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Editorial

Welcome to Volume 6, Issue 1 of the Oxford Monitor of Forced Migration (OxMo).

This issue reflects the continuing importance of the European refugee crisis for Refugee Studies. The six articles on Europe all raise protection concerns for refugees in, or seeking access to, Europe. Academia is at times criticized for being slow to adapt in the face of a fast changing world but the OxMo showcases young researchers, in particular, using research as a practical way to challenge the injustices they perceive around them.

The protection concerns facing refugees in Europe highlighted in this issue are in part attributable to phenomenon that is often hidden from public view. Few refugees face return to Syria, in violation of the principle of non-refoulement; however this does not mean that their protection remains unchallenged or uncompromised.

Grundler highlights that, although Germany’s response to asylum seekers has been widely presented as generous, recent changes to asylum law severely restrict asylum seeker’s rights and freedoms. An example is the fast-tracking of asylum applications within just one week and the pitfalls such a process embodies.

Another way the law can restrict refugees’ rights is through its application and interaction with political factors. Ihring argues that the closure of the border along the Western Balkans is not governed by the law, but rather political responses to ‘compassion fatigue’ amongst the public. Ihring further highlights the manner in which some refugees have been constructed within a dichotomy; as ‘good victims’ if they are from a ‘war’ country - which only includes Syria, Iraq or Afghanistan - and as ‘illega l migrants’ if they are from other countries.

The construction of refugees in Europe is also explored by Gartrell who carries out a critical discourse analysis of three major newspapers in the United Kingdom. Her piece demonstrates that the British press largely avoids identifying Syrian refugees as Muslim; instead, it chooses to portray them through an existing discourse of migration, which places them within debates about immigration and Britain’s place within the European Union.

Protection concerns are also occurring in informal spaces, which exist outside the legal and formal channels. Manara explores an informal settlement next to the reception center of Borgo Mezzanone in southern Italy. She develops a typology of refugees living within that area and explains how the settlement is both a source of resilience and practical adaption to inefficiencies in reception arrangements, but that it also hinders refugees’ integration into Italian society.

Turning to the edges of Europe, Jarahzadeh reveals the challenges refugees face in Turkey; they have no available opportunity for a durable solution and therefore face the choice of entering an ‘invisible queue’ for resettlement or pursuing clandestine journeys to Europe. Refugees experience the paradox at the heart of migration management that encourages refugees to wait in an intermediary country without any guarantee of eventual asylum.

It is important to note of course that criticism of European countries’ treatment of asylum seekers precedes the current crisis. Blanchard et. al, based on their research and advocacy with the British Red Cross, highlight the wide range of difficulties failed asylum seekers face in the United Kingdom. Since 2009, for example they had been given monetary support on a pre-paid card. This card restricts where refugees’ could buy essential items and their ability to save from week to week. The authors also highlight how the meager amount of £5 a day...
means refugees often went hungry and how a successful advocacy approach helped to alleviate some of the harsh effects of this policy of pre-paid cards.

Su adds a strong theoretical dimension to this issue, discussing how the concept of the ‘climate refugee’ has been slowly abandoned and replaced with the more neutral concept of the ‘climate migrant’. Su engages with the debate over whether the concept of ‘climate refugees’ should be bought back. She illustrates how abandoning the concept could lead to significant protection gaps.

We are also delighted to publish the highly illuminating reflections of two refugees from the Democratic Republic of Congo, Sylvain Gaetan and Msenwa Oliver Mweneake. Despite restrictive and discriminative policies, Gaetan has been able to pursue education at a postgraduate level and return to the Kakuma refugee camp in Kenya, where he was once a refugee, as a development practitioner. His words critique the increasingly held view globally that refugees are a burden that must be restricted; he demonstrates the resilience and motivation refugees, if granted their rights and allowed to integrate, and the contribution they can make to their host countries. He states

‘…refugees are not a burden but a great resource. Their life journeys make them more resilient to overcoming obstacles, and refugees … can contribution to the well-being of their new countries… My past struggles have fuelled my present dedication to fight atrocities, violence and corruption around the world’.

Written by Warda Shazadi Meighen and Claire Walkey, Co-Editor-in-Chief

Oxford, United Kingdom and Toronto, Canada

May 2016
Academic Articles
HESTER GARTRELL, Muslim or Migrant? An Exploration of the Portrayal of Syrian Refugees in the British Press

This article explores how Syrian refugees were portrayed in the British press following the death of Aylan Kurdi, a Syrian toddler who drowned along with his mother and brother while trying to reach Europe. It begins with a literature review of previous studies, which have explored how refugees, asylum seekers and migrants (RASM), and Muslims are portrayed in the British press. This review reveals that, although there is clearly overlap between how RASM and Muslims are represented, there has been little in-depth examination of what happens when the two concepts are brought together, such as in the case of Syrian refugees. This article analyses three representative British newspapers and argues that the British press largely avoids identifying Syrian refugees as Muslim while identifying violent groups, which have caused Syrian refugees to flee, as Muslim. The article argues that the British press portrays them through an existing discourse of migration, which places them within debates about immigration and Britain’s place within the European Union. In the articles analysed, Syrian refugees were rarely identified as Muslims and were instead primarily described as innocent civilians whose religion was not specified. Rather than presenting Syrian refugees as moderate Muslims in opposition to the violence of Islamic State, Syrian refugees’ religion is largely overlooked. This denotes the tendency of the British press to present a homogeneous Islam stripped of its internal diversities and debates, through the failure of identifying Syrian refugees as Muslims who oppose the violence and values of Islamic State.

Since the outbreak of the Syrian civil war in 2011, over four million Syrians have fled their country and registered as refugees (UNHCR 2015). The majority of refugees have settled in the surrounding countries of Egypt, Iraq, Turkey, Jordan and Lebanon; however, an increasing number of people have begun to travel to Europe (UNHCR 2015). This has steered extensive British media coverage of the civil war in Syria and Europe’s response to those fleeing from it. This media coverage spiked following the death of Aylan Kurdi, a Syrian toddler who drowned alongside his family while trying to reach Europe on the 2 September 2015 (Yazkan et al. 2015: 187).

This article aims to explore this spike by using content and discourse analyses methods described below to survey depictions of Syrian refugees in three national British newspapers. Initially, it outlines the methodology and assesses the current literature concerning portrayals of refugees and Muslims in the British press. Although there is extensive literature on both subjects, there has been no in-depth exploration of how Syrian or Muslim refugees are characterised by the British press. The article analyses how Syrian refugees are depicted in the British press and explores whether they are primarily presented as Muslim refugees fleeing from conflict or as migrants - the latter referring to people who move from one place to another for work or better living conditions. This analysis will demonstrate that the British press avoids identifying Syrian refugees as Muslims and instead primarily refers to Islam in connection with the violent terrorist group, Islamic State, which has caused Syrians to flee their country. Comparatively, Syrian refugees are primarily identified as migrants by both liberal and conservative newspapers; newspapers place them within a wider discourse of migration. This wider discourse concerns larger debates regarding Britain’s place in the EU and concerns about immigration.

Methodology
The media articles analysed were selected through the LexisLibrary\(^1\) news archive using ‘Aylan Kurdi’ as a search term. As suggested above, this search term was used due to the increased coverage of Syrian refugees after the death of Aylan Kurdi (Yazkan \textit{et al.} 2015:187). It yielded a wide range of material and provided an opportunity to explore whether Aylan Kurdi’s death, and its subsequent coverage, significantly affected the way in which Syrian refugees were represented in the British press when compared to existing academic literature on refugee portrayal (see Baker \textit{et al} 2008; Baker and McEnery 2005; Philo \textit{et al.} 2013). The articles found by using Aylan Kurdi as a search term were chosen from three newspapers, which provide a broad spectrum of political opinion: the \textit{Daily Mail}, \textit{The Daily Telegraph} and \textit{The Guardian}. These newspapers represent a wide spectrum: one is a conservative tabloid, another a conservative broadsheet and a liberal broadsheet (see: National Readership Survey 2015). Additionally, the \textit{Daily Mail}, \textit{The Guardian} and \textit{The Daily Telegraph} are within the top four most widely read British national newspapers (National Readership Survey 2015).\(^2\) Although the \textit{Daily Mirror}, a leftist tabloid was considered for inclusion, its readership did not rank sufficiently high (see: National Readership Survey 2015). Once the author selected Aylan Kurdi as the search term and decided which newspapers to focus on, she further restricted the sample to articles published between the 2 and 10 September 2015. This time frame ensured that the sample size was manageable and included articles published online through newspaper websites and those published in print. Overall, the author analysed a total of 45 articles using a mixture of content analysis and discourse analysis: 15 from \textit{The Guardian}, 17 from the \textit{Daily Mail} and 13 from \textit{The Daily Telegraph}.\(^3\)

The author chose to use quantitative and qualitative discourse analysis in order to gain a holistic understanding of the text. Content analysis involves measuring the number of times certain words appear in the text alongside the coding of key themes. Discourse analysis looks beyond the sentence by focusing on broader themes and ideological discourses (Van Dijk 2002: 109-111). This is important because exploring the portrayal of Syrian refugees in the British press necessitates an understanding of the content of the texts alongside a consideration of the ideological or political motivations of the selected newspapers.

