write that he is not advocating the building of walls around the North Atlantic. Nevertheless, hyping the African “migration wave,” as he does unfortunately abets support for border agencies such as Frontex or the US Customs and Border Protection.

Conclusion

In *The Collapse of Western Civilization: A View from the Future*, Oreskes and Conway cleverly imagine a Chinese historian writing 300 years in the future. Their fictional historian recounts the ecological ravages that took place in the late 21st century:

Although records for this period are incomplete, it is likely that during the Mass Migration [in the 2070s], 1.5 billion people were displaced around the globe, either directly from the impacts of sea level rise or indirectly from other impacts of climate change, including the secondary dislocation of inland peoples whose towns and villages were overrun by eustatic refugees [i.e., rising seas]. Dislocation contributed to the Second Black Death, as a new strain of the bacterium *Yersinia pestis* emerged in Europe and spread to Asia and North America (Oreskes and Conway 2014 70).

It is an apocalyptic, biblical-style narrative of what *will* happen: floods, plagues, and, yes, hordes of refugees dislocated because of climate change.

Obviously, refugees and migrations have long been a hot-button issue in advanced-industrialized countries. To invoke environmental refugees or climate-induced migration as a threat or concern is not only empirically questionable, but it also prompts a threat-defense logic that merges into anti-immigrant and anti-refugee discourses.

Some suggest that the exclusionary tendency implicit in a security turn for climate refugees has a racial dimension (Baldwin 2013; Baldwin 2012a; Baldwin 2012b) while others argue that nativist frameworks align with notions of defending civilization against invading barbarian hordes (Bettini 2013: 63-72). The rise of

Trump and other anti-immigrant rightwing parties show that popular sentiment is certainly susceptible to fear mongering about refugees. If/when the political right becomes fully convinced that climate change is real—likely via arguments from defense bureaucracies and contractors—it will surely embrace the “climate refugee” line of argument. Further support for a politics of climate change based on exclusionary nativism and a militarized survivalism will undoubtedly follow.

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Why Forced Migration Studies? The New Generation of Scholarship

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When I first met Barbara Harrell-Bond in 2011, I was just starting to form the Center for Forced Migration Studies at the Buffett Institute for Global Studies, Northwestern University. At the time I did not fully understand the conflict over how we define our field of study. In 1982 Barbara founded the first center to study refugees, the Refugee Studies Center at Oxford. One of the first things she said to me was that she coined the term "forced migration" and regrets it ever since.

As Barbara explained, the refugee was vanishing. The international legal definition of a refugee was being undermined by the urgency of massive 'forced' displacement. Indeed, the United Nations High Commissioner for Refugee (UNHCR) reports that over 60 million people are forcibly displaced from their homes on account of conflict, persecution, and environmental disasters, the highest number on record since World War II. This means that one in



every 122 humans is now either a refugee, internally displaced, or seeking asylum. The scholarly shift to cast all displaced people as 'refugees' was a shortsighted and misguided project that undermined the precarious situation of Convention refugees who were entitled to protection in countries that had signed the Refugee Convention.

Barbara made me promise that I would keep the focus of the CFMS on refugees and not, as others were doing, undermining protection for refugees by creating all sorts of new categories such as Internally Displaced Persons (IDPs), climate refugees and the like. As global displacement continues to grow, UNHCR has become obligated to new categories of persons of concern who have no internationally agreed upon legal rights vis-à-vis states. This has resulted in a growing gap between UNHCR 'refugees' and national 'asylum' grants of refugee status that we see playing out today in the Mediterranean, the South Pacific and along the US Southern Border.

My inspiration in founding the CFMS came from core insights in the initial debates while the field of forced migration was forming about the need to question knowledge production, to take critical approaches and methodologies and place the "refugee" or "migrant" at the center of the research agenda. In 2014, Oxford published the first Handbook of Refugee and Forced Migration Studies. The editors question in the introduction how far the field can "stretch before its focus becomes too diffuse to be meaningful, blurring into the broader fields of Migration Studies, Human Rights, Development Studies, or International Politics" (1).

However, it seems to me that the distinctive quality of forced migration is not so much in the themes it covers, but in its orientation as a critical field of analysis and, as the Oxford Handbook editors note when they set out their "Brief History" of the field, the methodological demand that researchers have the 'dual imperative' of promoting academic knowledge and undertaking ethical action (Fiddian-Qasmiyeh, et al 2014, 2-3; Jacobson and Landau 2003). Refugee and forced migration scholars, in seeking to provide theoretical understanding of the social and cultural constructions of migration,

internal displacement, and statelessness have an ethical obligation to the refugee, asylum seeker, and migrant to consider how our research will contribute to their lives. While not all research will contribute to the formation of policy, there is a duty to consider the policy implications of our work and the potential harm it may cause to vulnerable persons.

Contemporary scholars, faced with the largest scale refugee crisis in our time, must fully develop the field and define its future direction in a way that challenges the current security paradigm. In this short essay I will share my insights about the contributions of Political Science to this emerging field. I will also describe the work we are doing at the CFMS to understand refugee protection outside the Convention framework and launch a new research program on refugee (re)settlement as we contribute to developing a global vision for the future of refugee protection.

What is Forced Migration?

In 2001, Howard Adelman wrote the seminal piece introducing the field of Forced Migration as a way in which to focus the "refugee problem" on the human security of refugees and internally displaced persons. The field, according to Adelman, was in lockstep with the growing operations of the UNHCR. Rather than prioritizing those who had fled their countries to avoid persecution on account of race, religion, nationality, political opinion or particular social group as laid out in the 1951 Convention and 1967 Protocol, it focused on human security for displaced populations whether they had crossed an international border or not. Scholarship had shifted "the framework for comprehending and dealing with the [refugee] problem...to the security dimension—political, social, economic and even environmental instability that human beings pose when forced to flee their homes" (Adelman 2001: 8). He

challenged us to consider how else refugees could be viewed if not through a security lens?" (Adelman 2001: 8).

Forced migration studies, in this way, is a pragmatic and realistic account of how state sovereignty and security concerns limit choices in the real world responses to refugee crises. Whereas the legal scholars such as James Hathaway and Guy Goodwin Gill argued for legal protection, pragmatic realists such as Adelman pointed out that forced migration scholarship could offer a better account of the state based conditions that generate refugee flows and the conditions by which displaced persons could achieve human security absent a state based asylum solution—how to control and manage security, understood to include non-military and non-state threats, in an interstate context—thereby bringing together realist concerns and liberal emphasis on humanitarianism and human rights (Adelman 2001: 15).

Hathaway questioned the scholarly shift away from 'refugee studies' in favor of 'forced migration studies' arguing that the shift "implies greater scholarly attention to phenomenological concerns – in particular, the conditions of, and solutions to, forced movement as such rather than the personal predicaments, needs, challenges, and rights of refugees themselves." (Hathaway 2007: 354). He believed that scholarship should not adopt the agenda of governmental agencies "which increasingly sacrifice the autonomy of the refugee himself or herself to broader migratory management goals" (Hathaway 2007: 350).

In 2009, B.S. Chimni redirected this initial debate to reclaim a critical position for forced migration studies in his article "The Birth of a 'Discipline': From Refugee to Forced Migration Studies." To Chimni, forced migration and ref-

ugee studies, as set out by Adelman and Hathaway had more in common in their shared purpose of "legitimizing the containment of refugees from the south to the north" (Chimni 2009: 12). He argued that neither refugee studies nor forced migration studies took a critical stance towards labels, categories, and the production of knowledge and institutions, including refugee studies centers themselves, as sites of hegemonic domination.

As an outgrowth of these early debates, Refugee and Forced Migration Studies has continued to develop as an interdisciplinary field bringing a critical lens to the lived experience of refugees and forced migrants. Critical theorists, anthropologists, geographers, and political scientists have examined conflict- and crisis-induced displacement, development-induced displacement, protracted refugee situations, internal displacement, the citizenship/migration nexus, smuggling and precarious labor, diasporas and transnationalism, the legal and institutional responses to forced migration in the global North versus the Global South, the multifaceted connections between forced migration and human rights, state control of borders, statelessness and transitional justice through a diverse range of methodologies including memories, narratives and non-traditional representations of lived experiences and human suffering.¹

We continue to be limited by our western focus (while most refugees live in the Global South) and by the categories we use as our lens to understand the world—states, institutions and governance. Chimni's critique urges us to carve out a third position and direction for Forced Migration Studies as a critical approach that questions the production of knowledge, labels,

¹ I want to thank Nergis Canefe for this account as part of our collaboration to develop forced migration as an interdisciplinary field of study.

and categories. Political Science, especially, would benefit from the questions and approaches by scholars in the Global South. A formative moment for me was at the 2013 Refugee Research Network meeting in Calcutta when my colleague Paula Banerjee stated that forced migration did not speak to her perspective in South Asia. She challenged us to consider why we were studying forced migration when it should really be the study of Partition. As Political Scientists we have done little to theorize the role of refugees and forced migrants in our study of democratization, political behavior, political parties, transitional justice and elite mobilization.

Migration, refugees, asylum seekers: shifting the production of knowledge

Migration scholars in the social sciences have brought forth empirical research on why people migrate. While migration scholarship has been focused on the political economy of international migration, the push/pull factors, Myron Weiner years ago pointed out that “[m]uch of the international population flows, especially within Africa and South Asia, are determined only marginally, if at all, by changes in the global or regional political economy.” (Weiner 1992/93:97) Digging deeper into the underlying assumption of migration scholarship that people move based on rational economic choices, “crisis migration” scholars have shown that there are multiple situations throughout the world in which there are widespread threats to life, physical safety, health and basic subsistence that are beyond the capacity of individuals and the communities in which they reside. These “stressors” and “triggers” leave people no further choice but to migrate—force people to make the choice to migrate (Martin et al. 2014). Alex Betts has a similar thesis in his work on “survival” migration through which he seeks to push institutions and the human rights framework to focus on the “cri-

sis” in which people find themselves on account of different threats whether they be environmental change, food insecurity or generalized violence rather than the reasons why they fled (Betts 2013). This line of work, by conducting empirical research on the reasons people migrate, seeks to move us towards the individual perspective of rights deprivation and to locate the obligation of the international community in remedying the human rights deprivation as a matter of human dignity and international security.

In refugee studies most of the research has focused on the national contexts of receiving countries. Asylum has more often been examined as part of citizenship and immigration with discussions of the limits of liberalism and the securitization of borders. When refugees have been the subject of research, the focus has remained within the framing of the Refugee Convention and has centered on the development of the international refugee framework and how to best manage the flow of refugees within this framework (Zolberg et al. 1989; Skran 1995; Steiner et al. 2003; Betts 2009; Kneebone 2009; Loescher et al. 2008). Research has focused on international legal processes in order “to influence agencies and governments to develop more effective responses” (Landau 2012: 558). More recently, scholars have started to examine refugees as actors in contributing to violence as ‘refugee warriors’ (Lischer 2005), as political actors in camps (Hozler 2012) and newly emerging studies of refugees and displaced communities as actors in transitional justice processes and post conflict reconstructions.

Much of the scholarship in both migration studies and refugee studies, however, operates through the lens of the international framework. There has been little interest in research on non-party states with the assumption that

they do not have a legal process or institutions through which refugees may receive protection. This assumption has blinded refugee scholars from understanding refugee protection in the Global South where most refugees are hosted. Instead of trying to understand how refugees are protected in countries such as India, Pakistan or Iran, research has stemmed from an international consensus that in order to create an effective system to manage and protect refugees, those states that have not joined the international refugee regime ought to be encouraged to do so. In crafting the research agenda for the CFMS, I have been motivated to better understand the function of the convention regime in terms of refugee protection in emerging asylum systems and to better understand the ways in which refugees access rights and protection, formal and informal, across a range of national contexts.

At the CFMS we have developed a tradition of thought and method of study which is based on our conviction that much of the current research on forced migration is based on rigid methodologies, and that the data and subsequent policy or legal conclusions derived from them are often impractical or with very limited applicability. In the initial stages of project formation, we conduct workshops that bring together a range of people including practitioners on the ground, policy makers, forced migrants themselves, activists, legal advocates, judges, social workers, community advocacy groups and NGOs/INGOs in addition to academics who study refugees and forced migration movements. We thus work on identifying questions and the methodological and ethical problems confronting scholars and practitioners who work on forced migration and with refugees and forced migrants. Some of the broad problems we identified in the field include the non-representativeness of knowledge collection, the bias towards con-

ventional perceptions of forced migration flows as opposed to innovative and unorthodox solutions, issues arising from working in unfamiliar contexts such as ethics of witnessing, and dilemmas including security and confidentiality issues and whether researchers are doing enough to 'do no harm'.

Critical approaches and methodologies: placing the "refugee" and "migrant" at the center of the research agenda

Whereas the theme of forced migration generally includes refugee flows, asylum seekers, internally displaced peoples, and development/climate-induced displacement, the field is developing a distinctive research lens, methodological approaches, problems and conceptual debates. Forced migration encourages and orients research in new directions of systemic social process in which both human agency and politics play a major part. Forced migration implies the recognition of incomplete citizenship, the loss of state control, especially in the context of recent concerns about migration and security and highlights the interconnectedness of humanity in an increasingly transnational world. As such, it is a critical field that questions North-South relationships, is closely linked to current processes and tensions pertaining to global social transformations and provides an essential shift in the lens through which we seek to understand fundamental concepts such as the state, sovereignty and through which we examine contemporary societies. Whereas migration, refugee and asylum studies are located in the Westphalian state tradition, by placing the word "forced" before "migration" it questions whether the framing and discourse around states and the "other"—failed, weak, developing states—is adequate as an analytic lens.