\textbf{Literature Review}

As Yazgan \textit{et al.} state, the academic literature on Syrian refugees has been surprisingly limited. The majority of written works have so far comprised of reports by regional and international agencies such as \textit{Amnesty International} and tend to focus on the practical needs of refugees such as medical aid, shelter and food as well as on the acceptance of refugees by local communities (2015: 185-186; 238-250). Although few studies have been conducted on media representations of Syrian refugees, some exceptions exist: Yaylaci and Karakus’ ‘Perceptions and newspaper coverage of Syrian refugees in Turkey’ (2015) provides a unique and interesting example of how Syrian refugees have been represented by the media in the Turkish context. Yaylaci and Karakus (2015) use content analysis of three newspapers to argue that the portrayal of Syrian refugees in the Turkish media is linked to each newspaper’s

\begin{footnotesize}
\begin{enumerate}
\item Articles sourced through LexisLibrary do not feature page numbers.
\item The most widely read national newspaper is the Daily Mail with a readership of 18369, 000 from October 2014 to September 2015. The Daily Mail’s readership is followed by The Sun with a readership of 13417, 000, The Guardian and The Observer with 11544, 000, The Daily Telegraph with 11246, 000 and The Daily Mirror with 11180, 000 (National Readership Survey 2015).
\item In the case of \textit{The Guardian}, the LexisLibrary News Archive yielded 62 articles for the search term; in order to stick to the average number of the two other samples, the author randomly selected 15. Although the large number of articles in \textit{The Guardian} relating to Aylan Kurdi is in itself interesting, exploring this was not possible within the scope of the article.
\end{enumerate}
\end{footnotesize}
political affiliation. Their article and its conclusions sit within a wider body of work, which explores the role of the media in portraying other refugee populations and minorities. This existing literature includes a number of studies, which specifically focus on the representations of refugees and asylum seekers in the British press. Much of this literature relies on Van Dijk’s theory of critical discourse analysis. Van Dijk suggests the structure, syntax and context of media texts reveals their role in reproducing racist discourse. He thus highlights the political, cultural and social function of the media (1992: 95-97; 2002: 111-112; 116). Critical discourse analysis is widely used within the field of media studies and analysis, and is often largely qualitative. However, some scholars have begun to use quantitative methods such as content analysis and corpus linguistic analysis. The latter involves using software to explore natural language patterns such as the juxtaposition of words in a collection of texts. For example, Baker and McEnery (2005) practice a corpus linguistic analysis of media discourse on refugees, arguing that it provides them with a more complete understanding of the use of certain words (2005: 223). However, despite the use of different methods within the field, research on how the British press portrays migrants and refugees generally arrives at common conclusions.

Existing studies find that refugees are primarily portrayed negatively, whether as tragic victims without agency or as the dangerous ‘other’ who threatens British society (see e.g. Baker et al. 2008; Baker and McEnery 2005; KosraviNik 2010, Lamb 2014; Philo et al. 2013). Both KosravaniNik (2010: 1-2) and Philo et al. (2013: 3) stress the existence of common motifs used by British newspapers to portray refugees and migrants. These key motifs include notions of threat and economic burden (Philo et al. 2013: 35-42); a focus on numbers; or use of collective metaphors, such as ‘flood’ to refer to refugees (KhosravaniNik, 2010: 1-2; 18-20). This is further supported by Baker et al. who use a combination of critical discourse analysis and corpus linguistics to argue that both research methods independently identified numerous examples of negative categories in relation to refugees and asylum seekers (2008: 287).

Many scholars also highlight how refugees are equated with economic migrants, demonstrating the British press’ reluctance to distinguish between different forms of migration (see Philo et al. 2013: 2). Furthermore, KosraviNik (2010), Lamb (2014), and Yaylaci and Karakus (2015) argue that the portrayal of refugees and other migrants depends on the political affiliation of the newspaper, indicating that how Syrian refugees are presented in the British press is far from objective. In addition to focusing on the content of the text, there are a number of studies, which focus on the effects of negative media representations of refugees and migrants. Philo et al. (2013) use interviews to highlight how media depictions of refugees have a profound impact on public opinion and action. This is supported by Esses et al.’s (2013) experimental study, which found that negative media coverage of immigration led participants to dehumanise refugees.

These studies thus highlight the importance of understanding how Syrian refugees are portrayed in the British press: if media portrayals have a tangible impact on the way that people think and act, then it is imperative to know how a particular group of refugees is written about in British newspapers. However, existing research has primarily focused on longitudinal trends rather than investigating how refugees may be perceived in the aftermath of particular events or in relation to other identities, such as their faith or ethnicity.

In contrast, academic scholarship, which specifically focuses on the characterisations of British Muslims and Islam in the British press, tends to acknowledge the possible dual
identity of Muslim and migrant. For example, Poole suggests that anti-Muslim sentiment is often linked to immigration in conservative newspapers (2012: 183-184). In addition, Eide et al. (2008) present an in-depth study of portrayals of Islam following the Mohammad Cartoons published in 2005 by Danish newspaper *Jyllands-Posten*, indicating a recognition of how specific events can affect media characterisations of Muslims and minorities. Despite this, the majority of scholars within this field avoid focusing on specific events, instead choosing to use Edward Said’s theory of *Orientalism* (2003) in order to explore depictions of Muslims in the British press more broadly. These scholars tend to argue that the British press present Muslims in orientalist fashion as the violent, irrational and despotic ‘other’ against the free, rational and liberal West. For example, Elgamri argues that Islam and Islamic militancy are frequently associated in the British press, creating a concept of a violent Islam, which is a threat to the West and its ‘liberal values’ (2008: xii; 31). Similarly, Amin-Khan focuses on the ‘clash of civilisations’ narrative, which presents Islam and the West as incommensurable by arguing that Muslims, migrants and refugees are being increasingly racialised by the press and government in Britain (2012: 1602). In addition, like Elgamri (2008), Amin-Khan asserts that the diverse range of Muslim communities are being homogenised and presented as a security threat by the Western media (Amin-Khan 2012: 1598). Khiabany and Williamson also explore the presence of this narrative in the Western media, asserting that the British tabloid *The Sun* portrays the veiled Muslim woman as a symbol of the Muslim threat to Western liberty and rights (2008: 83). They further suggest that this constitutes the attack of the powerful, the media and politicians, on the vulnerable Muslim minority (Khiabany and Williamson 2008: 86).

However, Baker challenges suggestions that negative characterisations of Muslims in the British press are necessarily linked to the orientalist attitudes of journalists and politicians by asserting they may also be due to the media’s tendency to focus on the shocking and dramatic (2010: 333). Baker also highlights the divergences between different newspapers’ portrayals of Muslims and Islam, arguing that broadsheets tend to make fewer connections between terrorism and Muslims than tabloids (2010: 332). This indicates the need to compare how different newspapers identify and describe certain groups in order to gain a holistic and nuanced picture. It also highlights the importance of considering the media’s commercial nature when analysing its presentation of events or groups. Despite acknowledging these necessary considerations, Baker (2010), like those previously discussed, also asserts that British newspapers typically present Muslims as being ‘other’ through constructing them as an outsider group who are threat to Britain. This presentation of the Muslim as the ‘other’, suggests similarities with the way that refugees and asylum seekers are portrayed. However, despite extensive literature on both subjects there has been no in-depth attempt to examine what occurs when the concepts of refugee and Muslim are brought together. This study offers an opportunity to bridge this gap and point to necessary future research.

**Analysis and Discussion**

Syria is a country with a Muslim majority; one can therefore assume that with such large population movements many of the refugees are Muslim. However, they are not primarily presented in this way by the British press. The most common descriptors used in the newspapers analysed were ‘refugee’, ‘Syrian’, and ‘migrant’, which appear a total of 397, 173, 147 times, respectively, across the examined articles. In contrast, the term ‘Muslim’ is only mentioned eight times. See Table 1 for a full breakdown of quantitative content analysis results.

4 See Table 1 for a full breakdown of quantitative content analysis results. 5 See Table 1.
Both the *Daily Mail* and *The Guardian* comment on Hungarian Prime Minister Victor Orban’s statement that the Christian culture of Europe must be protected from Muslim migrants; however, this is used to criticise Orban’s racism rather than to focus on the religious identity of refugees (Hardman 2015; Traynor 2015). Where newspapers mention the refugees’ religion and culture, they do it in one of two ways: *The Guardian*, as a liberal newspaper, infers the refugees’ religion through indicating that Islamophobia plays a role in some people’s reluctance to welcome Syrian refugees to their country (Al-Jijakli 2015; Issa 2015). In contrast, the *Daily Mail* and *The Daily Telegraph*, both conservative newspapers, remark on the refugees’ religion by implying that Syrian refugees are culturally different from the British people. In *The Daily Telegraph* we see this through an article, which criticises Middle Eastern countries for failing to take in any of their ‘brethren’, dismissing the cultural and political differences in the Middle East and instead portraying Syrians as a cultural ‘other’ to British society and values (Pearson 2015). In *The Daily Mail*, this sentiment is more frequent and explicit. Three articles argue that Syrian refugees have a different culture, which may damage British ‘values’ (Hastings 2015; Littlejohn 2015; McKay 2015). This includes one article, which highlights that some groups in Britain believe that, if Syrian refugees are allowed to settle within the United Kingdom, they may become the ‘next generation of jihadists’ (McKay 2015). Although it is clear that conservative newspapers are more likely to display orientalist attitudes by emphasising a potential clash of cultures between Syrian refugees and British citizens (see: Amin-Khan 2012; Khiabany and Williamson 2008), this is relatively rare, with only eight articles out of the 45 analysed referencing Syrian refugees’ cultural or religious difference.

In contrast, 21 articles reference ‘Islamic State’ or ‘ISIS’⁶, suggesting that Islam is primarily presented in terms of conflict and violence. The articles juxtapose Islamic State with Syrian refugees through the use of terms such as ‘barbaric’ and ‘brutal theocracy’. These are in contrast to a characterisation of refugees as ‘innocent men, women and children’ and ‘tragic victims’ fleeing from violence (Daily Mail 2015; Dominiczak *et al.* 2015a; Hastings 2015; *The Guardian* 2015). The newspapers analysed present Islamic State as the primary reason why Syrians are fleeing their country with only six articles proposing that Syrian refugees may be fleeing as a result of Assad’s brutality.⁷ This is despite the fact that The Independent International Commission of Inquiry on the Syrian Arab Republic established by the Human Rights Council made a number of statements in 2015 relating to human rights abuses, such as indiscriminate bombings, perpetrated by Syrian government forces (OHCHR 2016).⁸ This focus on Islamic State evidences that, as Elgarmi argues, Islam is primarily associated with Islamic militancy, and therefore violence, in the British press (2008: 39). It is also apparent that refugees are primarily portrayed as innocent victims rather than as moderate Muslims in opposition to violence; in fact, their Muslim identity is largely ignored. This denotes the tendency of the British press to present a homogeneous Islam stripped of its internal diversities and debates, through the failure of identifying Syrian refugees as Muslims who oppose the violence and values of Islamic State.

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⁶ Although I also searched the term ISIL, newspapers were not utilizing this term within this time frame, writing either IS, Islamic State or ISIS. Thus ISIL is not included in my study.

⁷ Four of these articles were found in *The Guardian*, one in *The Telegraph* and one in the *Daily Mail* indicating that there are differences in these newspapers’ coverage and content.

⁸ The Independent International Commission of Inquiry on the Syrian Arab Republic was established by the UN Human Rights Council in August 2011. The Commission has a mandate to investigate ‘all alleged violations of international human rights law in the Syrian Arab Republic’ since March 2011 (UNHRC 2016).
Instead, the conservative British press largely identifies Syrian refugees as migrants. This is achieved through the use of specific language and the placement of Syrian refugees within wider debates about the European Union (EU) and migration. Both the Daily Mail and The Daily Telegraph use the terms ‘migrant’ and ‘refugee’ interchangeably. This is more prevalent in the Daily Mail but, nonetheless, the two newspapers infer that the terms ‘migrant’ and ‘refugee’ are synonymous. The Daily Mail refers to the ‘refugee crisis’ and the ‘migrant crisis’ as well as identifying Syrian refugees as ‘Syrian migrants’ (Littlejohn 2015; Platell 2015). Similarly, in The Daily Telegraph, one article uses the terms ‘refugee quotas’ and ‘quotas of migrants’ (Dominiczak et al. 2015a), while another states that Britain will take more ‘asylum seekers’ to ease the ‘migrant crisis’ (Dominiczak et al. 2015b). A third speaks of the ‘refugee emergency’ becoming a ‘migration crisis’ for Europe (Daily Telegraph 2015). Both papers also identify refugees as migrants by placing them within the existing discourse of migration. The Daily Mail uses terms such as ‘tidal wave’ (Littlejohn 2015), ‘surge’ (Hastings 2015) and ‘human tide’ (Powell 2015) while the Daily Telegraph frequently represents the refugees with quantifiers, such as ‘thousands’ (Hardman 2015). This language indicates the use of numbers and collective metaphor – which KhosraviNik argues is a typical facet of the representation of migrants in the British press (2010: 15). This suggests that both the Daily Mail and The Daily Telegraph are placing Syrian refugees within an existing discourse of migration and, in doing so, dehumanising them by characterising them as a single, agentless group (see Baker et al. 2008: 287).

Furthermore, the Daily Mail and The Daily Telegraph place Syrian refugees within existing debates about migration and Britain’s place in Europe. For example, 11 out of the 17 Daily Mail articles analysed used Syrian refugee movement to either criticise the EU or comment on uncontrolled economic migration. Articles such as ‘The Pity Is, We Can’t Help Them All’ (Hastings 2015) exemplify the link made between refugees and debates about the EU and migration: the article speaks of ‘waves’ of refugees and migrants sweeping through the EU’s ‘skimpy border controls’ while European leaders fail to make a decision about what to do. Similarly, Walters and Owen (2015) state that, although British people are sympathetic to Syrian refugees, the majority are opposed to allowing large numbers of refugees to enter the country and are likely to vote to leave the EU to prevent this from happening. Glover (2015) and Pearson (2015) also argue that Britain cannot accept thousands of refugees due to pre-existing pressures on public services caused by EU immigration. The Daily Telegraph also associates Syrian refugees with economic migrants and situates them within the debate about Britain’s place in the EU albeit to a lesser extent than the Daily Mail does. Although the newspaper generally opposes accepting more refugees and EU refugee quotas, it does so on the basis that it will encourage human trafficking across the Mediterranean rather than focusing on the existing strain placed on public services by EU immigration (Nelson 2015; The Daily Telegraph 2015). Furthermore, only six of The Daily Telegraph articles analysed discussed the role of Europe and the EU in relation to Syrian refugees. Nevertheless, these articles frequently mention ‘Schengen’10, ‘Europe’ and ‘borders’.11 A number of articles also criticise the EU’s freedom of movement and Germany’s attempts to impose a refugee quota system. These critical voices include Pearson (2015), who argues that Britain could take more asylum seekers if EU immigrants did not burden it. This is further exemplified by some articles’ comments on an overbearing EU through the use of terms such as ‘impose’ and

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9 See Table 1 for use of “thousands” by the three newspapers analysed.
10 ‘Schengen’ refers to the Schengen zone, a border-free area within Europe that allows for the movement of EU citizens or others legally present on EU territory without border checks. The UK is not part of the Schengen Area.
11 See Table 1.
‘insist’ (Dominiczak 2015b; The Daily Telegraph 2015). Placing refugees within debates about the EU, as well as the use of labelling and certain motifs, indicates that both newspapers primarily choose to portray Syrian refugees through the existing discourse of migration rather than as Muslims.

The liberal newspaper, \textit{The Guardian}, also primarily portrays Syrian refugees within a discourse of migration. However, in contrast to the other newspapers, it typically labels Syrian refugees as ‘refugees’ rather than using the term ‘migrant’. It also actively makes distinctions between refugees and economic migrants in three articles by emphasising the fact that they are fleeing from conflict (Al-Jijakli 2015; Smith 2015; The Guardian 2015b). Nevertheless, the terms ‘wave of migration’ (Deveney 2015) and ‘mass migration’ (Kingsley 2015) are used in two articles, signifying that Syrian refugees are, to some extent, characterised through an embedded vocabulary of migration. It also implies that terms such as ‘wave’ and ‘mass’ have become implicitly associated with migrants and refugees, even in newspapers, which generally present these groups in positive terms. In addition, while \textit{The Guardian} predominantly uses the term refugee rather than migrant when writing about Syrians fleeing from conflict, it continues to associate them with debates about migration and the EU. This is evident in seven out of the 15 articles analysed.

However, in contrast to the conservative newspapers, \textit{The Guardian} articles largely view EU policy favourably, while criticising the British Prime Minister’s approach to Syrian refugees. For example, one article urges David Cameron to accept EU refugee quotas (The Guardian 2015b); and another calls for the United Kingdom to take responsibility for Syrian and other refugees from the Middle East since they are the result of the country’s foreign policy and military interventions in the region (Issa 2015). In addition, the newspaper’s content explicitly recognises the links between debates about Britain’s strategy in relation to Syrian refugees and questions about Britain’s place in Europe. This is exemplified by Greenslade’s article, which argues that the Prime Minister’s response to Syrian refugees has been influenced by the prospective referendum on Britain’s membership in the EU (Greenslade 2015). It can also be seen in \textit{The Guardian}’s suggestion that asylum debates have caused questions about Britain’s relationship with other European countries and the EU more widely (The Guardian 2015b). In addition to its domestic focus, \textit{The Guardian} also places Syrian refugees within more global debates: two articles out of 15 explicitly focus on the response to Syrian refugees by politicians and individuals in Australia and the United States (Bannock 2015; Davidson 2015). Despite this wider international focus, \textit{The Guardian}, like the \textit{Daily Mail} and \textit{The Daily Telegraph}, clearly places Syrian refugees within an existing discourse of migration. This occurs because the newspaper situated Syrian refugees within its wider positive attitude towards the EU as well as alongside existing debates about Britain’s place within the EU, such as the EU referendum.

However, there are clear differences between how \textit{The Guardian} and the conservative newspapers depict Syrian refugees. As mentioned before, \textit{The Guardian} takes a broader view of refugee movement by looking beyond the response of Europe; it also takes a more positive approach by referring to Syrian refugees as ‘refugees’ rather than framing them as ‘migrants’ and calling for Western governments to admit more Syrians into their countries. While the conservative tabloids are also often sympathetic to the plight of refugees, they typically place refugees within existing debates about the negative aspects of immigration.

\textbf{Reactions to the Aylan Kurdi Incident}
The conservative newspapers also take a different approach to The Guardian in their assessment of the outpouring of public sympathy towards refugees following the death of Aylan Kurdi. Articles in The Guardian tend to suggest this sympathy is a positive outcome of Aylan Kurdi’s death, which has stimulated human compassion and donations to charities, which support refugees and migrants (Bannock 2015; The Guardian 2015a). The Guardian also argues that in addition to influencing public opinion, the toddler’s tragic death has caused a ‘turn around’ in the attitude of the ‘right leaning’ press to refugees and migrants crossing the Mediterranean (Greenslade 2015; The Guardian 2015). The Daily Mail and The Daily Telegraph also highlight the tragic nature of the death of Aylan Kurdi, referring to it as ‘heart wrenching’ (McKay 2015) and ‘harrowing’ (The Daily Telegraph 2015). In addition, both newspapers feature articles, which attempt to illicit sympathy for the plight of refugees. For example, in The Daily Telegraph, Gordon (2015) calls for the death of Aylan Kurdi to be ‘more than a moment’, arguing that refugees can teach us ‘bravery’ and ‘humility’. Similarly, in the Daily Mail Dockery (2015) describes the poor conditions of the Zaatari refugee camp in Jordan while Hardman (2015) criticises Hungary for its racism towards migrants and refugees passing through the country on their way to Germany. However, in contrast to The Guardian, the majority of articles published in the Daily Mail and The Daily Telegraph question the worth of empathy suggesting that it hides the complexity of the situation and may lead to ill-informed decisions in relation to allowing more Syrian refugees into the country (Hastings 2015; Littlejohn 2015; McKay 2015; Pearson 2015). This approach is exemplified by McKay (2015) who declares that the death of Aylan Kurdi is an ‘unreliable basis for migration policy’. Furthermore, the Daily Mail explicitly challenges The Guardian’s statement that Aylan Kurdi’s death has changed public opinion, arguing that recent opinion polls evidence the fact that the majority of British people still oppose Britain taking in more refugees (Glover 2015).