Shifting to the perspective of the Global South offers new directions for research on questions

of governance, borders, status, and protection as we seek to understand the continued flow of refugees and migrants to the Global North. Scholars such as Ranabir Samaddar (2003), Paula Banerjee (2015) and Pia Oberoi (2006) push us to think of the state in non-unitary ways. Whereas the concept of the state in neo-realist theory is a unitary actor applying policies of control based on international systemic factors, this concept is not applicable in much of the world where people move more freely across borders, there is no regard to a legal concept of citizenship and where multi-ethnic society means that the 'state' is contested internally and externally in the border areas. By conceptualizing refugees and forced migrants in this way, interests are not given by the material structure of the international system, but are constructed through a process of social interaction and national building (Oberoi 2006: 9). Scholars such as Zachary Lomo and Lucy Hovil, building on the work of Peter Ekeh (1975) argue for an empirical understanding of citizenship and push us to consider that the Western understanding of citizenship blinds us to the particular understanding of citizenship in Africa in which "public" had two meanings, an ethnic and a civic that foster attachment (Hovil and Lomo 2015: 42) The framing of forced migration gets us beyond the traditional approaches of refugee and migration studies to examine the state and citizenship in resolving forced migration related crises and human suffering, as well as analyzing existing practices of local integration, repatriation and reintegration, resettlement and burden sharing.

Instead of using forced migration as a theme, the idea in forming our projects at the CFMS is to develop a research agenda that in its approach, methods and questions are distinctively about forced migrants. As we turn towards the future of forced migration studies, the current projects at the CFMS are focused on shift-

ing the lens to understand the ways in which refugees and other forced migrants get to a place where their rights are real. Our projects seek to examine the ways in which a refugee or forced migrant negotiates membership and rights across historic, political and social contexts. We have been working to push the conceptualization of what is a "crisis" and why some refugee crises lead to ongoing violence or ongoing cycles of displacement even when violence has ended by questioning governing theories of the state and national sovereignty and the meanings of rules or laws governing refugee status in non-party and emerging asylum systems. In our study of the long-term experiences and outcomes of resettled refugees, we seek to contribute to our understanding of how refugees view "success" in the resettlement process and to contribute to conceptualize more holistic approaches to resettlement that take into account the problems of brain drain in post-conflict reconstruction.

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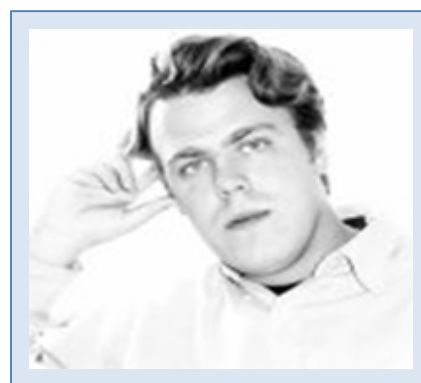
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Debate

Europe's Odd Migration Policy Choices

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The 28 member states of the European Union (EU) comprise more than 508 million inhabitants and include some of the most densely populated regions on the planet. Average unemployment hovered around ten percent in March 2016 and economic malaise continues to linger in southern Europe, with youth unemployment exceeding 50 percent in southern Italy and Greece. Given rising concerns over increasingly frequent incidents of Muslim terrorism, the poor track record of the second and third generation of descendants of previous immigrants in pursuing meaningful integration into the labor market and society at large (Koopmans 2013), and the disproportionate share of immigrants and their descendants among convicted criminals and prison inmates, it seems perplexing that lib-



eral immigration policies are still being pursued in a number of European countries. In fact, oblivious to the manifold problems immigration is causing on the ground, senior officials at the European Commission openly and aggressively clamour for turning Europe into "a continent of immigration" (*DW* Octo-

ber 14, 2013) and demand that “any society, anywhere in the world will be diverse in the future...and will have to get used to that” (*Politico* September 24, 2015). Europe’s citizenry could not disagree more: across the EU-28, 56 percent of those polled in the latest Eurobarometer (2015: 153) poll are opposed to further immigration from outside the EU. Meanwhile, despite the poor integration track record of Muslim immigrants, individual European governments, notably in Sweden and Germany, have ignored European and national law and created considerable chaos by encouraging illegal immigrants currently aggressively forcing their way into Europe.

In this article, we shall explore the reasons for which there is such a stark disjuncture between a population concerned with the obvious negative ramifications of excessively liberal immigration policy and an out-of-touch policy elite at the EU level and in some member state governments that keeps promoting a failed policy, while proving oblivious to its failures.

The explanation for this dichotomy is twofold. Firstly, at the elite level, two key claims, related to demographic developments and alleged skilled labor shortages, are bandied about. Both are factually wrong and have been proven wrong repeatedly, but continue to be used in political debates. Secondly, left-wing parties promoted immigration aggressively in order to recruit future voters. This policy does not sit easily with its current clientele because low skill immigration undercuts wages and places negative pressure on working conditions, public services, housing, health, and education, all of which are of core concern to working class voters. Ultimately, there is reason to expect growing dealignment and disillusionment from Europe’s left-leaning and nominally conservative pro-

migration parties, as the negative consequences of mass immigration become impossible to ignore.

Let us look at both of these claims migration advocates often deploy – flawed as though they both are. On the face of it, fertility rates across Europe are low. With the exception of France, total fertility rates are below the replacement value of 2.1 everywhere in Europe (Eurostat 2014). But birth rates can be turned around on a dime. Sustained public policy efforts to improve childcare and help reconcile work and family life demands will have more tangible effects. By contrast, relying on immigration to remedy falling birth rates is fundamentally flawed. A quick fix approach, this is an unsteady Ponzi scheme. In order to have a meaningful impact on the labor market, this would assume full and permanent employment for all newcomers. The much higher than average unemployment rates among Europe’s ethnic minorities demonstrates that past immigrants and their descendants are struggling to find employment (Kahanec et al. 2010). A 2001 UN Study, tellingly entitled “Replacement Migration”(UN 2001), postulated the need of up to 500,000 annual net immigrants for countries such as France and Germany. Aside from the disastrous consequences for the labor market, such policy would also irretrievably annihilate these countries’ cultural and ethnic identity. The second meme, related to alleged labor market shortages, is equally fallacious. Eight years after Europe’s most devastating economic crisis since the 1930s, economic growth is still anaemic. The 2008 crisis also led to wage stagnation throughout Europe (ILO 2013: 10-14). With both youth unemployment being a concern and very low levels of labor market participation for those 55 years and above, there is substantial labor force potential that is not being used. Automa-

tion and the introduction of robots will likely eliminate the need for many low skilled jobs in gastronomy, hospitality, agriculture, and transportation. These sectors currently absorb low skilled employees, both of immigrant background and natives. With self-driving automobiles on the horizon, Europe can ill afford to import more unskilled immigrants to drive taxis. At the high skill end, the low take-up of Europe's Blue Card for skilled immigrants suggests that whatever shortages might exist are fairly limited—and could probably be filled from within Europe. The German economy, which recuperated most quickly from the devastation of 2008, has absorbed merely 4,600 Blue Card highly skilled immigrants in 2013. The minimum annual gross salary required to qualify was brought down to EUR 49,600, in select instances even to as low EUR 38,688 (BAMF 2016), and thus below the average annual salary.

Since mass immigration is neither wanted nor necessary, why has it not been reined in, similar to the 1970s recessions causing cutbacks to immigration numbers? The political Left (and the pro-migration Right) supports an ideology of mass migration for selfish reasons. It needs to continue garnering votes. Surveys conducted after the 2012 presidential elections in France suggested Socialist candidate Hollande secured 85 percent of the eligible voters (*Le Figaro* 7 May 2012) among the estimated 4.7 million Muslims. Similarly, surveys among Turks with German passports suggest that around 60 percent regularly support the Social Democrats and about 23 percent vote for the far-left Green party (*Die Welt* March 18, 2009, Wüst 2013). In the UK, 65 percent of all minority voters supported Labour in the 2015 general elections (Ipsos Mori 2015). As the Left encourages mass immigration and ignores the negative ramifica-

tions for the working class in particular, working class voters shift their allegiance to anti-immigration parties (Kitschelt 1997). There is reason to suspect that lower middle and middle class voters are joining the exodus across Europe.

As dealignment from parties wedded to mass immigration and oblivious to its consequences gathers pace, immigration policy will prove a highly embattled policy domain. Electoral pushback against open door immigration policy can be readily observed across Europe. It is unlikely that EU level migration policy will produce substantial output in the near future. In fact, a retreat to national level border enforcement seems likely, as previous landmarks in EU policy on asylum and migration (notably Dublin and Schengen) are de facto being ignored. Southern European governments' calls for help in defending Europe's borders against aggressive illegal immigrants have been ignored for years. The disastrous decision by the German Merkel government to welcome in excess of 1.3 illegal immigrants in 2015 alone, most of whom seeking to escape poverty, not political persecution, has predictably led to other countries reintroducing routine border controls. Across Europe, there is steadfast refusal to accept Commission bullying and Merkel's attempts to browbeat others into accepting unintegratable immigrants. As the Commission is forced to abandon its claim that such individuals are an enrichment, it is openly threatening to impose a EUR 250,000 fine for each and every immigrant individual countries refuse "to save its botched migration quota plan" (*Daily Telegraph* May 3, 2016). Merkel's extreme unilateralism and her ill-judged attempt to negotiate a dubious quid pro quo migration deal with Turkish president Erdogan have left EU level migration policy design in tatters. Meanwhile, massive illegal immigration into

southern Europe continues, supported by organized crime gangs (Frontex 2015) and left-wing political activists. Stymied by funding cuts and political ill will (EurActiv July 7, 2014), European border guard Frontex is aiding and abetting (EurActiv October 29, 2014), instead of stopping illegal immigrants. Relaxed border security and uneven enforcement of deportations has encouraged opportunistic illegal immigration from safe countries in north and sub-Saharan Africa and the Balkans (Frontex 2015). While left-wing media reports focus on refugees from Syria, studiously avoiding the predominance of young males dodging military service, less than a third of all asylum claims lodged in Germany in 2015 stemmed from Syrians (BAMF 2016b).

With the pro-migration camp having lost the political argument, it certainly has not given up the fight. Merkel's Germany lurks as a particularly dystopian and totalitarian vision of what might lie ahead. When young Muslim thugs engaged in gang rapes, mass sexual harassment, and assault in Cologne over New Year's Eve 2015, the German government responded promptly – by imposing a four day media black-out on public television coverage of the issue. In October 2015, Merkel was overheard asking Facebook CEO to censor critics of her migration policy more ruthlessly (CNBC 27 September 2015). Observers of future European migration policy are unlikely to suffer from boredom.

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How to make Europe’s immigration policies more efficient and more humane

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Within the monotonous chorus of academic voices that assure us that migration is necessary, inevitable, and enriching, Georg Menz’s contribution is a welcome dissonant. He does, however, overstate the point by slipping into the reverse error of regarding migration as entirely unnecessary and harmful. Europe’s long-term demographic and labor-market problems cannot be solved by child-friendly policies and raising the labor-market participation of women and older workers alone. Europe will need skilled immigrants and it will need quite a few of them if it wants to retain its political and economic place in the world. But of course it needs a particular kind of immigrants, who participate in high rates in the labor market and who pay more into social security and pension funds than they take out. The problem of continental Europe’s welfare states is that, as Menz correctly points out, they have in the past, and are now with the refugee crisis again disproportionately attracting the wrong kind of immigrants, with low skill levels and conservative religious values. These values make it unlikely that the women among them will participate in the labor market in high numbers and they erect



cultural barriers – e.g., low access to social capital because of high degrees of social segregation – that also harm the labor market chances of the men among them.

I disagree with Menz that a lack of labor-market demand is the reason why Europe – and particularly Germany as the country with the largest demographic problems and the greatest labor-market shortages – has thus far attracted only few high-skilled labor migrants.

European and German employers sure want immigrant workers. In fact, sustained employer campaigns are a key explanation for

the political shift to pro-migration positions, and particularly behind the remarkable conversion of the European Centre-Right, with Angela Merkel's Christian Democratic Union as the most prominent example. Foundations of large German firms – Thyssen, Volkswagen, Mercator, Bertelsmann, Hertie and the like – have over the past decade or so poured millions of Euros into migration research institutes, prizes, policy conferences, workshops, symposia, and academic scholarships, and unsurprisingly the outcome of this semi-academic propaganda effort has been a loud and unison “Germany needs immigrants!” that has not missed its effect on policy makers, especially those with an open ear for business interests.

So why then have the immigrants, or at least those that the German labor market needs most, not come in large numbers? One reason is that much of migration everywhere is chain migration. If you are an Indian computer engineer you are more likely to have family or acquaintances who are already in the United Kingdom or the United States than in Germany or the Netherlands. Conversely, low-skilled immigrants from the Middle East and North Africa are highly likely to have family and acquaintances among the descendants of guest-workers and refugees in Western Europe, and less so in Canada or Australia. Second, among the highly skilled, English-speaking countries have a competitive advantage because English is the global lingua franca, and not German or French, and even less so Dutch or Swedish. This is reinforced by the fact that continental West European countries are developed welfare states with a relatively equal income distribution and high levels of tax and social security contributions. So the Indian computer engineer will prefer the United States over Germany also because he speaks the language, and will pay less tax and

can earn a higher income. The low-skilled immigrant, by contrast, will prefer Western Europe because even with a minimum wage job or on welfare benefits he can live a pretty decent life there with subsidized housing, universal health care and an equitable school system.

Because of these structural difficulties Europe faces in the global competition for the best and brightest, Menz's criticism of Europe's immigration policies is overly voluntaristic. But still, it is a legitimate question why so many of Western Europe's governments and mainstream parties are so committed to defending policies that end up attracting the kind of immigrants that will not be of much help in solving Europe's demographic and labor-market problems. Here, Menz points singularly to the electoral lure of the immigrant electorate, but that alone can hardly be the explanation because the size of that electorate is in Europe too small and insufficient to compensate for the fact that many more working class voters desert left-wing parties for their pro-immigrant stances.

Much more important, in my view, is the fact that immigration has become the defining issue for a new moral politics of class. Left-wing parties may gain small numbers of immigrant voters, but much more importantly, it is an issue that is highly normatively loaded and is an efficient mobilizer of the votes of the sizeable electorate of professionals in the public and semi-public sectors such as teachers, lawyers, academics, and health, cultural and social workers. Public sector professionals plus immigrant minorities have become the new voting base of the European left. At the same time, immigration, because of its easy linkage to morally charged issues of human rights, discrimination, tolerance, and globalism, is a perfect tool for competitive

electoral mobilization and for discrediting one's political opponents. So effective has the branding of immigration and multiculturalism skepticism as racist or at least as fuel for racists been, that Centre-Right parties have now in many countries also begun to embrace immigration and diversity as the moral imperatives of our time. This moral politics of immigration, more than the narrower effect of immigrant electorates, is the main reason for the shift of mainstream parties to a largely pro-immigration discourse. This has come at the cost, of course, of opening a political space on the right, where populist right parties now have the playing field all to themselves and have become the monopolistic suppliers of arguments in favor of national borders and national culture.

While much of the moralizing around immigration serves political purposes, there is no denying that in at least one important type of immigration, namely asylum migration, moral and humanitarian issues play an important role, and rightly so. This humanitarian dimension of asylum policies is not addressed by Menz at al. He is certainly right to criticize the European Union's and especially Chancellor Merkel's handling of the refugee issue. In the early Fall of 2015, Germany singlehandedly suspended the European Union's Dublin Agreement and Merkel made such a big public relations event out of Germany's taking up of a few thousand refugees stuck in Budapest that across the Middle East and far beyond the idea took hold that Europe's borders were now open and anyone who wished could come and claim refugee status. When criticism rose, because what was supposed to have been a limited humanitarian gesture turned into uncontrolled mass immigration, Merkel brushed aside all worries and proclaimed "Wir schaffen das" – We can handle

that. Who the "we" was that she was thinking about quickly became clear.

Although the decision to suspend Dublin and open the borders had been taken by Germany without any consultation with its European partners, Merkel now demanded that other countries would take their share of the refugees. When most European partners understandably refused, and instead Austria and several Balkan states reinstated border controls, Germany criticized them harshly for abandoning European values. The hypocrisy of this criticism became obvious when instead Merkel promised the Turkish Prime Minister Erdogan shortly before the Turkish elections of November 2015 a reopening of EU accession talks and visa-free travelling for Turks in exchange for a refugee deal. When the deal was finally made in the Spring of 2016 it turned out to be much worse from a human rights perspective than anything the Bavarian, Austrian, Hungarian or Macedonian governments had contemplated in their wildest dreams. While controlling intra-European borders was deemed by the German government as a devilish sin, Turkey was good enough to become the EU's bouncer.

Turkey to wit; a country that does not even recognize the Geneva Convention – except for refugees from (!) Europe; a country bombing cities in its Southeast leading tens of thousands to flee their homes; a country that jails journalists and academics for "insulting the President"; a country that erects a wall at its frontier with Syria and does not hesitate to shoot and kill refugees who cross the border nonetheless. Along the way, Merkel not only betrayed the humanitarian principles she claims to hold so dear, but by overplaying Germany's hands in such a flagrant manner also dealt the European integration process a fatal blow. The outcome of the UK's Brexit

referendum was to a large extent decided by the immigration issue and by fears of German domination in the EU. Under these circumstances, the image of the refugee crisis as a German-inspired move towards uncontrolled mass immigration within the EU was the worst possible signal.

Merkel's meandering policies over the course of the last year are yet another illustration that the wish to morally "do the right thing" is not a convincing explanation why the European Left and increasingly also centrist conservatives such as Merkel have uncritically embraced pro-immigration positions. In fact, there is little morally defensible about the European asylum system that the Centre-Left defends so arduously. Who are the people who made it to Germany and other European countries over the course of the last year? First, they are selected from a privileged upper layer, namely those who can afford the hefty fees of people smugglers. Second, they tend to be healthy, young, single, and male – the kind of people that can physically shoulder the long and difficult journey. Third, Europe's asylum laws are an open invitation to fraud. There is nothing to prevent people who are not political or war refugees in any sense intended by the Geneva Convention from claiming asylum. By throwing away their ID's, claiming another origin, and helped by a huge industry of asylum lawyers who will take their case from appeal to appeal, they easily gain a few years of residence and welfare benefits. And even when they have finally lost their case, lack of cooperation from the countries of origin will usually prevent that they are ever sent back. Fourth, thousands of people die terrible deaths at the hands of ruthless people smugglers on their way to Europe, likely many more than would have died had they not be tempted by the Siren of Europe's

asylum system and stayed in Turkey, Jordan or Lebanon.

The pro-immigration camp likes to present immigration as inevitable and uncontrollable – something we'd "better get used to" in the words of Vice-President of the European Commission Frans Timmermans that Georg Menz cites. But if there is one thing that the refugee crisis of the past year has taught us, it is that immigration is actually strongly affected by political decisions. Germany's suspension of Dublin and Merkel's "wir schaffen das" led to sharp increases of asylum immigration, and conversely, the reinstatement of border controls by Austria, Macedonia and other Balkan countries reduced immigration to a trickle.

There is therefore the potential for a European solution to the asylum issue that is both more effective and more humane than the current failing system. The first ingredient is a generous policy of taking up contingents of refugees from the countries immediately surrounding areas of conflict, such as currently Turkey, Lebanon and Jordan. Those who seek asylum in Europe should register themselves with European (or if a European agreement on this cannot be reached, German, Dutch, etc.) registration offices where the burden of proof for their credible refugee status lies with the applicants. If the number of those registered exceeds the take-up capacities of the countries that grant asylum, candidates can be selected on the basis of neediness, waiting time or random lots. The system can also give preferential treatment to categories of people who can make a stronger claim to being individually persecuted rather than generally being on the run for war. Thus, for instance, persecuted religious minorities such as Christians and Yezidis, homosexuals, as well as political activists can be given prefer-

ential access to the European asylum contingent.

Even if not every application can be accommodated, this system is a lot fairer and more humane than the current system, which rewards being young, male and healthy, and further leaves it up to criminals to decide who makes it to Europe – if they survive at all. Once the opportunity to register for asylum in Europe in the countries of immediate reception is guaranteed, the second ingredient of a new system are strict controls of Europe's external borders, and if the situation demands it, also of its internal borders. Anyone who makes it to or across the border and has not passed through the regular channel for applying for refugee status in the countries of immediate reception, should be stopped and turned back and has no right to claim asylum. This leaves a category of people who nonetheless make it into Europe, either by plane or illegally across Europe's land and sea borders. This category can make a claim to asylum, but with a reversed burden of proof. People coming by plane directly from a war zone can be granted the opportunity to apply for asylum, but only if they can show valid identification

papers that show that they are indeed from, e.g., Syria. Also for those who show up in Europe and have somehow made it across its land and sea borders, the burden of proof should be reversed. These people should demonstrate that they have not had the opportunity to register for asylum in one of the countries of immediate reception and they, too, should provide evidence that they are indeed from a war zone or are individually politically persecuted.

The total number of humanitarian refugees that Europe would take up under such a system must not necessarily be lower, on average, than the numbers that come under the current system. But the alternative system allows for a more well-dosed distribution across time and across countries of reception, it allows to take into account the absorption capacities of the housing and labor markets of the countries of asylum, it will destroy the business model of people smugglers, it will no longer reward those who play the system and who undercut popular support for asylum, and, last but not least, it will help those who need and deserve.

Europe's Refugee and Immigration Policies – Obligation, Discretion, Cooperation & Freeriding

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Menz sets up a critique of liberal (in the sense of relatively open) immigration policies, explaining them as a product of cross-ideological elite domestic political support. He frames the mass arrivals of refugees in Europe in 2015 as part of the general phenomenon of 'mass immigration.' That characterisation is inapt. As my expertise is as a legal scholar working in refugee studies, I have concentrated on where Menz makes

clear legal errors in his analysis, and obscures refugee issues. These two characterisations of the events of 2015 are typical of his account: *'The disastrous decision by the German Merkel government to welcome in excess of 1.3 illegal immigrants in 2015 alone, most of whom [were] seeking to escape poverty, not political persecution....'* and *'While left-wing media reports focus on refugees from Syria, studiously avoiding the predominance of young males*

dodging military service, less than a third of all asylum claims lodged in Germany in 2015 stemmed from Syrians (BAMF 2016b). The suggestion is that Merkel 'invited' illegal immigrants, not refugees. Let me provide a more accurate account.

Readers must recall the context of what I will term (for want of a better expression) the 'mass influx' of 2015. To summarize the events, in 2015, over a million people entered the EU irregularly, about 800'000 via Greece and 150'000 via Italy, many times in excess of previous years. Those arriving in Greece in 2015 were mainly Syrians, but there were also many Iraqis and Afghans (often ethnic minorities) (UNHCR 2015). Irrespective of whether they all meet the definition of 'refugee' in the 1951 Refugee Convention (and most do), they should be regarded as in search of refuge from conflict and human rights violations. To understand those extraordinary events, one would need to consider the drivers – what led people to flee Syria in 2015, and/or to give up on their prospects of protection in Lebanon, Jordan and Turkey (where work, education rights and protection are curtailed). Here, we can point to the protracted and brutal nature of the conflict in Syria, and rising levels of violence in Afghanistan and Iraq. It would also require an examination of the actions of Turkey as the main transit country. Kelly Greenhill has employed her thesis on 'coercively engineered immigration' to explain the events of 2015, noting Turkey's role in enabling refugees to leave its territory, and then use them as a bargaining chip (Greenhill 2016). Even if one does not share her viewpoint, at the very least the new entrants to the smuggling market in Turkey were clearly decisive – when mobility is suppressed in the face of great unmet demand for refuge, new smugglers enter the market. For a brief

period, the costs of being smuggled into the EU plummeted, and many took an opportunity to find refuge (Abdul-Ahad 2015).

So were they refugees? Menz is correct that claims from Syrians made up only about one-third of the total in the German 2015 statistics. However, that is due to an increase in claimants from the Western Balkans, and some time lag in the late 2015 arrivals showing through in the official data. But when people from Serbia, Kosovo and Macedonia claim asylum, they are rarely recognized as refugees, and often they are deported when their claims are rejected (Polke-Majewski 2015). The reasons people from the Western Balkans claim asylum are manifold, but it seems to be a product of social factors there, and the fact that for some claiming asylum gives a temporary respite from harsh living conditions (EASO 2013; Alscher et al. 2015). So Menz is correct that *some* who claim asylum in Germany and elsewhere across the EU are not recognized as refugees, but then these individuals are amenable to being deported. In contrast, irrespective of where they claim asylum, Syrians tend to be recognized as refugees, or at least granted a status to protect those fleeing conflict (UNHCR 2016). To describe young men fleeing conscription into Assad's army as 'dodging military services' is to obscure the right to conscientious objection, and that those who flee military service in such regimes are avoiding participating in massive human rights violations, and risk persecution for so doing. This is a well-established basis for recognition of as a refugee under the 1951 Convention (UNHCR 2013). The refugeehood of most asylum-claimants in the EU currently is evidenced by remarkably high recognition rates – for many nationalities (Syrian, Eritrean, Iraqi) over 80 percent at first

instance, with Afghans being recognized in over 60 percent of cases (EASO 2016: 22).¹⁵ Also, missing from Menz's account is any notion of how asylum adjudication works. This process sorts the refugees (those fleeing persecution and serious human rights abuses, including those arising in conflict) from the non-refugees. Adjudicators enjoy a degree of insulation from politics. Rather than embodying a 'liberal immigration policy' or a tool of 'mass immigration', asylum is highly selective.