While The Guardian, the Daily Mail and The Daily Telegraph articles acknowledge the individual tragedy of Aylan Kurdi’s death, they primarily represent his death and the debates created by it through pre-existing narratives of migration, related to their existing political stance on immigration and the EU as liberal and conservative newspapers. This is further confirmed by the analysis above, which suggests that all three newspapers, to differing extents, associate Syrian refugees with economic migrants through the label of ‘migrants’ or by using certain motifs that has been previously identified in studies of the portrayal of refugees, asylum seekers and migrants in British newspapers. This indicates that although the author initially expected that the death of Aylan Kurdi would lead to a more sympathetic stance by the British press - including an emphasis on the individual stories of Syrian refugees - it is clear that this event did not significantly change the way that refugees were portrayed in the British press. In addition, despite their differing focuses and reporting styles, Syrian refugees were implicitly or explicitly associated with economic migrants by all three newspapers through their placement alongside and within larger debates about Britain’s place within the EU. In fact, Syrian refugees were used as a medium through which all three newspapers displayed their pro-EU or anti-migration stance. This is seen through the Daily Mail’s focus on the threat of migration in contrast to The Guardian’s discussion of Syrian refugees, alongside praise of the EU and criticism of the Prime Minister. This finding supports KhosraviNik’s suggestion that representations of refugees are positioned within a discourse of political rivalry, which is interlinked with discussions of party politics (2010: 15-18). It also infers that individual migration stories and the complexities of migration are only acknowledged when the newspaper is not taking part in a heated political debate which necessitates that it present its political stance (KhosraviNik 2010: 15-18). Furthermore, the characterisation of Syrian refugees as migrants, rather than as Muslims, indicates that the
British press supresses certain identities while emphasising others, depending on their larger political focus at the time. This can also be traced through the choice of associating Syrian refugees with larger debates about migration rather than in debates concerning Middle East policy or Muslim integration specifically.

Conclusion
This article has explored how *The Guardian*, *The Daily Telegraph* and the *Daily Mail* present Syrian refugees in relation to the latter’s religious affiliation and to wider debates about immigration. It has contributed a snap-shot study in a field that primarily focuses on longitudinal trends and has explored how refugees are depicted, following a particular event - in this case the death of Aylan Kurdi. The analysis conducted has shown common themes and characteristics used in the portrayal of Syrian refugees. It has evidenced that in September 2015, Syrian refugees were rarely identified as Muslims and were instead primarily described as innocent civilians whose religion was not specified. This suggests that the British press at times perceives religious identity as irrelevant in their portrayal of refugees and migrants, preferring to instead focus on other aspects or identities. Rather than presenting Syrian refugees as moderate Muslims in opposition to the violence of Islamic State, Syrian refugees’ religion is largely overlooked.

By ignoring Syrian refugees’ religion, while suggesting that Islamic State is the reason that many are fleeing Syria, Islam is therefore implicitly associated with terrorism rather than with the refugees themselves. These findings support those scholars who have argued that Islam is almost exclusively characterised as violent by the British press that fails to recognise the diversity of its interpretation and practice (see Elgamri 2008). However, although the British press has avoided using negative stereotypes of Muslims and Islam in its discussion of Syrian refugees, it clearly places them within the largely negative existing discourse of migration. Despite the death of Aylan Kurdi eliciting sympathy from all three newspapers for the child and his family, there has been little change in how the British press portrays Syrian refugees. Although there are differences in the extent to which the *Daily Mail*, *The Daily Telegraph* and *The Guardian* use language deployed to describe RASM in the British press (See KhosraviNik 2010; Philo et al 2013), all three newspapers place Syrian refugees within existing debates about immigration and the EU. In fact, Syrian refugees appear to be utilised by the *Daily Mail*, *The Daily Telegraph* and *The Guardian* to present their stance on the EU. This indicates that rather than Syrian refugees being depicted in relation to their perceived religion or cultural attributes they are integrated into an existing discourse of migration, which associates them with the characteristics of economic migrants and places them within on-going political debates.

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NOTE: To find the average frequency of words per article the number of occurrences was divided by the total number of articles analysed for each newspaper. For example, to find the average frequency for the word ‘migrant’ in the Daily Mail articles analysed 65 was divided by 17. The answer was then rounded to the nearest decimal point.
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YVONNE SU, Should We Bring Back ‘Climate Refugees’?

The concept of the ‘climate refugee’ has been ‘progressively abandoned’ in academia and in policy. It has been replaced with the more neutral concept of the ‘climate migrant’ and other similar terms. Recently, François Gemenne has revisited the idea that we might utilize the concept of ‘climate refugees’ in order to re-politicize the reality of forced migration under environmental or climatic changes—I phrase this concept as a call to bring back ‘climate refugees’. This paper seeks to engage with the debate over the validity of the concept of ‘climate refugees’ that forms the basis of Gemenne’s statement. To test Gemenne’s argument, I examine the world’s first ‘climate refugee’ asylum claim in New Zealand, which illustrates how abandoning the concept of ‘climate refugees’ could lead to significant protection gaps. I use a historical lens to discuss the past discursive disappearance of first ‘environmental refugees’ and later ‘climate refugees’ and the replacement of both terms with more politically neutral terms such as ‘climate migrants’ on conceptual and practical levels as well as the implications of those developments. Such an examination also allows us to reconsider the continued use of the concept of the ‘climate refugee’, and how its use or abandonment might affect a rights-based approach to protection.

Introduction

In the May 2015 issue of Forced Migration Review François Gemenne\(^\text{12}\) (2015: 70) highlighted that ‘[t]he concept of ‘environmental refugees’ or ‘climate refugees’\(^\text{13}\) has been progressively abandoned’. Gemenne now believes he was wrong to have dismissed the concept because it had no legal basis within the 1951 Convention Relating to the Status of Refugees (1951 Refugee Convention). He writes that

By forgoing the term ‘climate refugees’ we had also de-politicised the reality of these migrations. A central element in the concept of ‘refugee’ is persecution: in order to qualify as a refugee, you need to be fleeing persecution, or to fear persecution. Forgoing the term ‘climate refugee’ is also, in a way, forgoing the idea that climate change is a form of persecution against the most vulnerable and that climate-induced migration is a very political matter, rather than an environmental one (Gemenne 2015: 70).

As such, Gemenne has revisited the idea that we might utilize the concept of ‘climate refugees’ in order to re-politicize the reality of forced migration under environmental or climatic changes—what I would take as a potential call to bring back climate refugees. This paper seeks to engage with the debate over the validity of the concept of ‘climate refugees’ that forms the basis of Gemenne’s statement. This paper begins with a discussion on the definition of a ‘Convention refugee’ and the debate over what constitutes persecution under the 1951 Refugee Convention. Next, the paper provides a brief background on the

\(^{12}\) François Gemenne is a FNRS Senior Research Associate with the University of Liège (CEDEM) and Sciences Po, Paris. Dr. Gemenne is a specialist on migration, population displacement and environmental change and had been a vocal critic of the ‘climate refugee’ label until recently with the publication of this article.

\(^{13}\) In this paper, the term ‘environmental refugees’ will, after an explanation of the historical discursive shift, be subsumed under ‘climate refugees’. While the literature was initiated in the 1980s with the term ‘environmental refugees’, over the last decade as climate change has become the dominant environmental issue affecting people’s lives, the term ‘climate refugees’ has become synonymous with ‘environmental refugees’. The distinction between climate change and environmental change should also be noted. While climate change is the change in global or regional climate patterns linked mainly to the increased levels of atmospheric carbon dioxide produced by fossil fuels, environmental change often takes place on a smaller scale and are defined as disturbances of the environment such as desertification, soil erosion and natural disasters.
scholarship concerning ‘climate refugees’, arguing that academics have largely abandoned the concept due to the weak causal link between environmental / climate change and displacement, the methodological challenges behind predictions of mass displacement, and the lack of legal basis in the 1951 Refugee Convention. I argue that the abandonment of the concept of ‘climate refugees’ and its discursive replacement with the more neutral and politically accepted concept of ‘climate migrants’ by academic and policy makers alike is a political process in itself. This process can be seen in how various multi-national organisations such as the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the Refugee Policy Group (RPG) have reframed ‘environmental / climate refugees’ as ‘migrants’ who are ‘adaptable subjects’ to environmental degradation (Felli 2013; McNamara 2006). For Karen McNamara (2006), this reframing allows the United Nations and its various agencies to effectively shift the burden of adaptation onto refugees themselves, so ‘climate refugees’ are essentially ‘forced to adapt’, as there are no legal avenues for them to pursue protection. The discursive politics taking place at the policy level is mirrored within academia as a multitude of terms ‘such as environmental migration, climate change-induced migration, climate change migrants and environmentally-induced forced migrants’ are found throughout the literature (Dun and Gemenne 2008). Drawing on the extensive empirical research of Karen McNamara and Romain Felli, this paper critically explores this political process of discursive disappearance and replacement in order to better understand what is at stake if the concept of ‘climate refugees’ is to be truly abandoned.

Such an examination also allows us to re-consider the continued use of the concept of the ‘climate refugee’, and how its use or abandonment might affect a rights-based approach to protection. Some policy makers and law makers within Western states have and continue to delegitimize ‘climate refugees’, reframing them as ‘climate migrants’, or even just ‘migrants’, to evade responsibilities to displaced populations stemming from the consequences of climate change. I argue that they are doing so in order to shift the discussion of climate change-induced displacement (CCD) from one of rights and protections to one of self-help and entrepreneurship among the displaced. As a result, I believe a re-emphasis on human rights is needed within the study of CCD.

**Convention Refugees: Defining Persecution Under 1951 Refugee Convention**

To understand the significance of Gemmenne’s (2015) argument, one must first understand the definition of a ‘Convention refugee’. According to the 1951 Refugee Convention, a refugee is: A person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.

From this definition, it is apparent that protection is only given to those, who can fit within a very specific legal category. Although case law has progressively expanded the scope of the convention by, for example, including LGBTQI asylum seekers under ‘members of a particular social group’, the 1951 Refugee Convention is still biased towards the type of political persecution it was designed to address during the Cold War (Betts and Kaytaz, 2009; Chimni 2009; Gibney 2004; Haddad 2008; Hathaway 1997; Shacknove 1985; Zolberg et al. 1989). The threshold for a well-founded fear is arguably extremely high and scholars have

14 In this paper ‘climate migrant’ will be used as a stand-in for a variety of less politicized and more clinical terms such as ‘climate-induced migrants’ or ‘mobility in the context of climate change’ (Ibid.).
therefore been discussing how the legal definition could be broadened to close existing protection gaps (Betts and Kaytaz 2009; Chimni 2009; Gibney 2004; Shacknove 1985). Thus, Gemenne’s (2015) ideas are linked to a more general trend to try and expand the interpretation of what constitutes persecution. The next section will discuss the debate on ‘climate refugees’ and whether they belong within the 1951 Refugee Convention.