To suggest that those taking these journeys belong to those 'invited' as part of 'mass immigration' is to obscure not only their refugeehood, but also that they are the victims of policies to suppress mobility. So when Menz describes them as 'illegal immigrants', that is in part accurate. To explain, there are few legal routes to claim asylum in the EU (such as a specific visa for asylum-seekers issued in large numbers), so almost invariably, refugees must risk their lives to claim asylum. This is because in the absence of visas, carriers sanctions mean asylum seekers cannot board regular flights and ferries (FRA 2015). The global refugee regime is premised on the containment of refugees in the Global South. The situation where refugees are compelled to have recourse to dangerous means of travel if they wish to seek asylum in Europe is nothing new, but rather the culmination of years of policies aimed at deterring and deflecting refugees (Grahl-Madsen 1983; Gammeltoft-Hansen 2011; den Heijer 2012). The main route available *until* 2015 was the Central Mediterranean one from Libya to Italy, which

¹⁵ These are recognition rates for both refugee status and subsidiary protection at first instance. On appeal, the recognition rate rises. The aggregate EU-wide recognition rates masks considerable variation across Member States.

is the deadliest sea crossing in the world, with smugglers completely indifferent to whether their customers live or die (Fargues 2015). In contrast, the route that opened up in late 2015 was relatively safe. I write 'relatively safe' feeling shameful, given that of course, many did drown. Not only the toddler Alan Kurdi, but an estimated 804 others. In contrast, 2'892 people drowned on the Central Mediterranean route from Libya (IOM 2016).

Menz claims that Sweden and Germany ignored 'European and national law', but that claim is not explained. Some have claimed that Germany flouted the Dublin rules¹⁶ on the allocation of responsibility for asylum claims, in suspending the Dublin return of Syrians for a time. That decision was not illegal – under the Dublin system, states have discretion to take on asylum claims if they so wish. Nor was it unusual – in practice most asylum claims in Europe are determined where the individual claims asylum, irrespective of the Dublin rules. The Dublin System is only one aspect of the EU asylum system, one that has been ineffective for decades (Maiani and Vevstad 2009; Guild et al. 2014). Transfers back to Greece have long been prohibited by human rights law.¹⁷ So to focus on the failure to use Dublin returns extensively (a long-established feature of European practice) seems somewhat tendentious.

¹⁶ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or stateless person (recast) (Dublin III Regulation)[2013] OJ L 180/31.

¹⁷ *MSS v Belgium & Greece* (2011) 53 EHRR 2.

Some states characterised arrivals as posing a threat, and set about to use their borders and criminal laws to deflect and deter, Orbán's Hungary in particular. Its illegal actions include expelling asylum-seekers without proper process to Serbia, and criminalising and imprisoning many border crimes. Most did little in terms of providing asylum – out of the 28 Member States of the European Union, the majority of asylum-seekers (over 75 percent) are in just five Member States (Eurostat 2016). The others are free-riders on the protection provided by others. So when Menz decries the 'aggressive unilateralism' of the Merkel government in accepting to examine all the asylum-seekers, and assess whether they are indeed refugees, he is obscuring the fact that Germany was left out on a limb when other EU Member States failed to step up to the crisis. There were many possible cooperative responses that could have been adopted.

The cooperative response that was agreed was minimal – relocation of 160'000 asylum-seekers from Greece and Italy across the EU, namely those deemed likely to be recognised as refugees (Peers 2015). The distribution was based on Member States' capacity, taking into account population, GDP, unemployment rate, and existing refugee population. The EU agreed to this, following its normal legislative procedures. Only a few Member States voted against the temporary relocation, namely Czech Republic, Hungary, Slovakia and Romania). The swing to the right in the domestic politics of these States gets no mention from Menz, but was certainly significant in shaping the EU response. This system of relocation has now been agreed, but has proved difficult to put into action, although many governments are keen to make it work (European Commission 2016).

Menz's characterisation of the relocation

decision renders it unintelligible and unrecognisable. He states that '*Across Europe, there is steadfast refusal to accept Commission bullying and Merkel's attempts to browbeat others into accepting unintegratable immigrants.*' Given that the relocation decision was agreed by all governments but the aforementioned four, this is a remarkable characterization. It is not about immigrants at all, but asylum-seekers who are in likelihood refugees. The aim is to create greater responsibility-sharing across the EU. Had such a system been in place in 2015, then Germany would not have had been left in a position to manage so many people arriving in a short space of time, surely the nub of the integration challenge Germany faces.

Politically, sustaining mass arrivals seemed unviable, so the EU cobbled together a deal with Turkey to stem the irregular arrivals from Turkey to the Greek islands (EU-Turkey Statement 2016). Elements of the deal are of doubtful legality (Peers 2016). For now, it has led to a large drop in arrivals to Greece. Some 57'000 refugees are stranded in Greece, most in dire living conditions (IRC 2016). Immense political capital has been spent on this deal, and it may have a contagion effect across the global refugee regime. In its aftermath, for instance, Kenya decided to expel its Somali refugee population from Dadaab, citing the EU example to justify its stance.

Menz's account seeks to explain these events solely in terms of decisions by domestic political elites in Germany and at EU level. However, this approach cannot explain the decision to treat refugees and non-refugees differently, and expend much political capital to suppress arrivals when pan-European cooperation was not forthcoming. I have a degree of sympathy with the claims that governments and employers often share an

ideological leaning to enable employers to import cheap migrant workers. Indeed it was a theme in a collection I co-edited to which Menz contributed (Costello and Freedland 2014). However, that account cannot explain all of immigration and refugee policies. A strong domestic political consensus in receiving countries in favor of sustained 'mass immigration' cannot explain the causes of the mass influx of 2015, the responses thereto, or the 2016 EU-Turkey deal.

Many other aspects of Menz's account seem unproven, for instance the claim that the political left supports immigration in order to garner future voters. That claim is premised on a long-term perspective usually missing in electoral politics. New immigrants tend to have temporary, precarious migration statuses (precisely as they are moulded to fit imagined short-term labour shortages) and refugees get a three-year residence permit. When their countries are safe, states may (subject to legal constraints) send them home, as Germany did previously with many Bosnian and later Iraqi former refugees. Their paths to voting rights are by no means clear. Many may never naturalise. The imagined electoral gain seems at best one that is postponed for several years, and hardly bankable.

Overall, the explanatory force of Menz's central argument seems lacking. Moreover, his frame of reference, focusing solely on host countries, should not be relied upon to make normative assessments of such policies. Evidently, any critique of these policies should consider not only the impact on host societies, but also the rights and interests of migrants and refugees and the impact on their home communities and states. Evidently, the reason why refugee protection is a matter of international legal obligation (in contrast to immigration) is that refugees fleeing conflict

and persecution are in need of a new state to protect them, whether temporarily or permanently. With regard to refugee protection, an important perspective is that this protection is a global public good, so when states cooperate to offer protection they generate benefits throughout the global regime (Betts 2003). Conversely, when they fail to cooperate, some free ride on the protection offered by others. We should not berate those providing protection as 'aggressive unilateralists' but rather criticise those who do not step up as free riders.

EU States could invite refugees directly from countries in the region, avoiding illegal journeys altogether, and making arrivals more orderly and subject to security screening. They are three main policy options – humanitarian visas, embassy asylum procedures and resettlement. A humanitarian visa is a visa to enter a country legally to claim asylum. Brazil issues them to Syrians – they claim asylum on arrival and are generally granted it (Calegari and Baeninger 2015). Embassy procedures entail adjudicating at least some asylum claims abroad, and then allowing people travel legally as refugees. European countries do not use these practices extensively. Resettlement is the practice whereby recognised refugees are offered protection in a new state that can offer them integration prospects. Historical examples of mass resettlement include that of the Indochinese refugees resettled in their millions from Thailand and Hong Kong to the US, Canada, Australia and elsewhere (Betts 2006). Again, for geographical and historical reasons, EU States are not traditional countries of resettlement. However, the EU-Turkey deal entails a significant resettlement obligation (albeit tainted by the context of the '1 in 1 out' framework as a reward for Turkey's acceptance of returned refugees from Greece). 2015 was characterised not by

sustained policies of mass immigration, but as regards refugees, the massive backfiring of policies of containment.

The events of 2015 were extraordinary, but they were the product of restriction and the suppression of mobility, not 'liberal immigration policies' or an invitation from Chancellor Merkel. Her 'Wir schaffen das' speech of 31 August 2015 came when the mass influx was well underway. Had she said 'Please go away, you unintegratable immigrants', are we really imagine that people fleeing would have stopped? Sometimes, the only statesperson-like action is to offer leadership to adapt to the realities of the moment. Her government also then took the decision to do a deal with Erdoğan to stop refugees arriving. In the absence of cooperation from other EU Member States, Germany was not an 'aggressive unilateralist' but rather an isolated humanitarian. The EU-Turkey deal stinks, legally and ethically, and may fall apart politically, but in Menz's account it is to be understood as part of a policy supporting 'mass immigration.' That seems simply implausible.

Germany is evidently facing an integration challenge. Menz is a pessimist on this front. He tells us that the second and third generation immigrants in Europe are poorly integrated. But the best empirical work on this topic shows significant variations in integration outcomes across EU States. Studies in particular of second-generation Turks across several European countries show that that they are doing much better in other countries than in Germany. The key to understanding integration is the integration context (Crul et al. 2012). So here Menz is right – much depends on domestic politics and society.

My last time in Berlin, I visited one of the large reception centres for refugees, and met a 9 year old Afghan boy. We chatted in German. He had arrived last October, just a tiny person in a 'mass influx'. Remarkably, refugee children go to local school pretty quickly after arrival. They are the engines of integration, as are their fellow kids, parents, teachers and the rest. Refugees have fled a 'dystopian and totalitarian' place, and are now somewhere better. Europe, thankfully, is no longer such a place, but if we do see a turn to darkness in Europe, are we really to see it in the actions of Angela Merkel rather than those Viktor Orbán and his ilk?

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Unpacking the Facts Behind Europe’s Odd Migration Policy Choices

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Georg Menz’s palpable frustration with the dysfunctional state of European Union (EU) migration policy is in many ways understandable. In 2015 alone, well over a million refugees and migrants arrived in Europe through irregular channels, about half of whom were fleeing the brutal civil war in Syria and about one-third of whom were seeking political asylum. As I argued in the *European Law Journal* earlier this year, the question of who should bear responsibility for the new arrivals and how those responsibilities should be shared generated very different, sometimes schizophrenic, policy responses among EU member states. In addition to creating population bottlenecks and placing strains on the physical infrastructure and social fabric of many recipient states, these divergent national responses generated fierce political debates over legal and normative obligations to the displaced within and across member states. In some cases, they also (re-) ignited national divisions that have redounded to the benefit of right wing, nationalist political parties and fueled further alienation certain segments of society within member states.¹⁸

¹⁸ Kelly M. Greenhill, “Open Arms Behind Barred Doors: Fear, Hypocrisy and Policy Schizophrenia in the European Migration Crisis” *European Law Journal*, vol. 22, no. 3 (May 2016): 279-94; “France’s Alienated Muslims,” *The Week.com*, January 24, 2015, available at <http://theweek.com/articles/535096/frances-alienated-muslims>.



The lack of EU solidarity and absence of a collective response to the humanitarian, political and economic challenges imposed by the influx further laid bare the limitations of common border control and migration and refugee burden-sharing systems that have never been wholly and satisfactorily implemented as well as demonstrated the dangers inherent in EU policy-making as triage (rather than strategic engagement).¹⁹ President of the European Council Donald Tusk even warned that a failure to find a solution to the then

¹⁹ See e.g., Susan Fratzke, “Not Adding Up: The Fading Promise of Europe’s Dublin System,” *Migration Policy Institute Report* (March 2015), available at <http://www.migrationpolicy.org/research/not-adding-fading-promise-europes-dublin-system>; Elizabeth Collett, “The Asylum Crisis in Europe: Designed Dysfunction,” <http://www.migrationpolicy.org/news/asylum-crisis-europe-designed-dysfunction>.

seemingly unending stream of new arrivals could lead to the EU failing as a political project.²⁰ The results of the recent Brexit vote, driven in no small part by concerns about border control and immigration, have further exacerbated concerns in some circles about the EU's future.²¹

However, while Menz's basic critique that EU migration policy suffers from dysfunctions and potentially dangerous disconnects is undoubtedly sound, his diagnoses of their underlying sources miss the mark on several critical dimensions. Moreover, his elision of fundamentally distinct conceptual categories (e.g., refugees and migrants) further muddies what is clearly supposed to be a persuasive argument. Consequently, his recommendations for how to combat the problems he identifies are also less useful and applicable than they might otherwise be. As space is limited, I highlight only a few misdiagnoses and their broader implications below.

It is certainly true that some EU policy elites favor broadly liberal migration policies.²²

²⁰ "Tusk Gives the EU Two Months to 'Save Schengen'," *EuroNews*, January 19, 2016; available at <http://www.euronews.com/2016/01/19/tusk-gives-the-eu-two-months-to-save-schengen/>; 'Schengen to Fail in Months if Migration Crisis not "Under Control," says Tusk', *DW.com*, January 19, 2016; available at <http://www.dw.com/en/schengen-to-fail-in-months-if-migration-crisis-not-under-control-says-tusk/a-18989697>.

²¹ Constanze Steinmuller, "Does Brexit Portend the End of European Unity?", *Washington Post*, June 25, 2016, available at https://www.washingtonpost.com/opinions/global-opinions/does-brex-it-portend-the-end-of-european-unity/2016/06/25/74e27d4a-3a5a-11e6-8f7c-d4c723a2becb_story.html.

²² However, even among theorists, there is broad disagreement about how open borders should be in a liberal system and to whom. See e.g., Paula Hafner, "The Varying Degrees of Liberalism in Migration and Immigration Policy Within the European Union: Causes, Consequences and Clashes,"

However, it is misleading to claim by extension that officials are naïfs who have been "aggressively clamouring" for mass migration to combat demographic decline and labor shortages and gain votes while blithely and blindly ignoring the "negative consequences" of liberal policies. In fact, evidence suggests EU officials understand well that unrestricted in-migration is not a panacea for what ails Europe economically, as research sponsored by—and available on the websites of—the EU Commission and EU Parliament makes clear. A 2014 OECD and European Commission-funded study expressly concludes that, "although migration can make an important contribution to labor force growth, its role in counterbalancing the effects of population ageing critically depends on the capacity of countries to match labor needs to migrants' characteristics."²³ A 2015 European Parliament Committee report likewise concludes that immigration is an imperfect solution to labor shortages, since immigrant workers tend not to be perfect substitutes for domestic workers within the same industry, occupation, or skill level. The 2015 report further acknowledges that immigration of low-skilled workers can have a variety of negative impacts on the economic development of host countries and calls for careful analysis of current and future needs and a focus on targeted migration to meet identified needs, noting that "employers and member states [not the

Conspectus Borealis, vol. 1, no. 1 (2016); available at:

http://commons.nmu.edu/cgi/viewcontent.cgi?article=1014&context=conspectus_borealis.

²³ OECD/European Commission, *Matching Economic Migration with Labor Market Needs in Europe* (September 2015), available at http://www.oecd-ilibrary.org/social-issues-migration-health/matching-economic-migration-with-labour-market-needs_9789264216501-en.

EU] are the prime actors to counter labor shortages effectively.”²⁴

Of course, the existence and ready accessibility of such research does not mean that claims about declining birth rates and labor shortages are not deployed in EU policy debates. However, Menz provides no references to said debates, and even the officials he specifically cites as “aggressively clamouring” for mass immigration do not make such arguments. Indeed, if one reads the stories from which the officials’ quotes were culled in their entirety, it is hard to square Menz’s assertions of aggressive clamouring with what appears on the page. Rather than advocating for the creation of a “continent of immigration,” President of the European Parliament Martin Schulz instead argues that it is high time for Europe to acknowledge that it already *is* such a continent. “That’s why we need a legal immigration system,” says Schulz. “All big regions of immigration on this planet, be it the US, Australia or Canada, have modern laws which regulate legal immigration.” In short, Schulz is not in fact advocating for more liberal migration policies; rather he is making an ardent plea to EU member states to finally reach a collective agreement on regular migration channels and equitable refugee burden-sharing, with the intent more effectively combatting irregular migration and, by extension, preventing mass deaths at sea.²⁵ Likewise, a reading of the *Politico* piece reveals that quoted EU Commission Vice President Frans Timmermans is not issuing a demand for greater diversity, but

²⁴ European Parliament, *Labor Market Shortages in the European Union* (March 2015), available at [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/542202/IPOL_STU\(2015\)542202_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/542202/IPOL_STU(2015)542202_EN.pdf).

²⁵ “EU Still Torn on Immigration,” *DW.com*, October 13, 2013, available at <http://www.dw.com/en/eu-still-torn-on-immigration/a-17157240>.

instead issuing a warning about the dangers of right-wing fear-mongering in countries that lack a history of diversity. Citizens of such countries can be particularly susceptible to fears of Muslim refugees, Timmermans argues, making it all the more imperative that citizens in such countries come to grips with the fact that being a member of the EU—an entity without internal borders—means diversity is just a fact of life.²⁶

To be sure, profound and consequential disagreements *do* exist within the EU over how liberal and welcoming migration policies should be. However, the critical division of opinion is not, as Menz suggests, between allegedly “out of touch” policy elites and a monolithic EU citizenry “concerned with obvious negative ramifications of excessively liberal immigration policy.” Rather, the fundamental divisions are *between different countries* in the EU and *between different segments of society* within individual EU countries, as both polling data and observable policy behavior demonstrate.

As Menz observed, the 2015 *Eurobarometer* survey revealed that 56 percent of those polled were opposed to more immigration from outside the EU. However, his focus on aggregate data masks very significant and consequential divisions of opinion *across* member states. For instance, while Sweden was the only country where an overwhelming majority of the population strongly favored immigration from outside the EU (66%), majorities of respondents in Romania, Spain, Croatia and Ireland also all said they felt positively about in-migration. On the other hand,

²⁶ “Timmermanns: Central Europe ‘Has No Experience with Diversity,’” *Politico.com*, September 24, 2015, available at <http://www.politico.eu/article/migration-news-diversity-timmermans/>.

immigration from outside the EU evoked negative feelings in other member states, most strikingly in the Czech Republic (81%), Latvia (78%), Greece (78%) and Slovakia (77%). Likewise, while 73 percent of all *Eurobarometer* respondents said they favored a common EU immigration policy, enthusiasm for such a policy varied significantly across member states: support for a common policy was far more widely embraced in the Netherlands (85%), Germany (84%), Malta (84%), Lithuania (82%), Luxembourg (82%) and Spain (81%) than in the Czech Republic (52%), Estonia (53%), Finland (57%) and Austria (58%).²⁷

Intra-EU disparities of opinion about migration are not unique to the *Eurobarometer*. A 2015 Pew survey uncovered similarly mixed views. In frontline states, such as Greece and Italy, people were more likely to say that “immigrants are a burden on society because they take jobs and social benefits,” while British and German respondents were far more likely to say that “immigrants make their country stronger because of their hard work and talents.” As for attitudes towards asylum seekers and refugees specifically, 40 percent of all respondents in a 2014 German Marshall Fund survey wanted their country’s policies to be more restrictive, but such sentiments were particularly strong in Italy (57%) and Greece (56%).²⁸

²⁷ “Public Opinion in the European Union,” *Eurobarometer 83* (May 2015), available at: http://ec.europa.eu/public_opinion/archives/eb/eb83/eb83_first_en.pdf.

²⁸ Jacob Poushter, “Refugees Stream into Europe, Where They are not Welcomed with Open Arms,” *FactTank: News in the Numbers*, April 24, 2015, available at <http://www.pewresearch.org/fact-tank/2015/04/24/refugees-stream-into-europe-where-they-are-not-welcomed-with-open-arms/>.

In terms of policy outcomes, such heterogeneity of opinion can (and does) divide states into more (e.g. Germany, Sweden) and less (e.g. Hungary) accepting of migrants and refugees more broadly.²⁹ Although member states are ostensibly collectively committed to free movement within the EU and defense of a common border at its frontiers, responsibilities for shouldering the monetary, social and political costs of recent inflows have not been equally shared. As of this writing, Germany has absorbed the largest number of refugees in absolute terms, while Sweden has taken in the largest number on a per capita basis. Some other member states have not accepted any refugees at all.³⁰ Moreover, by the end of 2015, half a dozen members of the Schengen Zone had unilaterally reinstated internal border controls under the “exceptional circumstances” provision of the Article 26 of the Borders Code. Others, such as Hungary, had erected physical barriers along borders with non-Schengen states.

Frontline states along the EU’s southern border, such as Italy and Greece, have also borne significant burdens as the key entry points and—due to the Dublin Regulations that govern treatment of asylum seekers—holding and processing areas for the vast majority of new arrivals. Despite the fact that the Dublin rules are to apply to all EU member states,

²⁹ See Kelly M. Greenhill, *Weapons of Mass Migration: Forced Displacement, Coercion and Foreign Policy* (Cornell Studies in Security Affairs, 2010 and 2016); and Naftali BenDavid and Tom Fairless, “EU Immigration Dispute Splits Leaders,” *Wall Street Journal*, June 26, 2015, available at <http://www.wsj.com/articles/eu-immigration-dispute-splits-leaders-1435326764>.

³⁰ Willa Frej, “Here Are the Countries that Want to Refuse Refugees,” *HuffingtonPost.com*, September 9, 2015; http://www.huffingtonpost.com/entry/europe-refugees-not-welcome_us_55ef3dabe4b093be51bc8824.

some have selectively been ignoring their provisions, in order to shirk responsibility and pass the buck onto other member states.³¹ Such beggar thy neighbor can appear individually rational. However, selfish defections encourage other states to follow suit, leaving the whole EU less well off, and, as I have argued elsewhere, collectively more vulnerable to the machinations of enterprising states and non-state actors willing to use refugees and migrants as bargaining chips to extract political, economic and/or military concessions in exchange for preventing or staunching further inflows.³² The EU-Turkey deal was hardly the first time we have seen this sort of coercive bargaining in action, and it won't be the last.

Arguably the most puzzling of Menz's assertions about Europe's policy choices is his characterization of the bulk of the new arrivals as "illegal immigrants," "most of whom seeking (sic) to escape poverty, not political persecution," despite the fact that the majority of people who arrived in Europe in 2015 were from countries at war or which otherwise are considered to be "refugee-producing" by UNHCR. For instance, 1.1 million of those who arrived in Germany were asylum seekers, 64 percent of whom hailed from war-torn Syria, Afghanistan and Iraq.³³

³¹ "European Refugee Policy: Dublin Regulation Applies for all EU Member States," https://www.bundesregierung.de/Content/EN/Artikel/2015/09_en/2015-09-02-fluechtlinge-dublin-verfahren_en.html.

³² See again Greenhill, "Open Arms Behind Closed Doors" and Kelly M. Greenhill, "Demographic Bombing: People as Weapons in Syria and Beyond," *Foreign Affairs* (December 2015); <https://www.foreignaffairs.com/articles/2015-12-17/demographic-bombing>.

³³ Andrea Thomas, "Record Number of Asylum Seekers Flood Germany," *Wall Street Journal*, January 6, 2016, available at <http://www.wsj.com/articles/germany-records->

To be sure, Menz is not alone in eliding the critical distinction between migrants (irregular or otherwise) and refugees. It is becoming increasingly common to see the terms used interchangeably in media and public discourse. However, as Menz well knows, the distinction between these categories is of great legal and political significance. Member states deal with migrants under their own national immigration laws and processes, and each country decides unilaterally how many legal migrants it is willing to accept in a given year. All migrants who arrive through irregular or illegal channels can be summarily deported. In contrast, member states deal with refugees through norms of refugee protection and asylum that are defined in both national legislation and international law. The *1951 Refugee Convention* and its *1967 Protocol* are the cornerstones of modern refugee protection, and the principle of *non-refoulement* enshrined in these instruments means that refugees may not be expelled or returned to situations where their life and freedom would be under threat. So, short of overturning international and European law, EU countries are legally obligated to adjudicate the claims of those claiming seeking asylum. The pertinent issues are not demographic decline, labor shortages, or shifting electoral prospects, but rather fundamental human rights, refugee protection and the laws that undergird them. Thus, only if and when their asylum claims are deemed unfounded may such people be deported or repatriated. To do otherwise would be an "odd" policy choice indeed.

<http://www.wsj.com/articles/germany-records-rise-in-asylum-seekers-to-postwar-high-1452081246>.

A Response to my Critics

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In July 2016, heavily armed German police units conducted dawn raids on more than 56 apartments and houses nationwide. What was the aim of this mission? To crack down on radical Muslim Salafists? To take concerted action against German-based Islamic State (IS) supporters, following the recent flurry of Muslim terrorist attacks, including a thwarted one in Dusseldorf? To bring to justice the more than 1'000 perpetrators of the flurry of mass rape and sexual abuse carried out in front of the Cologne cathedral and in cities throughout Germany over New Year's Eve 2015? To deport a fraction of those 99.6 percent of Albanians who fraudulently submitted applications for political asylum last year?

No, none of these things, of course. The targets were Germans accused of engaging in and promulgating so-called "hate speech" on the internet, primarily via social network sites. The policing of these websites, including notably Facebook, is now carried out by a task force commissioned by the German Ministry of Justice. Operational input is provided by a hard-left non-governmental organization called Amadeo Antonio Foundation. Director Anetta Kahane is well versed in the art of maintaining social order and ensuring that the proles do not take bourgeois flim-flam like that old freedom of speech thing too far or too literally. She acquired this expertise in her function as a long-standing informer to East Germany's notorious secret police, the State Security Service (*Stasi*).

Welcome to Angela Merkel's Germany.

Cathryn Costello is worried about Europe's "turn to darkness". Germany has already taken that turn. Under the terms of the "Online Civil Courage Initiative", bringing together

Facebook, Twitter, and the Amadeo Antonio Foundation, co-sponsored and financed by the German Ministry of Justice, any on-line statement containing "xenophobic prejudices" might be construed to constitute such hate speech (Bundesministerium für Justiz 2015). In time-tested ways no doubt honed while in the employ of the *Staatssicherheit*, the authors never define this term in any detail. Thus, "hate speech" is so loosely constructed as to encompass almost any statement mildly skeptical of the benefits of immigration. Just like in the old days, individual citizens may also report on other individuals.

Three cheers for American-based publications and the US tradition of free speech!

While the increasingly totalitarian police state methods with which the Merkel government is squashing political dissent might be particularly worrying behind the backdrop of 20th century German history, there is nothing uniquely German about the combination of open border policies and stepped up police surveillance. Eight months after the Muslim mass slaughter of French civilians in a Paris nightclub, accompanied by gruesome acts of torture and disembowelment of the corpses, France remains in a state of emergency. Heavily armed special forces are now a quotidian feature of Parisian life. Open borders and multiculturalism come at a price.