Refugees, Environmental Refugees and Climate Refugees: A Historical Overview

The foundation of CCD literature dates to 1985 when Essam El-Hinnawi first introduced the concept of ‘environmental refugees’. El-Hinnawi (1985: 4) defined environmental refugees as ‘those people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption (natural and/or triggered by people) that jeopardized their existence and/or seriously affected the quality of their life’. The term environmental refugees slowly evolved into ‘climate refugees’ as the issue of climate change became more prevalent in the public discourse during the 1990s, beginning with the publication of the International Panel on Climate Change’s (IPCC) First Assessment Report on Climate Change in 1990. This report noted that shoreline erosion, coastal flooding and agricultural degradation could potentially displace millions of people. As climate change replaced environmental degradation as the principle issue of concern, ‘climate refugees’ became increasingly synonymous with ‘environmental refugees’.

However, once the term climate refugee supplanted environmental refugee, it continued to face several strong critiques as both a term and a concept. First, one of the strongest criticisms against conceptualizing ‘climate refugees’ as those who have been displaced by climate-change induced circumstances is that the link between climate change and migration is weak and indirect (Betts 2010; Black 2001; Morrissey 2009; Suhrke 1994). While there is agreement among academics that climate change and environmental stress play a role in peoples’ decision-making, in regard to their mobility (Morrissey 2012), scholars that do not support the ‘climate refugees’ label argue that migration is not mono-causal and, thus, environmental change does not figure as a separate, causal variable (Black 2011; Suhrke 1994). If the effects of climate change cannot be separated out from other drivers of mobility, climate change cannot be argued to be the primary cause of forced displacement. However, as James Morrissey has pointed out, despite the multi-causal nature of migration, there is virtually no conceptual disagreement that environmental change impacts an individual’s or household’s decision to migrate. Rather, the disagreement is about how this relationship is represented (Morrissey 2012).

Second, some scholars’ (Jacobson 1988; Myers 1993, 2002; Myers and Kent 1995) attempts to produce estimates of possible future displacement have emphasized the severity of environmental displacement, and critics have scrutinized their results as methodologically flawed and unscientific (Black 2001; Kniveton et al. 2008; Gemenne 2011). In particular, critics have called existing estimates ‘artificially inflated’ and ‘overly alarmist’ (Gemenne 2011: S41). A detailed analysis by Gemenne, for instance, showed that no consensual estimate and no commonly agreed upon methodology exist for the calculation of future numbers of ‘climate refugees’ in the CCD literature (Gemenne 2011).

Finally, critics argue that the term ‘refugee’ is incorrectly applied in reference to the 1951 Refugee Convention definition (Black 2001; Kniveton et al. 2008; Lonergan 1998; Suhrke 1995). Between 2007 and 2009, there was a significant amount of advocacy supporting the legal recognition and protection of ‘climate refugees’ by various institutional structures, such as UNHCR and the United Nations Framework Convention on Climate Change
These efforts were effectively halted when UNHCR announced that it ‘has serious reservations with respect to the terminology and notion of environmental refugees or climate refugees. These terms have no basis in international refugee law’ (UNHCR 2009). At the time of this announcement, UNHCR was under a great deal of pressure by various stakeholders, including nation states, academics and special interest groups, to delegitimize ‘climate refugees’ as a protected group because they did not fall within the legal definition of ‘refugee’ under the UN Refugee Convention (Hall 2013). Instead, the UNHCR and IOM have reframed ‘climate refugees’ as ‘migrants’ who are “adaptable subjects” to environmental degradation, thus allowing the UNHCR to effectively shift the burden of adaptation onto refugees themselves rather than take any legal responsibility for the well-being and protection of these persons. Such a discursive shift also allows UNHCR and IOM to not recognize those affected by climate change as people in need of international protection (Felli 2013; McNamara 2006).

These criticisms of the ‘climate refugee’, and the general opposition to expanding the legal definition of a ‘Convention refugee’ for fear of weakening the protection system (Black 2001; Kniveton et al. 2008; Lonergan 1998; Suhrke 1995), contribute to what Audrey Macklin (2005) describes as the broader discursive disappearance of the refugee. Macklin (2005: 365) defines this disappearance as ‘an erosion of the idea that people who seek asylum may actually be refugees’. Macklin (2005) argues that this discursive disappearance is taking place due to growing concerns around national security and the rise of restrictive asylum policies in the West. Restrictive policies and characterisations of refugees as ‘illegal migrants’ or ‘bogus refugees’ can be successful at making it more difficult for asylum-seekers to be awarded refugee status through formal processes, forcing migrants to cross borders by illegal means. As Macklin (2005: 369) articulates, ‘Refugees do not cease to enter, but they decreasingly enter as refugees’.

The Reframing and Discursive Replacement of ‘Climate Refugees’
The implications of a shift in discourse from ‘climate refugees’ to ‘climate migrants’, on both the policy and academic level, lie in the specific meanings ascribed to these concepts. The concept of ‘climate refugees’ may better evoke victims of climate change-induced displacement that should be entitled to international protection, while ‘climate migrants’ may instead signify self-maximizing entrepreneurs migrating out of difficult environments as a way to adapt to the changing climate (Felli 2013). The two labels and the individuals they describe bring along with it different ideas of what rights and protections each group should receive. This section of the paper discusses three ways in which the climate refugee has proven conceptually, legally, and politically problematic, each of which highlights how more politically neutral terms and concepts such as ‘climate migrants’ took root.

Conceptions of Moral Responsibility for the ‘Climate Refugee’

To understand why the reframing and discursive replacement of ‘climate refugees’ with ‘climate migrants’ is significant, it is important to examine the vital connection between concepts and potential political conflict. As Stone articulates,

Ideas are the very stuff of politics. Political conflict is never simply over material conditions and choices, but over what is legitimate. The passion in politics comes from a conflicting sense of fairness, justice, rightness and goodness. (Stone 2002: 34)

Built into the concept of the ‘climate refugee’ are not only ideas regarding protection but also those of causation (Adger, Paavola and Huq 2006; Gemenne 2015). It is well established that the burning of fossil fuels and deforestation during the industrialization of Western states has contributed significantly to anthropogenic climate change.\(^\text{16}\) As a result, it is appropriate to ask whether Western states have the moral responsibility to protect or, at the very least, to compensate those harmed by the consequences of climate change (Adger, Paavola and Huq 2006; Birnie and Boyle 2002; Caney 2005; McNamara and Cook 2008). Scholars have observed the concerns around acknowledging or accepting responsibility for ‘climate refugees’ that could connect to subsequent arguments for compensation by industrialized states for those people’s displacement (McNamara and Cook 2008; Morrissey 2012).

The slow progress at the Conference of the Parties (COP) on Climate Change over the last 21 years is evidence of this fear of accepting responsibility by industrialized states. Since their inception in 1995, there have been 21 COP sessions, where leaders from over 190 countries have gathered to find solutions to mitigate and adapt to climate change. Despite two decades of meetings, the first-ever universal, legally binding global climate deal – the Paris Agreement – was adopted just in 2015 at COP21.

Previous to COP21, industrialized states have consistently stalled progress on addressing climate change (Schwägerl 2009; Vidal, Goldenberg and Watts 2009). Furthermore, throughout the COP process, countries such as the United States and Australia, as well as industrial lobby groups, have argued that developing countries should also be required to reduce their emissions because of their growing contribution to climate change (Bulkeley 2001). As Bulkeley (2001: 345) points out, such a move by industrialized states is ‘an attempt to shift blame from themselves for the slow progress of negotiations’. The Rio Declaration, in contrast, recognizes the concept of ‘common but differentiated responsibilities’, or the historical differences in the contribution of developed and developing states to global environmental issues such as climate change, and their different economic and technical capacities to address these problems (Centre for International Sustainable Development Law 2002). Yet, most developed countries do not uphold this principle of ‘common but differentiated responsibilities’ when it comes to the mitigation and adaptation of climate change and the protection of ‘climate refugees’.

A Fear of Further ‘Climate Refugees’: The Teitiota Case\(^\text{17}\)

The Teitiota case highlights how abandoning the concept of ‘climate refugees’ could further de-politicize the experience of forced displacement under environmental/climatic stress, and render such claimants unable to receive any form of protection under current international law (Gemenne 2015). Ioana Teitiota was a subsistence fisherman who moved his family

\(^{16}\) The IPCC 2007 report notes, ‘since the start of the industrial era (about 1750), the overall effect of human activities on climate has been a warming influence’.

\(^{17}\) The full case name is Teitiota v. The Chief Executive Ministry of Business, Innovation and Employment [2015] NZSC 107
from the island of Kiribati to New Zealand in 2007 to escape the environmental impacts that were degrading their island (Blakkarly 2014). The lawyers representing Mr. Teitiota argued that he should qualify for refugee status because he faced ‘passive persecution’ from climate change, which is caused by greenhouse gases generated by human activity, not unlike Gemenne’s persecution argument (Blakkarly 2014). The Immigration and Protection Tribunal (IPT), however, did not agree that this definition met the 1951 Refugee Convention definition of persecution (Blakkarly 2014). Upon appeal, the High Court and the Court of Appeal upheld the IPT's findings. In Godfery’s (2014) analysis of the case, he highlighted that

> [t]he court took the orthodox position that persecution is primarily political and internal. There has to be a ‘violation’ of human rights and a ‘failure’ of protection…In essence, [Mr. Teitiota’s] claim held that the violation and failure was on the part of the international community. The persecution was external, not internal, and environmental, not political.