One such price is not just freedom of speech, but yet another basic civil liberty— freedom of press. Consider the latest Muslim terrorist attack in July 2016 in Nice, this one, for a change, not involving Arab IS operatives who had entered Europe as "refugees". The perpetrator in Nice was a Tunisian immigrant who had entered France legally in 2005. Within

hours of the mass murder of 88 civilians, the dominant tag line used in English-speaking news reports was one of a “truck attack”. The fact that the perpetrator was Muslim and was inspired by racial and religious hatred clearly did not fit a certain narrative. Similar subterfuge prevailed in the news coverage of the deadliest terrorist attack on US soil since 9/11, the mass murder of more than 50 mainly homosexual revellers of a night club in Orlando, Florida. Much of the media coverage attempted to downplay the IS inspiration and the Muslim identity of the perpetrator, son of Afghan immigrants Omar Mateen.

In a scenario not unlike the emotional anecdote recounted by Cathryn Costello, Chancellor Angela Merkel interacted with a young Palestinian girl at a visit to a high school in July 2015. The girl’s family had entered Germany illegally four years earlier, their application for political asylum had been refused, and they were poised for deportation. Merkel explained to the tearful child: “...you are an incredibly sympathetic human, but as you know for yourself, in the Palestinian refugee camps in Lebanon there are thousands and thousands, and if we now say ‘you can all come, and you can all come from Africa, and you can all come’ – that, we simply cannot manage that.” (The last segment reads in the original German: “das, das können wir auch nicht schaffen.”) (transcription in *FAZ* July 16, 2015). Within days, she seemed to regret her words. Within weeks, a chancellor previously known for her detached and rational approach to policy-making personally intervened to stop her Minister of Interior Affairs who was about to second armed police units to the German-Austrian border based on reliable reports of mass migration movements via the Balkans. Within months, she reversed her statement entirely, to the better known and often cited “Wir schaffen das”. These

words are an epitome of arrogance and signal complete detachment from reality.

The rest, for now, at least, is history. Between 2014 and 2015, the number of apprehended criminal foreign nationals in Germany has risen from 617’392 to 911’864 or 38.49 percent of the total (BMI 2015: 44). Extrapolating from local German media coverage, 2016 will probably see new sad record levels of crime being reached, especially regarding rape and sexual abuse. An estimated 300’000 to 500’000 immigrants have absconded altogether from their hostels. Cathryn Costello tellingly does not recount any heart-warming anecdotes involving encounters with the mass of surly, aggressive, and footloose young males of military age loitering around German public squares and train stations these days. Perhaps she was wise to avoid any such encounters. Two of the Cologne assailants, both of whom had entered the country as asylum seekers from Iraq and Algeria respectively, have just received suspended sentences (*Der Spiegel* July 7, 2016). They were last seen leaving the court room cheering and flashing the victory sign. And why not? The message sent by the court was unambiguous enough. Considering the regional ministry of interior affairs heavily leaned on two beat cops to have any reference to “rape” removed from a police report of the events of that fateful night (*Die Welt* May 2, 2016), it is surprising that any legal action was taken at all.

De gustibus non est disputandum. Merkel’s catastrophic migration fiasco has attracted much applause from the liberal kommentariat. Some of the responses to my initial submission mirror this bizarre fascination. Sadly, too much migration scholarship is tainted by an uncritical and cheer-leading ideological vantage point regarding immigration, multiculturalism, and diversity. Take the example

of Crul et al. (2012). Commissioned and financed by European Commission funding, the authors do little to disguise their extreme pro-migration bias. All too rare are those voices pointing to poor integration without instantly blaming the host society. Rarely do we encounter in-depth studies concerning the emergence of “parallel societies”, which are a truly dangerous outcome of the failed multicultural and identity politics the Left still cherishes. Excessive immigration levels and a misguided approach to integration have created safe havens for criminals and Islam-inspired hatred, violence and terrorism. Large parts of Birmingham, East London, Duisburg, south central Berlin, and many of the French suburbs of major cities have become breeding grounds for terrorism, anti-Semitism, sexual violence, and subpar educational achievements. Much of the existent social science research tells us little about these problems, proffers no solution and would rather not even acknowledge them.

Kelly Greenhill’s response seemed to miss the point of many of my arguments. Nowhere did I claim that senior European Union officials are naïve. Their advocacy for mass immigration is a matter of public record. While Commission initiatives have been routinely watered down by member states in the process of policymaking, as I documented elsewhere (Menz 2009), this does not take away from the point of enduring and pervasive bias on the part of the Commission. Greenhill attempts to refute my assertions by reviewing the source material at length. Yet she seems to miss the bigger point: Both Timmermans and Schulz are attempting to talk something into existence that most Europeans reject altogether. Most Europeans object to their countries being considered countries of immigration. Most Europeans object to so-called “diversity”. The opinion poll data Greenhill

cites in fact sustain these points. While there may well be variation across country lines, as one would expect from 28 very different countries, the broader point stands: Elites that embrace pro-migration ideology are woefully out of touch with the much more sceptical masses. Shunned by mainstream parties, many voters worried about migration, its pressures and dangers are turning to the Far Right. All too commonly demonized as bigots and racists for voicing legitimate concerns, these voters drive the electoral success of the French National Front, the Dutch PVV and the German AfD, to name but a few examples. Immigration certainly played a role in the Brexit vote. Even supporters of EU-level immigration policy may not support the particular political tack that current and future EU policy is taking. Those expressing their assent might have effective border protection and defense in mind, as opposed to the current practice of Frontex ships aiding and abetting traffickers in helping bring more unwanted immigrants to Europe.

To many on the political Left, there is no difference between being anti-immigration and anti-immigrant. And to many of those in the reality-based community, there is no real difference in practice (though not in law) between asylum seekers and illegal immigrants. If on this occasion I, too, use the latter two terms interchangeably, I do so not out of ignorance. Because of the Dublin Convention and the burden it places on the first countries of entry, not a single asylum seeker has reached Germany legally in recent years. Morally, the Muslim countries of the Middle East and the Persian Gulf would be a much more logical safe haven. Yet Saudi-Arabia has not accepted a single Syrian refugee. Even where refuge is offered, many illegal immigrants shun such hospitality for the more enticing financial rewards that await in northern Europe. The

photograph of the tragic death of a Syrian boy off the Turkish coast shocked many and was cynically exploited by the pro-migration lobby. Yet his family had legal status in Turkey and no reason to embark on a hazardous journey to Europe.

Many illegal immigrants are far from impoverished and are wilfully cooperating with organized crime gangs and traffickers to secure passage to Europe. Pakistanis, Albanians, Russians and Nigerians, three nationalities prominently represented amongst the asylum seekers in Germany, are clearly largely not fleeing political persecution. Their low recognition rates as asylum seekers reflect the large-scale abuse: 7.3 percent for Pakistan, 0.4 for Albania, 5.1 for Russia, and 9.5 for Nigeria (Statista 2016). While Costello mentions the new legal mechanisms for quickly rejecting claims by nationals of Serbia and Kosovo, from whence opportunistic applications abound, sadly she omits the politics undergirding this decision. It was politically extremely difficult to secure this measure. Since then, the political hard Left, especially the Green Party, has successfully torpedoed attempts to declare Tunisia, Morocco, and Algeria as “safe countries”, which would permit swift deportations.

Some of my detractors have an unwarranted faith in the integrity of the German asylum system. Only 44 percent of the unsuccessful asylum seekers of 2014 had actually left the country by late 2015, according to research conducted by the political party *Die Linke*. Many German Länder do not deport during the winter. The states of Bremen and Berlin, both governed by the Left, deported a mere 6 percent of unsuccessful applicants in 2014 and 2015 (*Der Tagesspiegel* February 28, 2016). Police officers seeking to carry out deportations are often frustrated in their ef-

forts by well-organized and well-connected hard left activists. The German Ministry of Family Affairs (sic) has just raised the budget for funding extremist Far Left political groups to 50.5 million Euros annually. In 2014, the ministry abolished the previous requirement for recipient groups to pledge allegiance to the German constitution. This opens up ample political space for funding the pro-immigration advocacy industry.

Successful applicants for political asylum ordinarily receive permanent residence rights after three years of residence. It seems plain churlish to deny that left-wing parties are eyeing up this group as potential future voters, as Greenhill endeavors to do. In fact, extrapolating from evidence of past waves of migration, this seems fairly likely.

While the role of business in clamoring for more liberal immigration provisions is hard to exaggerate (Menz 2009), it is interesting to note how quickly the meme according to which “Germany needs skilled migrants” has been mothballed. Sometimes, reality bites. In the autumn of 2015, CEOs of both Daimler Benz and VW made lofty declarations of support for Merkel’s Open Door policy. Daimler Benz CEO Zetsche claimed that “refugees” would provide the “basis for the next German economic miracle”. By summer 2016, it emerged that neither company had hired a single refugee. Germany’s top 30 stock market listed companies had employed 54 of the 1.3 million immigrants. 50 of them were hired by partially state owned Deutsche Post (*FAZ* July 4, 2016). German economic research institute IFW estimates that future annual expenditure for the unwanted newcomers will cost 25 to 55 billion Euros annually, depending on the volume of future asylum seekers and the success rate of deportations (IFW 2016). If even a fraction of this expenditure were to be spent

on the reintegration into the work force of elderly workers, women, existing ethnic minorities or those unemployed, major breakthroughs in improving social cohesion could have been achieved instead. For a country with an ageing infrastructure, significant hidden unemployment, low birth rates, and a long record of austerity to squander billions on attempting to integrate often illiterate and undereducated Afghans is an extraordinarily poor policy choice.

Germans are rightfully wary of their government. The police state measures now taken against alleged right wing extremists, or, more accurately, any critic of the Merkel government, suggest that even inside the Berlin bubble the realization is dawning just how unpopular Merkel's criminal actions really are. The Commission's doubling down on steaming ahead on the communitarization of asylum and immigration suggests no lessons have been learned in Brussels from the Brexit. A densely populated continent with countries in which 50 percent of the youth are unemployed does not need immigrants. And in a democracy the voices of those rejecting mass migration should count, too, whatever the personal opinions of well-insulated left-wing academicians.

There are alternatives to the Merkel mess, of course.

Tougher international pressure on the wealthy Arab Gulf states would lead to the creation of temporary safe zones for Syrian bona fide refugees. Mass deportations of illegal immigrants and failed asylum seekers from Europe are long overdue. Given the US responsibility for creating the messy political situation in Afghanistan, Syria, and Iraq, a lead role played by the US in this respect would behave Washington quite well. Tougher and meaningful border protection by Frontex as

opposed to de facto collaboration with traffickers as well as fast track deportation for manifestly unfounded applicants and applicants from safe countries would ease the burden. Rather than punishing countries unwilling to accept aggressive young Muslim immigrants, the Commission could provide leadership in helping Mediterranean countries protect their borders and deport undesirables speedily. Non-refoulement does not mean "rescuing" illegal immigrants in international waters. The fair weather construct that is Schengen has collapsed under pressure and will probably have to be abandoned permanently. There are serious dark clouds on the horizon. Consider that in 2012, the United Nations had to revise their assessment of total fertility rates (TFR) for much of sub-Saharan Africa upwards. With the exception of South Africa, all of the region has TFR projections for 2015-2020 in excess of 4. In some countries, such as Niger, a woman will have an average number of 7.5 children. After a lull in the early 2000s, annual population for all of Africa is forecast to be 2.55 percent for 2015-2020 (UN 2015). This will theoretically lead to the continent's population reaching 3.95 billion inhabitants by 2100. African policymakers will struggle to find space, jobs, and food for even a fraction of those. European policymakers would be well-advised to protect their borders sooner, rather than later.

Merkel's disastrous policy decision can still be reversed. Her vision of the future – surveillance, repression, state-imposed multiculturalism, open door mass migration – is terrifying and dystopian. In the minds of many of Merkel's sycophants, these policies somehow project an image of a new Germany, one that is "tolerant" and "open". But most Europeans disagree. All they see is a new form of bullying - this one using the language of pseudo-humanitarianism. However well-intended, the

disastrous consequences of throwing billions at unvetted, illegal, unwanted, and non-integratable immigrants are hard to deny. Whatever Viktor Orban's failings, it is hard to see how securing Hungarian public safety by enforcing Hungarian and European law is morally reprehensible. The hang-over following Merkel's excesses is kicking in. The top-down attempt to engineer a "welcoming culture" by government fiat has predictably failed. Nobody is throwing flowers and teddy bears at the floods of illegal immigrants anymore. It is high time for common sense to prevail. There is nothing odd about self-defense. It is high time to close the border - and enforce the closure.

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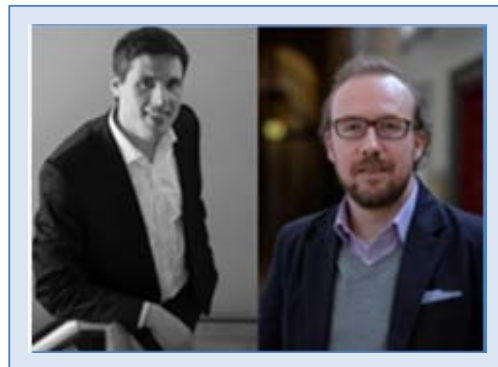
Research Institute Profile:

Maastricht Centre for Citizenship Migration and Development (MACIMIDE)

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The *Maastricht Centre for Citizenship Migration and Development* (MACIMIDE) is the interdisciplinary research centre of Maastricht University that brings together scholars working in the fields of migration, mobility, asylum, citizenship, integration, transnationalism, development and family life. MACIMIDE was set up in 2013 after receiving a seed-funding grant of €1 million from the Executive Board of Maastricht University. The Centre combines various research lines across four Faculties (Faculty of Arts and Social Sciences, Faculty of Humanities and Sciences, Faculty of Law and School of Business and Economics). The Centre is currently co-directed by René de Groot and Maarten Vink, who are joined from 1 September by Melissa Siegel. There are currently more than 120 senior and junior researchers affiliated to MACIMIDE. Costica Dumbrava is MACIMIDE's current Executive Coordinator.

MACIMIDE's research programme focuses on how cross-border mobility offers opportunities and poses challenges for individuals and their families, as well as for economies and societies at large, both in the origin and destination countries. The programme is characterised by three key elements: a) an interdisciplinary perspective—it combines approaches and methodologies from law, political science, anthropology, sociology, economics, and cultural studies; b) a multi-sited approach—it takes a transnational approach to migration paying attention to developments in both sending and receiving countries; and c) an integrated view—it combines macro-, meso-, and micro-perspectives analysing both micro-level behaviour as well as the family networks and societal



contexts that affect behaviour. The research is organised along four thematic perspectives. Each research theme has a leader who is in charge of ensuring that the research projects cross-link within the themes as well as across the themes.

The research theme of Migration and Development, led by Melissa Siegel, focuses on the dynamic relations between receiving and sending countries. While most research in the past was directed towards the determinants of emigration and the problems of integration of immigrants, this research group emphasises that effects go both ways not only in financial and knowledge streams (remittances) but also by transferring and transforming societies across borders. Among the research projects developed in this theme are the IS Academy project on Migration and Development sponsored by the Dutch Ministry of Foreign Affairs, as well as projects on migration and health, on diasporas and peace (focusing on the engagement of the Syrian diaspora in the contemporary conflict), migration and multi-dimensional poverty, to name just a few examples.

Hildegard Schneider leads the research theme of Cross-border Mobility, which focuses on the European perspective of migration and asylum, specifically on people who live and work in border regions and the gap between applicable legal rules and the reality they are confronted with in their daily lives. Even if the free movement of persons and the right to work in a different Member State of the EU is considered as being a fundamental right linked to EU citizenship, problems created by mobility can be felt on a daily basis. These problems can be caused e.g. by differences in education standards and grants for students as well as the difficulties to recognize foreign qualifications, but also different social security, pensions and tax schemes, family law and inheritance legislation as well as nationality matters can make the daily life of a migrant worker enormously difficult and often financially unattractive. These obstacles are even more evident for non-EU citizens who seek to study, work or provide services in the EU or who enter the territory of a Member State as a refugee or asylum seeker. Some of the projects included within this theme focus on, for example, EU asylum law, conflicting coordination rules in the case of cross-border employment, and marital captivity.

The projects under the research theme of Transnational Families, led by Valentina Mazzucato, examine the legal, cultural, social and economic issues that families and their members face in the context of international migration. This research group focuses on how families operate across borders: the ties that are maintained, forged and transformed, the changes in social customs that this engenders and the effects it has for migrants as well as for the people who stay in the country of origin. It investigates the social relationships that underlie the sending and receiving of remittances by including the non-monetary, socio-cultural

effects of migration. A key characteristic is the use of transnational networks as the unit of analysis, giving equal emphasis to migrants and the people they are tied to, forming a transnational network. Key projects within this theme have focused on the effects of transnational child raising arrangements on life-chances of children, migrant parents and caregivers between Africa and Europe, as well as good governance in international child transfer.

Maarten Vink leads the research of Citizenship and Immigrant Integration theme, which focuses on the role of citizenship in the two-way process in which newcomers and host societies work together to build a cohesive community. Successful integration, broadly defined, relates to a range of issues, such as access to rights, educational performance, labour market performance, residential conditions, among others. Aiming to consolidate and intensify existing inter-faculty collaboration, UM researchers within this research theme analyse the links between citizenship and immigrant integration from a comparative and interdisciplinary perspective, using approaches from law, sociology, politics and economics. Researchers within this theme also cooperate closely with the European Union Democracy Observatory on Citizenship (EU DO CITIZENSHIP) of which Maastricht University was a founding consortium partner and which is currently co-directed by Maarten Vink. Key projects are, among others, a study on the relation between immigrant naturalization and socio-economic outcomes (analysing data from the Dutch population register), the MACIMIDE Global Expatriate Dual Citizenship Database (covering dual citizenship rules in nearly all countries of the world since 1960), as well as a project on protection against statelessness in Europe (in cooperation with the UNHCR Stateless Unit).

MACIMIDE researchers are engaged in many international projects and within established research networks in the areas of migration, citizenship and development. In 2014 the MACIMIDE was accepted as full member of the IMISCOE—Europe's largest interdisciplinary research network in the field of migration, integration and diversity studies. Maarten Vink currently represents MACIMIDE in the IMISCOE Board of Directors and is one of the coordinators of the IMISCOE Standing Committee on Migration, Citizenship and Political Participation (together with Jean-Michel Lafleur and Marco Martiniello of Liege University). Another IMISCOE Standing Committee, on Interactions of Migrant Integration and Transnationalism in Europe, is chaired by MACIMIDE's Özge Bilgili. In 2015 MACIMIDE researchers were among the founders of the Institute for Transnational and Euregional Cross Border Cooperation and Mobility (ITEM), which seeks to contribute to the promotion of cross-border mobility and the removal of obstacles to mobility. This project was initiated among others by the (Dutch) province of Limburg, the city of Maastricht and the Meuse-Rhine Euregion. In 2016 two MACIMIDE researchers were awarded prestigious Consolidator Grants from the European Research Council for projects on "Mobility trajectories of young lives" (Valentina Mazzucato) and "Migrant life course and legal status transition" (Maarten Vink).

MACIMIDE organises regularly conferences, panels and workshops. In April 2014 MACIMIDE organised a two-day kick-off conference and PhD Workshop, together with the Dutch Association for Migration Research (DAMR). Özge Bilgili is the current chairman of DAMR. MACIMIDE integrates several research seminar series running at Maastricht Universities, such as the Globalisation, Transnationalism and Development Colloquia at the Faculty of Arts

and Social Sciences, the Migration Seminars of the UNU-Merit/Maastricht Graduate School of Governance, and the Nationality Law Workshop of the Faculty of Law. While organised within these faculties, presenters and participants are drawn from across the various research themes and faculties.

Maastricht University and MACIMIDE have developed substantial expertise in the area of migration studies and currently offer general and specialised courses at bachelor's, masters' and PhD level. The Maastricht Graduate School of Governance together with UNU Merit offer a joint MSc in Public Policy and Human Development with a specialisation track in Migration Studies. The Faculty of Arts and Social Sciences offer MA and BA (Minor) programmes in Globalisation and Development focusing on how globalisation dynamics affect developing areas, especially the Global South. This Faculty also offers a MA in European Studies that focuses on multi-level governance in European and broader context, including in the area of international migration. The Faculty of Law offers a LLM in European Law, which provides in-depth legal training in European and comparative law as well as in migration law and asylum.

Finally, MACIMIDE is very happy to welcome visitors and currently has two visiting fellowship schemes through which it provides junior and senior researchers opportunities to conduct research and engage in collaborative work along the four MACIMIDE research themes. For more information about MACIMIDE research, people, study opportunities, publications and events please visit the MACIMIDE website at: <https://macimide.maastrichtuniversity.nl>. If you are interested in our events, don't forget to sign up for our bi-weekly newsletter.

Mentoring Matters:

Tips for Building Productive Mentoring Relationships for Migration and Citizenship Scholars

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Developing and maintaining productive mentoring relationships is daunting for political scientists in any subfield, but the highly interdisciplinary nature of migration and citizenship studies poses unique challenges.¹ Political scientists in this subfield regularly work in conversation with scholars in other disciplines. For example, two recent National Academies committees, tasked with reporting on immigration and integration in the United States, included twelve sociologists, eleven economists, two political scientists/public affairs scholars, two demographers, one geographer, one social work scholar, one public health scholar, one anthropologist, and one lawyer.² Yet getting a job and tenure in political science often requires proving one's disciplinary skills and expertise. What are productive strategies for capitalizing on interdisciplinarity for political scientists seeking and providing mentorship in the field of migration and citizenship?

Our mentoring relationship began over a decade ago, when de Graauw and Hamlin were political science graduate students at UC



Berkeley and Bloemraad a new junior faculty member in sociology. Now that we are all faculty members, we reflect on the lessons learned from both receiving and providing mentorship. We offer tips for students and faculty in three distinct but related areas: acquiring scholarly expertise, publishing, and networking. We want to help other scholars build productive mentoring relationships to take advantage of the disciplinary diversity of migration and citizenship studies.

Acquiring Scholarly Expertise

Because migration and citizenship expertise is found in a range of disciplines, students need to develop learning strategies early on to tap into this rich interdisciplinary scholarship. Students should consider classes in other departments and need to read outside the standard texts in political science. In turn, faculty teaching migration and citizenship classes can encourage interdisciplinary conversations by opening up their courses open to students in different departments and assigning texts from a range of disciplines.

¹ Authors are listed in alphabetical order.

² The Committee on Integration of Immigrants into American Society released its report on 21 September 2015; see <http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=21746>. The Committee on the Economic and Fiscal Impact of Immigration will release its report later in 2016; see <http://www8.nationalacademies.org/cp/CommitteeView.aspx?key=49595>.

Interdisciplinary campus workshops can be particularly useful tools for connecting students and faculty across departments. Hamlin and de Graauw both benefitted enormously from participating in the Interdisciplinary Immigration Workshop that Bloemraad started at UC Berkeley in 2003. The workshop is designed to foster exchanges about migration and citizenship research among students and faculty from across campus by sharing work-in-progress, bringing in visitors, and occasionally talking about professionalization, such as journal publishing. If no such workshop exists, students can create a reading or working group with peers in other disciplines to support each other. The Immigration Working Group at the CUNY Graduate Center, created in 2009, is an example. A student-led reading or working group should have regularly scheduled meetings and be based on strong reciprocity norms, with members committed to reading each others work and sharing knowledge of literatures and debates in their respective disciplines.

Students can further build expertise by participating in interdisciplinary conferences that draw migration and citizenship experts from across the United States and beyond. These include, for instance, the annual meetings of the Law and Society Association, Urban Affairs Association, Social Science History Association, Latin American Studies Association, and International Studies Association, as well as specialized conferences such as PRIEC (Politics of Race, Immigration, and Ethnicity Consortium) and SPIRE (Symposium on the Politics of Immigration, Race, and Ethnicity), which hold regular meetings on different university campuses across the United States.

Students and faculty can also organize their own conferences. Bloemraad helped organize the “Making Connections” conference on migration, a full-day event on the UC Berkeley campus ahead of the 2009 American Sociologi-

cal Association annual meeting in San Francisco. This conference included sessions that purposely assigned a mix of senior faculty and junior scholars, both graduate students and pre-tenure faculty, to one of two dozen roundtables. Similarly, de Graauw helped to organize a half-day short course on “Methods, Data, and the Study of Migration and Citizenship” ahead of the 2014 APSA meeting in Washington, DC. The reception after the workshop provided valuable networking opportunities.

Students can further acquire interdisciplinary expertise by working as a research or teaching assistant with faculty outside their home department. As grad students at UC Berkeley, de Graauw and Hamlin both worked as course graders for American Studies courses, and de Graauw was a TA for a Geography course. de Graauw and Hamlin also worked as RAs for Bloemraad on her “Immigrant Civic Engagement Project.” These positions exposed them to different literatures, teaching techniques, and research methodologies, and let them work under the supervision of an experienced scholar who later co-authored with them and supported their academic job searches. de Graauw in turn has advertised her RA positions widely and now works with undergraduate and graduate RAs from political science, sociology, and public policy. Hamlin uses RAs from legal studies and communication. RAs from different disciplinary backgrounds bring valuable new perspectives to a research project.

Publishing

Mentorship in publishing is critically important for political science students and junior faculty doing research on migration and citizenship. Some of the top migration and citizenship journals are interdisciplinary, including the *International Migration Review* and the *Journal of Ethnic and Migration Studies*. Most of these

journals' authors and readers are not political scientists; junior scholars who want migration and citizenship experts to read and engage with their work need to be able to write for such audiences. Fellow political scientists, including those who will review grad students' job applications or tenure files down the line, might not know, however, about the status or impact of such journals and perhaps even question the authors' stripes as true political scientists if they publish in non-political science journals. How can early career scholars navigate these conflicting publishing demands, and how can senior scholars help?