In Teitiota’s case, the High Court of New Zealand recognized that Kiribati would become uninhabitable in the coming decades and that those affected by climate change could one day claim refugee status. However, as the island remained habitable at the time of Mr. Teitiona’s claim, his request for asylum was not found to be justified at that time of the case (Upton 2013). His case was rejected largely because, if it were accepted, millions of people around the world experiencing the effects of climate change could seek refuge in New Zealand based on its premise (Upton 2013). Thus, Mr. Teitiota’s case was instead largely determined on the possible legal precedent of labeling him a ‘refugee’ than an individual assessment of whether he faced individualized persecution and a threat to his life.

The Court reasoned that it would be impossible to isolate cases where the harm caused by climate change is linked directly to actors responsible for the persecution. However, that premise does not always hold. Neuteleer (2011: 242) argues, ‘in the case of the islanders, there is a clear link between polluting actors (greenhouse gas emitters) and victims of pollution (forced migration because of rising sea-levels)’. These two elements can greatly limit the number of eligible cases from millions to hundreds of thousands, and even within that number there are many residents of small island states who have opposed resettlement (McNamara and Gibson 2008). As such, creating a clear set of criteria can mitigate the fear of large numbers of people seeking refugee as ‘climate refugees’. If Mr. Teitiota’s case had been examined without the unfounded fear of numerous ‘climate refugees,’ Mr. Teitiota and his family may have been granted access to protection by the Court.

The severity of the threats of climate change to the island of Kiribati is demonstrated by the government’s recent purchase of 6,000 acres of land in neighbouring Fiji to grow food and potentially resettle some of Kiribati’s 100,000 people, if the island were to become uninhabitable (Office of the President of the Republic of Kiribati 2014). While the ruling was made to protect national and international interests against large numbers of ‘climate refugees’, the effects are deeply personal and individualized; in this case, the effect for the claimant was deportation to a place in which the claimants are at risk of extreme weather, salt-water intrusion, crop failure, sea-level rise and eventually forced displacement (Upton 2013).

The Significance of Labels: Climate Refugees, Economic Migrants and Agency
One of the main questions historically found in the CCD literature is how to distinguish between climate refugees and economic migrants. This was also a question in Mr. Teitiota’s case, not least of which was because the family were portrayed as economic migrants by the media (Weiss 2015). This debate dates back to the concept of the ‘environmental refugee’ in the 1990s, when the concept gained popularity and interest among academics and policymakers. This was a time when the Global North saw an increased number of migrants and asylum seekers from the Global South as a result of the Cold War and the fall of the Berlin Wall (Haddad 2008; Zolberg et al. 1989). Morrissey (2009: 9) noted, ‘as a result, issues of asylum and migration in the Global North were driven to public prominence by a discourse of overwhelming numbers of foreigners, compromised sovereignty, and welfare cheats’. In this context, McGregor (1994) has argued that the anti-asylum lobby used the notion of ‘environmental refugees’ to advocate for more restrictive policies. Similarly, Black (2001) found that these lobby groups were using the discourse on ‘environmental refugees’ to strengthen the idea of ‘bogus asylum seekers’ who have come to the Global North with no claim to asylum under the 1951 Refugee Convention. As a result of the Western scepticism towards the legitimacy of refugee claims, the label of ‘migrants’ is the logical replacement of the term ‘asylum seeker’ or ‘refugee’. Thus, the abandonment of ‘climate refugees’ and its replacement with ‘climate migrants’ is aligned with the largely negative attitude of the global refugee and asylum system by host countries in the Global North.

Re-emphasizing Rights in Scholarship and Policy on Climate Change-induced Displacement

The progressive abandonment of ‘climate refugees’ and the policy and academic shift from ‘climate refugees’ to ‘climate migrants’ has had several harmful consequences, most notably an evasion of responsibility by governments to protect those displaced by climate change. This ‘rights versus numbers’ debate, popular among scholars who argue over the position of human rights in the migration-development nexus, is centered around the premise that there is a ‘trade-off’ between the rights of migrants and their access to labour markets in highly-industrialized states (Ruhs 2013; Ruhs and Martin 2008). According to Ruhs, the premise of the global migration system is that countries, which offer greater rights to their migrants admit fewer migrants overall, while countries that admit a higher number of migrants offer them fewer rights (Ruhs 2013). This approach argues that migrant workers’ rights may need to be ‘traded-off’ in order for them to access labour markets with higher wages. This approach has been criticized for treating migrant workers as commodities and accepting the violation of human rights for access to employment as the status quo (Wickramasekara 2008). This reductionist view can have potentially dangerous consequences for migrant workers and their families. Such a trade-off approach is even more acute for ‘climate migrants’, where a deteriorating environment has threatened their human security and forced them to migrate in search of a better future, only to find that such opportunities in destination countries come at the cost of their basic human rights. These trade-offs highlights Gemenne’s point; abandoning the concept of ‘climate refugees’ can de-politicize the reality of forced migration under climatic change and reduce climate refugees to ‘migrants’, who can be treated simply as commodities within the global economic system rather than as persecuted persons under the 1951 Refugee Convention (Gemenne 2015).

Conclusion

This article has argued that there is value to the concept of the ‘climate refugee’, as it politicizes the process of displacement and recognizes the reality of those who are experiencing these movements and vulnerabilities, and argues for their protection. While the
concept has been increasingly abandoned in the literature and among policy makers, and replaced with the more neutral term of ‘climate migrants’, it is important to understand the politics at play in this decision, and the fight over ideas, which rests at the center of this discursive battle.

The concept of ‘climate refugees’ needs to be sustained because it stands as a challenge to many of the legal conventions that are currently taken for granted within the international community. For academics and policy makers alike, recognizing the power behind labels like ‘climate refugees’ and ‘climate migrants’ and their translation into the lives of those affected is significant; recognizing the difference between the rights and protection that ‘climate refugees’ are entitled to compared to ‘climate migrants’ places more emphasis on the need to re-examine the concept of ‘climate refugees’ as we move forward with the knowledge that people are being affected by climate change and that their human rights should not be overlooked. Thus, I would heed Francois Gemenne’s call to bring back climate refugees and ask others to further explore this topic in their research and policies.

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Firsthand
SYLVAIN GAETAN, Refugees are not a Burden, but a Resource

This article outlines the personal journey of an asylum seeker. The author argues that refugees do not choose to leave their homes and everything they have. Refugees are often by-products of ongoing instability and violence. Refugees will continue to arrive as long as the causes for their flight are left unaddressed. The author further argues that refugees are not a burden but a great resource for their new host countries.

I believe that I will still get a chance to return to my home country, the Democratic Republic of Congo (DR Congo), that I left in 2006. Back then, I had just joined a law firm and I was happy to be closer to my dream of being a well-established civil and human rights advocate. As part of my work, I was elected as chairman of the commission in charge of fighting violations in the electoral process. During the presidential campaign, various politicians tried to persuade me to support them. When I refused, they arrested me several times in an attempt to stop me from disclosing their violations. I was tortured and eventually almost died at the hands of my persecutors. When my persecutors thought I was dead, they left me on the shores of Lake Kivu. A day later, I found myself in a hospital without knowing how I got there.

It has been almost a decade since I fled with the assistance of Catholic priests. I still remember how different everything was to me when I arrived in Tanzania and later in Kenya: the culture, the people, the spoken language and even the weather. Straightaway, I was taken to Kakuma Refugee Camp, a place where no Kenyan would likely choose to live. It was an extremely hot and dry place, well known for the local "fauna" of scorpions and snakes, for the prevalence of malaria and diarrhea, and for its poor infrastructure and health facilities. Employment was low and refugees often worked as cheap labour on the same level as uneducated locals or with international organizations in exchange for basic needs. For example, we had the opportunity to monitor high school participation, but only received soap rather than a regular salary in return. It seemed like refugees were put to the test: if they persevered in such conditions, they proved their status as refugees and if not, they probably had a better place to go. Personally, I can say that if I had somewhere else to go, I would not have spent even a night in such a place. Unfortunately, I spent almost eight years there before I had the chance to leave.

Without a doubt, it was difficult to live in those conditions alone, far from my family and friends. It was even more painful to realize that after everything that I had done to receive my diploma, my refugee status meant that I needed to start from scratch since I could not use my skills as a lawyer in Kenya. The provisions in Kenya’s 2006 Refugee Act outline the rights and duties of refugees and asylum seekers, including their right to work and the right to open a business. However, the reality is quite divergent from the rights enshrined in law. Although refugees can be granted work permits in Nairobi, they are bound to live in the camps unless authorized to live elsewhere. Ironically, having received a work permit is not a valid reason to apply for such an authorization to leave the refugee camps (Maina 2016).

It was clear that I did not have full control over my destiny, but only the ability to take advantage of the small opportunities that came my way. One of these opportunities came when I was lucky enough to return to school. I was able to learn English through Windle Trust Kenya. The Jesuit Refugee Services offered me an online study opportunity via Regis University. I decided to take this opportunity to start a new chapter of my life. The new language helped me integrate into Kenyan society more quickly. I could now offer my skills...
to Kenyans as an interpreter and be accepted among the elites in the camp. I became a teacher of Congolese French to some managers and high profile individuals in the camp who were in need of a second international language. Luckily again, or with the help of God, some of these managers got promoted and acknowledged my contribution.

Under these extreme conditions, I learned to become creative. Whilst in Kakuma, I started an integrated English programme that accommodated refugees from all levels, enabling refugees to better contribute to the Kenyan community. For example, one of my students is now the founder of Happy for Life, a charity network promoting children's rights and quality education for Kenyan children living in the slums. My initiative enabled me to receive a scholarship to pursue my postgraduate degree in Community Development Studies in Jerusalem - offering me a way out of the camp. However, when I started to look for internship opportunities as part of the programme, I chose Kenya as I wished to give back to the country, at least for the asylum that I was granted and the life I had lived there for eight good years. In August 2015, I returned to Kenya - this time not as an asylum seeker but as a development practitioner. I started to focus on youth and women's empowerment in Homabay, one of the areas most affected by HIV/AIDS. Whilst I dedicated my time to support the local children at risk, I also took the opportunity to share my story with many and it became an example of the different destiny that refugees may have if they were offered the right opportunities.