Grad students and junior faculty should keep their strongest data for their solo-authored book or key articles in political science journals. But establishing a reputation in the field of migration and citizenship studies demands engagement with additional audiences. Early career researchers should use portions of their data to prepare articles for different audiences and journals. It can feel daunting to have reviewers evaluate one's work in interdisciplinary journals, but it often deepens and broadens the impact of the work. Indeed, being able to show that one's scholarship has a receptive audience outside of political science can help build a strong tenure file as colleges and universities tend to think more broadly about impact and reputation than departments might. At tenure, it can help to have a few strong letters from migration and citizenship experts in other disciplines, to demonstrate the wide reach of one's scholarship. Senior scholars who write those letters should clearly spell out the importance of such interdisciplinary journals and underscore the professional benefits of a wide audience for citations, impact, and influence on academic debates.

Mentors can help grad students and junior faculty publish in this interdisciplinary field,

too. If a mentor is from another discipline, a junior scholar can combine her or his research with the mentor's work to develop an article with a unique argument or new comparative contribution. That is how de Graauw, Shannon Gleeson (another of Bloemraad's former grad students), and Bloemraad developed an article on immigrant organizations that was published in the *American Journal of Sociology* in 2013. Or grad students can work with their mentor by combining their data with the mentor's theorizing to produce new scholarship, as in Matt Wright and Bloemraad's co-authored and award-winning article published in *Perspectives on Politics* in 2012. If a grad student worked as an RA, she or he can ask their mentor about co-publishing that research. When the data are rich enough to allow multiple publications, first authorship can be rotated among the team, with each member taking the lead on a different article. This is what Bloemraad did with de Graauw and Hamlin in analyzing newspaper data from her "Immigrant Civic Engagement Project." Early career scholars do need to be cautious, however, in balancing co-authored work with publications that clearly establish their independent scholarly voice based on their own original data.

Senior faculty can also take advantage of their standing in the academy to spearhead a special journal issue or edited volume in which they solicit submissions from a mix of academic ranks and disciplines and perhaps invite a grad student or junior faculty to serve as co-editor. Examples of these mentoring strategies are the volumes *Civic Hopes and Political Realities* (co-edited by Bloemraad and Karthick Ramakrishnan, published by the Russell Sage Foundation in 2008) and *Unsettled Americans* (co-edited by John Mollenkopf and Manuel Pastor, published by Cornell University Press in 2016). It is important to remember, however, that book chapters are not as prestigious as journal arti-

cles, especially on the job market and for tenure, so grad students and junior faculty need to be mindful about what aspects of their research and data to include in edited volumes, and what they should save for peer-reviewed journals.

Networking

Getting to know the right people with similar research interests in political science and other disciplines can be challenging for students who have little name recognition and few contacts. In contrast, senior faculty often have rich professional networks spanning different disciplines that they can call upon while mentoring students and junior faculty. Doing so is often easy, but junior scholars need to recognize these opportunities while established scholars need to remember how helpful these contacts can be. For example, when senior faculty bring a colleague to campus to give a talk, they can create opportunities for students and junior faculty to meet the visitor. They can invite students and junior colleagues to the post-talk dinner, or they can arrange a get-together between the visitor and grad students on campus. Faculty can also invite grad students to help organize such events. Doing so provides students with opportunities to interact with a range of scholars whom they may otherwise not have a chance to meet.

Mentoring through networking can also take place in more casual settings. For example, faculty can meet with grad students and junior colleagues over coffee or lunch or while going for a lunchtime walk. Informal get-togethers lend themselves well to talk about research but also a broad range of professionalization topics related to finding a job, applying for a grant, developing effective teaching strategies, publishing a book or journal article, and balancing a demanding academic career with a fulfilling personal life. Senior faculty sometimes forget

that their accumulated knowledge is not self-evident to early career researchers; students and junior scholars should not be afraid to ask for advice.

Faculty can also include students in their networks by passing on information about relevant publication, funding, jobs, and service opportunities. For example, when junior faculty are interested in serving on the editorial board of a journal that is central to their scholarship, they can ask senior faculty to submit a recommendation on their behalf. Or when faculty receive an invitation to contribute to a special journal issue or an edited volume but cannot do it, they can recommend one of their students or junior colleagues instead. Both de Graauw and Hamlin ended up with publication opportunities in this way. Faculty can also invite a student to co-author and present the co-authored research at a conference. Such arrangements should always include a frank discussion of expectations, the division of labor, and the order of authorship. Whoever contributes the key ideas, analysis, or original data should be the lead author and lead presenter, regardless of rank or position.

Finally, faculty who want to foster mentoring relationships for students and junior faculty through networking need to keep in mind barriers or challenges related to gender, race, and ethnicity. Women and ethnic/racial minorities are notably underrepresented in the academic ranks of political scientists.³ This fact makes it more difficult for political science students and junior faculty who are women and eth-

³ American Political Science Association. 2005. "Women's Advancement in Political Science: A Report on the APSA Workshop on the Advancement of Women in Academic Political Science in the United States." [http://www.apsanet.org/portals/54/Files/Task%20Force%20Reports/Womens Advancement in Political Science 2005.pdf](http://www.apsanet.org/portals/54/Files/Task%20Force%20Reports/Womens%20Advancement%20in%20Political%20Science%202005.pdf)

nic/racial minorities to learn from successful role models of similar backgrounds. Senior mentors, especially in a field like migration and citizenship, need to take proactive steps in reaching out to students who might not see themselves represented in academia. Barriers of gender and ethnic/racial background may also make junior scholars more hesitant to ask questions about family-work balance, fairness and inequity in the academy, or related issues. Cross-disciplinary mentorship can be an advantage here, as networking with senior scholars in disciplines where women and ethnic/racial minorities are better represented among faculty, such as in sociology, can provide female and ethnic/racial minority political scientists with more opportunities for these conversations and for role modeling.⁴

It is not easy forging an academic career balancing the demands of political science with the interdisciplinary nature of migration and citizenship studies. But doing so successfully brings significant rewards in richer research, broader audiences, and a dynamic network of colleagues passionate about similar topics. A diverse set of mentorship strategies can make this a win-win opportunity for junior and senior scholars.

Of course, our Section can play a role in fostering mentoring relationships, including those crossing disciplines. Just like APSA has been doing for grad students who are new to APSA, our Section can organize a mentoring lunch during the annual meeting to connect grad students with senior migration and citizenship scholars. The Section can also develop its own

mentoring program, as the Sociology of Law Section of the American Sociological Association has done. Here, willing grad student members can get teamed up with senior scholar members, and they set up a regular time to connect (by phone or email) throughout the year. Such a longer-term mentoring relationship can be rewarding for everyone involved.

⁴ Paula England, Chair, Committee on the Status of Women, American Sociological Association. 2009. "Final Report of the Committee on the Status of Women."

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Section News:

January – June 2016 in Brief – Books, Journal Articles, Member News

Books

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Member News

Kristy A. Belton (Human Rights Center, University of Dayton)

- Published “Rooted Displacement: the paradox of belonging among stateless people.” *Citizenship Studies* 19.8: 907-921.
- Published “Bearing the progressive mantle.” *The Tribune*. Op-Ed. May 2. <http://www.tribune242.com/news/2016/may/02/bearing-progressive-mantle/>.
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- Published “Statelessness as forced displacement.” Contribution to the openGlobalRights debate on the future of refugee protection. OpenDemocracy. <https://opendemocracy.net/openglobalrights/kristy-belton/statelessness-as-forced-displacement>.
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- Published “Vision Reconfiguration: statelessness as forced displacement.” Viewpoint, Issue 31. Discover Society. <http://discoversociety.org/2016/04/05/viewpoint-vision-reconfiguration-statelessness-as-forced-displacement/>.

Irene Bloemraad (Sociology, University of California)

- Published (with Silva, F. and Voss, K.) „Rights, Economics or Family? Frame Resonance, Political Ideology and the Immigrant Rights Movement.“ *Social Forces* 94(4): 1647-1674.

Adam M. Butz (Graduate Center for Public Policy and Administration, California State University, Long Beach) and **Jason E. Kehrberg** (Visiting Adjunct Instructor, Departments of Political Science and Health Science, Muskingum University, USA)

- Published “Estimating Anti-Immigrant Sentiment for the American States using Multi-Level Modeling and Post-Stratification, 2004–2008,” *Research & Politics* 3 (2016), accessed March 11, 2016, doi: 10.1177/2053168016645830

Els de Graauw (Political Science, Baruch College, City University of New York)

- Published *Making Immigrant Rights Real: Nonprofits and the Politics of Integration in San Francisco* (Ithaca: Cornell University Press, 2016).
- Published (with Floris Vermeulen) “Cities and the Politics of Immigrant Integration: A Comparison of Berlin, Amsterdam, New York City, and San Francisco.” *Journal of Ethnic and Migration Studies* 42(6): 989-1012.
- Published (with Manuel Pastor and Rhonda Ortiz) *Opening Minds, Opening Doors, Opening Communities: Cities Leading for Immigrant Integration*. (New York and Los Angeles: Americas Society/Council of the Americas and the Center for the Study of Immigrant Integration at the University of Southern California, 2015).
- Published “Rolling Out the Welcome Mat: State and City Immigrant Affairs Offices in the United States.” *IdeAs/6* (fall/winter 2015).

Leila Kavar (Political Science and Legal Studies, University of Massachusetts Amherst)

- Published "Grappling with Global Migration: Judicial Predispositions, Regulatory Regimes, and International Law Systems." *Tulsa Law Review* 51 (2016): 101-14.
- Her Book „Contesting Immigration Policy in Court: Legal Activism and Its Radiating Effects in the United States and France“ (Cambridge University Press) was named joint winner of the 2016 Law and Society Association Herbert Jacob Award for best book in law and society.

Anna O. Law (Political Science, CUNY Brooklyn College)

- "How do U.S. Immigration Courts Decide Gender-Based Asylum Claims," yielded an award of \$79,497 to Brooklyn College (NSF #155655), and \$185,948 to UC Hastings School of Law (NSF Grant #1556131). - See more at http://www.brooklyn.cuny.edu/web/news/bcnews/bcnews_160317.php#sthash.KDetoKkh.dpuf

Willem Maas (Political Science, Glendon College, York University)

- Co-edited (with Alexander Caviedes) a special issue on "Sixty-Five Years of European Governance" for the *Journal of Contemporary European Research* 12 (1).
- Published "European Governance of Citizenship and Nationality," *Journal of Contemporary European Research* 12 (1): 532-551.

Helen Marrow (Sociology, Tufts University)

- Published (with Daniel J. Hopkins, Jonathan Mummolo, Victoria M. Esses, Cheryl R. Kaiser and Monica McDermott) "Out of context: the absence of geographic variation in US immigrants' perceptions of discrimination." *Politics, Groups, and Identities* (published online at DOI: 10.1080/21565503.2015.1121155).

- Published (with Tiffany D. Joseph) "Excluded and Frozen Out: Unauthorised Immigrants' (Non)Access to Care after U.S. Healthcare Reform. *Journal of Ethnic and Migration Studies* 41(14): 2253-73.

Laura Morales (Politics and International Relations, University of Leicester)

- Organized conference on "MPs of Immigrant Origin in Eight European Countries: A Mid Project Conference" on February 15, in the framework of the Pathways project (<http://pathways.eu/>) at the Institute of Government in London. Recordings of the presentations are available on the following YouTube channel: <https://www.youtube.com/playlist?list=PLVk44rR24WKef4nojZMUSMNVNTFyD0eed>
- Organized workshop (with Thomas Saalfeld) on the "Representation of Citizens of Immigrant Origin at the European Consortium for Political Research (ECPR) *Joint Sessions of Workshops in Pisa* in April 2016.

Stefan Rother (International Relations, University of Freiburg)

- Published (with Christl Kessler) "Democratization through Migration? Political Remittances and Participation of Philippine Return Migrants." Lanham: Lexington Books.
- Published "Migration und Demokratie." Wiesbaden: Springer VS.
- Published "Freedom and development: The current refugee crisis is ultimately a crisis of refugee policy." D+C (Development + Cooperation) epaper (April). <http://www.dandc.eu/en/article/lack-consensus-concerning-definition-refugee-has-serious-consequences-millions-people>

Galya Ruffer (Political Science and Director, Center for Forced Migration Studies, Buffett Institute for Global Studies, Northwestern University)

- was awarded a Senior Fellowship at the Käte Hamburger Kolleg/ Centre of Global Cooperation Research in Duisburg, Germany for a period of six months from 1 June to 30 November 2016 where she will be working on her project, “Does the Refugee Convention Regime Contribute to Refugee Protection? Understanding ‘Success’ in the Implementation of Refugee Status Determination in Emerging Asylum Systems.”
- Consolidator Grant, from European Research Council, for project Legal Status Transitions and the Migrant Life Course (MiLifeStatus). Duration: 1 September 2016 – 31 August 2021. <https://macimide.maastrichtuniversity.nl/milifestatus/>

Maarten Vink (Political Science and Political Sociology, Maastricht University)

- Published (with F. Peters, H. Schmeets) “The ecology of immigrant naturalisation: a life course approach in the context of institutional conditions.” *Journal of Ethnic and Migration Studies*, 42(3), 359-381.
- Pulished (with F. Peters) “Naturalization and the Socio-Economic Integration of Immigrants: a Life-Course Perspective.” In G. Freeman and N. Mirilovic, eds, *Handbook on migration and social policy*. Edward Elgar, pp. 362-376.

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