Looking back, there are several important lessons that I wish to highlight. Firstly, no one chooses to be a refugee. From personal experience, I believe no one hates his or her home. As a matter of fact, I miss my home but feel unsafe to return. Refugees lose everything as they flee, including their careers, homes, and families. They need to be supported rather than pushed back to their countries.

More importantly, refugees are often produced by ongoing instability and violence. Host countries may punish, incarcerate or despise refugees, but refugees will continue to arrive as long as the causes for their flight are left unaddressed.

Finally, refugees are not a burden but a great resource. Their life journeys make them resilient and overcome obstacles. Refugees who work hard or are given an equal opportunity can contribute to the well-being of their new countries. Although I had to face restrictive and discriminative policies, my experiences helped me to find a new way to serve the people around me. My past struggles have fuelled my present dedication to fight atrocities, violence and corruption around the world - and I hope to share my story with many others around the world.

Sylvain Gaetan is a human rights activist from the Democratic Republic of Congo, now seeking asylum in the United States, after being a refugee in Kenya for 8 years and staying in Israel for 18 months. He has a Master’s in Global Community Development at Hebrew University of Jerusalem. He shares his personal life experience of what it is like to become a refugee.

Bibliography

MSENWA OLIVER MWENEAKE, Hope in the Midst of one Refugee’s Experience: a Congolese Perspective

This piece provides a unique insight into an individual’s personal experience of living in the Democratic Republic of Condo. It comments on the political context of the author’s experience as well growing up as a child in the DR Congo, his life as a refugee and then his experience of eventually moving to Canada.

Introduction
The Democratic Republic of Congo (“DR Congo”), located in central Africa, was a Belgian colony and the personal property of King Leopold II before independence in 1960. Since 1996, Congolese have been systematically oppressed by local political forces and international companies who have usurped power, enriched themselves with the country's natural resources at the expense of local citizens, and forced many into exile as refugees. Nonetheless, the Congolese people have demonstrated great resilience as they continue to work for peace and self-sustenance through education.

Background to 1996 War in Democratic Republic of Congo
"Our country has all the skills, talent and natural resources to flourish," my grandparents would emphasize, "but we have been afflicted by more than one hundred years of war. Our beloved DR Congo has suffered more atrocities than any other country on earth. Since colonial times, people have particularly abused us here in the Fizi district of eastern Congo. This has kept us in a state of chaos for many, many years."

DR Congo was previously known as the Belgian Congo in colonial times and later, Zaire. It was a Belgian colony and the personal property of King Leopold II for many years before its independence in 1960. It sits in the centre of Africa, surrounded by news-grabbing countries such as Uganda, Rwanda, Sudan, and the Central African Republic. It is arguably best known as the setting of Joseph Conrad’s book, "Heart of Darkness" and unspeakable, unfathomable terror. During King Leopold II's reign, many Congolese were slaughtered and enslaved as he exploited the country's rich natural resources. The Democratic Republic of Congo War, often referred to as the African World War, has claimed more than six million lives, over 3 million people have been displaced within DR Congo and over 2 million forced to become refugees in neighbouring countries (World Without Genocide 2013).

Childhood and 1996 War
As a child, I was ignorant of the political, social and economic factors that were beckoning war closer and closer to our district. I could not imagine my generation experiencing the same suffering as my elders and ancestors. Yet the terror that would uproot me from everything familiar was just on the horizon.

I was born in DR Congo, the second largest country on the continent of Africa. My home was Lusenda, a small eastern village with a population of 6,000, situated in Fizi, South Kivu province, on the shores of the stunning Lake Tanganyika. As a child I knew nothing of what happened outside of my village, Lusenda. I was blissfully ignorant of the world beyond, happily nurtured by my communal village-family. Lake Tanganyika provided endless adventures for a child, balanced with the responsibility of helping family obtain provisions.

In early 1996, it became clear that violence was coming our way. We heard about the Banyarwanda (Rwandan Tutsis who had fled to the eastern Congo in the early 1950s to
escape ethnic fighting) joining forces with other Tutsis in Rwanda and elsewhere to invade DR Congo and steal its resources. As the days passed, our village received more news of the escalating conflict and merciless killings. I was so confused and wondered why adults could not resolve differences peacefully.

On October 25, 1996, our high school studies were abruptly halted by the sound of gunshots. The school authorities did not think it was anything serious until it was too late. Before we knew it, the person sent out to scrutinize the situation had been shot to death. Fear gripped us. Many of us started to cry. The situation became fatally violent within a short period of time, and more than five people were soon killed close to the school. Everything happened so quickly. It felt like the sky was falling down on us.

My sisters and I were traumatized in the face of death, wading through blood and corpses and hearing screams of terror. We made the 60-kilometre trek by foot to Lusenda only to discover my parents and siblings were not there. It would be seven long months before I was reunited with my family and forced to become a refugee in Nyarugusu refugee camp in Kigoma, Tanzania.

Life as a Refugee
As a child, I had never imagined I would one day trade my Congolese identity for a refugee card. The day I received my refugee card left an indelible mark on my life, signalling the beginning of utter hopelessness. To me, the word “refugee” implied homeless, powerless, lost and forgotten.

"In the refugee camp, each person is given a ration card to receive food and other basic supplies," my mother explained. I did not understand what she meant by ration cards because I thought people in the camp could farm the land and produce their own crops. I became angry at the UNHCR agency and its mismanaged system as many times we were forced to wait twice the amount of time for crucial supplies: we were told that trucks of food, blankets and tents had been stolen; later, we would learn that some UNHCR officials had sold them to Tanzanian businesses. There was also no comprehensible protocol for people to channel their complaints. I started wondering if the UNHCR worked for refugees or if a select few had created the agency to benefit themselves at our expense.

As it was not within the UNHCR's "mandate" to provide high school education, the refugees took it upon themselves to provide this education. Within weeks, we were sitting on makeshift benches and diligently studying under trees. We fervently believed that education was the key to a hopeful future. As I faced overwhelming obstacles to complete my undergraduate and Master's degrees, an opportunity arose to immigrate to Canada.

Resettlement to Canada and Life Afterwards
Even after immigrating to Canada in 2011, I continue to re-live the negative effects of the word refugee whenever I cross borders or apply for visas with my travel document. I also remain overwhelmingly disturbed over current news about DR Congo with its unending reports of mass murder, systemic rape and ongoing atrocities of war. My beautiful country has been labelled the “rape capital of the world” as women are systematically targeted and attacked on an unprecedented scale. The murder of innocent Congolese is overlooked daily as their land, rich in natural resources like gold, copper, diamonds and coltan (a mineral used in cell phones) is exploited. As demand for coltan has increased drastically over the years with
DR Congo producing 70% of the world's supply, many militia groups use this to finance the war, producing thousands more refugees.

The population of Nyarugusu refugee camp (where my family still lives) has now tripled to 250,000 and numbers continue to increase daily. Established in 1996, Nyarugusu refugee camp is one of the world’s oldest camps. The UNHCR has made drastic cuts to all basic rations in recent years and the camp’s medical, educational and sanitation structures are collapsing.

My experiences have led me to the conclusion that "fairness" and "justice" are words that the elite disregard to maintain their power and enrich themselves. Many times during the war and in Nyarugusu camp, I faced near-death experiences and battled against hopelessness. Still, I decided that my destiny would not be determined by life circumstances. I resolved to confront difficult challenges with perseverance and faith, believing that things would get better. I clung to the hope that education would one day position me to empower others. I am now fulfilling that dream through The Msenwa Foundation.

Msenwa Oliver Mweneake is a Canadian citizen of Congolese origin who holds a Master's degree in Leadership from Pan Africa Christian University in Kenya, and a Master of Social Work from University of Waterloo in Canada. He has practiced social work in Africa and is now a clinical social worker in Toronto area, Canada. He is interested in how policies affect macro social work practice, migration and diversity. Msenwa recently published his memoir entitled "Still With Us: Msenwa's Untold Story of War, Resilience and Hope" with proceeds going to sponsor widows and youth in DR Congo and beyond. You can reach Msenwa by email at stillwithusmemoir@gmail.com.

Bibliography

Field Monitor

This piece describes research conducted by the British Red Cross into the effectiveness of the Azure payment card in providing support to refused asylum seekers. It includes the viewpoint of organisations working with these clients and the lived experience of refused asylum seekers. The research concludes that the Azure card and support does not allow refused asylum seekers to meet their basic needs and live with dignity. Our recommendations included abolishing the Azure card. The piece ends with a description of the advocacy we engaged in, based on the recommendations of the research.

Introduction
The British Red Cross has a long tradition of providing practical and emotional support to refugees and asylum seekers and refused asylum seekers. In 2015, we supported 14,510 refugees and asylum seekers – 9,147 of whom were destitute at some point in that year.

Section 4(2) of the Immigration and Asylum Act of 1999 (United Kingdom 1999) allows support to be provided to refused asylum seekers who are destitute and have agreed to return to their country of origin, but cannot return immediately due to circumstances beyond their control. Those who have further submissions under consideration can also receive this support. At the end of March 2015, 4,941 refused asylum seekers and dependants were receiving Section 4 support (Home Office 2015a).

Section 4 support is not paid in cash. A payment card (the Azure card) is provided, credited with £35.39 / week per person, to be used in specified retail outlets to buy food, essential toiletries, clothing and credit for mobile phones. Petrol, diesel, gift cards, alcohol and tobacco are not allowed and the card cannot be used for travel.

Azure cards are topped up automatically every week. Single people with no dependants are not allowed to carry over more than £5 at the end of each week. Any amount in excess of £5 expires at midnight on Sundays.

Methodology
This research arose out of our concern for the wellbeing of refused asylum seekers and the negative impacts of Section 4 support we observe. The objectives of the research were to explore the effectiveness of the Azure card in providing support to refused asylum seekers, from the viewpoint of organisations working with these clients; and to understand refused asylum seekers’ lived experience of using the card. One-hundred-and-four questionnaires were distributed UK-wide to organisations working with people on Section 4 support (including Red Cross refugee services). Seventy-four questionnaires were returned, yielding a response rate of 70 per cent. We conducted in-depth interviews with 11 Azure card users, who were identified by Red Cross refugee service staff.

Findings
Ninety-three per cent of our survey respondents felt that the Azure card system is failing to support refused asylum seekers, with 49 per cent rating it as ‘very ineffective’ and 44 per cent as ‘ineffective’.

Eighty-five per cent of the organisations in our survey reported their clients are left hungry because Section 4 support is insufficient. The same proportion felt their clients are not able to
buy other essential items such as diapers, toiletries and household cleaning products. This was echoed by the interviewees:

Can you imagine? With £5 a day can you make three meals a day? No. Even to top up my telephone to talk with my children; if I top up for £5 I have to sacrifice one day of eating (Azure card user).

Eighty-one per cent of survey respondents reported that authorised retailers offer poor value for money. Several interviewees told us that £35.39 might be enough to meet their basic needs if they had the option to shop around for the best price, but they are not allowed to. As one interviewee explained:

Fruits and vegetables are really expensive in a supermarket. It’s cheaper in the market because they do it in a bowl, which is a pound. And maybe if you go later, when they’re towards closing, they reduce it maybe to even 50p (Azure card user).

All but one Azure card user had experienced difficulties when trying to pay with the card. Seventy-two per cent of our survey respondents reported clients having their card refused by authorised retailers in the previous six months, and 70 per cent said their clients had experienced poor treatment from shop staff. There appears to be a lack of clarity and understanding by shop staff around what items are allowed to be purchased, often leading to individual shop staff using their own discretion. Many appear to believe the card is only to be used for food. One Azure card user, an elderly grandmother, explained how she was not allowed to buy a saucepan she needed for cooking for this reason.

Technical difficulties with the card are common. Eighty-five per cent of our survey respondents reported that their clients’ Azure cards had not worked at some point during the previous six months. This sometimes happens despite users having a credit balance on the card, and Azure card users can be left without financial support for several days.

Getting to the supermarket and essential appointments is also problematic. Survey respondents indicated that distance (88 per cent) and illness (82 per cent) can make it difficult to get to a shop that accepts the Azure card. They also reported that clients have difficulty travelling to visit legal representatives (94 per cent) and health workers (92 per cent) due to a lack of money. Most of the Azure card users we interviewed did not know they could apply for specific travel support to attend medical appointments, as part of their Section 4 support.

Seventy-nine per cent of survey respondents reported their clients have difficulty understanding how the carry-over limit works. A number of our interviewees reported losing money due to not realising their credit expires. They reported that the carry-over limit makes it impossible to save a little each week so you can buy bigger items like a coat or shoes. Both our survey respondents and interviewees felt the most significant improvement to be made to Section 4 support is to provide the support in cash.

**Recommendations**

We concluded that the Azure card and Section 4 support does not allow refused asylum seekers to meet their basic needs and live with dignity. It creates unnecessary suffering for people already in desperate situations. Based on the research, we made three key recommendations: abolish the Azure card; create one integrated form of support throughout the asylum seeking process; and provide this support in the form of cash.
We recognise that the recommendations require the withdrawal of Section 4 (11) (b) of the Immigration and Asylum Act 1999, which forbids a person on Section 4 support being supplied money. In the interim, we call for practical steps to be taken, including expanding the number of retailers that accept the card, allowing travel tickets to be purchased with the card, and abolishing the carry-over limit.

Based on this research, the Red Cross advocacy strategy was to target one member of the House of Lords, Lord Roberts of Llandudno, rather than a cohort of parliamentarians, as he had already developed a reputation for leading on this issue in the House. Our research report, The Azure payment card: The humanitarian cost of a cashless system (Carnet et al. 2014), led to a series of parliamentary questions, a parliamentary briefing, and a 90-minute debate in the House of Lords on the Azure card on 20 November 2014, secured by Lord Roberts. Following the debate, the government minister, Baroness Williams of Trafford, pledged to remove the carry-over limit:

We will shortly be bringing in changes to allow card users to carry over extra credit on the card from one week to the next. This suggestion was made by the Red Cross in a recent report and by many noble Lords in the Chamber today (HL Deb 20 November 2015, vol 757, col 563).

The government also committed to explore ways to facilitate access to transport for refused asylum seekers and extend the range of outlets that accept the Azure card. Despite a number of follow-up parliamentary questions, no further progress was made on these issues.

Other activities involved meeting with James Brokenshire, Minister for Immigration at the Home Office, and responding to the Public Consultation on Reforming Support for Failed Asylum Seekers (Home Office 2015b), conducted from 4 August to 9 September 2015.

On 17 September 2015, the Immigration Bill 2015-16 had its first reading in the House of Commons. We submitted a briefing to the House of Lords in December 2015, before the second reading of the Bill.

Part 5 and Schedule 10 of the Bill has now abolished Section 4 of the Immigration Act 1999, and replaced it with a new Section 95A (Immigration Bill 2015-16). Section 95A support is intended for individuals or families with dependent children who are refused asylum seekers and unable to leave the UK due to a genuine obstacle. On 3 February 2016, in the committee stage of the Immigration Bill in the House of Lords, the government confirmed Section 95A support will be provided in cash and at the same level as Section 95 (HL Deb 3 February 2016, vol 768, col 1831). The Red Cross continues to monitor the progress of the Bill through parliament.

Catherine Blanchard (CBlanchard@redcross.org.uk) is a South African national. She holds a Doctorate in Psychology and has been working in the field of research for the past fifteen years, mostly in South Africa. She has been with the British Red Cross, as a Senior Researcher within the Research, Evaluation and Impact team, since 2013.

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MARTINA MANARA, Never Settled. The Informal Refugee Settlement of Borgo Mezzanone and its Effects on Asylum Seekers in the Reception Centre

The runway is an informal settlement next to the reception centre of Borgo Mezzanone in southern Italy. It results from temporary and permanent strategies of self-help housing and it is the place of an active informal economy. This paper shows that the runway has a crucial role for asylum seekers, refugees and irregular migrants, which extends beyond the local area. In fact, the runway offers opportunities for resilience to migrants who could not settle successfully in other parts of the country. Moreover, the runway considerably affects the lives of asylum seekers living in the reception centre.

Directives by the European Union and United Nations High Commissioner for Refugees (UNHCR) (2015) have called for a shift in the Italian system of secondary reception, which follows the stay of entrants in first aid camps. They advocate the substitution of large-scale reception centres (CARA - Centro di Accoglienza Richiedenti Asilo) for a system of dispersed reception. There are still fourteen medium and large-scale structures currently operating in secondary reception. Here entrants undergo the mandatory bureaucratic procedures concerning identification and the assembling of asylum claims. According to domestic law, asylum seekers must wait for a period of a maximum thirty-five days before receiving a temporary permit to stay. In practice, due to bureaucratic delays, their stay may last between one and two years (Bonzano and Pupolizio 2014).

The CARA of Borgo Mezzanone is situated in Puglia in southern Italy. It is close to a rural village, with the nearest urban centre being Foggia, 20 kilometres away. The CARA was erected from 2005 to 2010, through the conversion of a former military base, as it is typical of most camps (Diken 2004). Additionally, an informal settlement, called runway, exists outside the centre. It is composed of containers and prefabricated shelters, which were installed in 1999 on the runway of the former military base to host refugees fleeing Kosovo (Campesi 2014).

I visited the CARA in June 2015 and interviewed its director as part of a larger research project investigating systems of refugee reception in the Province of Foggia. The authorization process to enter the structure was troublesome; eventually, I was admitted to interview the director, while being strictly forbidden to speak with asylum seekers. I accessed those unofficially in the runway, where I conducted focus groups and in-depth interviews over a period of two months.

The Runway
Since March 2014, the CARA has been managed by the organisation Senis Hospes. It has a recognised capacity of 627, while during my visit it was hosting 636 individuals formally. Additionally, an indefinite number of migrants occupy the CARA informally. Also the runway hosts a flexible population, varying from five hundred people in wintertime to one thousand during summer. Here, I observed three categories of occupiers.

First, there are refugees and holders of humanitarian protection awaiting the issuance of documents; usually the renewal of their permits to stay in the country. Applicants need to get back to the local Questura (provincial police headquarters), which first issued their papers, if they have not acquired legal residence elsewhere in the country. In Foggia, bureaucracy is often inefficient, causing long and repeated delays for several months. Many applicants
cannot afford to rent a house during that period. For them, the runway becomes a space where they can wait for the issuance of documents without incurring living expenses.

Second, there are regular and irregular migrants who settled in the runway permanently, after failing to settle in other regions of Italy or Europe. Permanent squatters are generally easy to identify: their housing units have been refurbished over the years (e.g. with air conditioning systems); and they are key figures in the migrant community enjoying a relatively high economic stability. They may run small businesses including shops providing services such as bike repairs and hairdressing. Alternatively, they work as capo-negri (literally: black chiefs) operating as an intermediary for Italian bosses by recruiting illegal workforces among migrants in the runway and asylum seekers in the CARA.

Third, especially between May and September, some temporary squatters move into the runway to work throughout the agriculture season as tomato pickers. Temporary squatters are the largest group in the settlement and they mainly comprise of refugees, regular and irregular migrants who never integrated into the formal labour market. They constitute a mobile workforce migrating across different regions of Italy according to the employment needs of local productions. Temporary squatters usually occupy overcrowded prefabricated shelters and live in poor and precarious conditions. Households are formed according to criteria such as the country of origin or the language spoken.

Impacts on CARA
The CARA of Borgo Mezzanone can be considered an open camp (Guild 2005). Contrary to some literature on European reception centres (Korac 2003; Szczepanikova 2012), I found that asylum seekers in CARA have free agency because the imposed regulations are minor. There are few restrictions addressing the entering and exiting of the centre, so asylum seekers are able to access the runway on a regular base.

The runway provides asylum seekers with basic goods and the means to improve their material condition. Asylum seekers in CARA complain that the food supplied is scarce, poor and with little variation. In fact, the diet is repeated weekly and does not include traditional meals, which is especially unbearable to those staying for long periods. Another common complaint concerns their clothing. Many asylum seekers in CARA receive a one-off supply of equipment when they arrive, which has to cover winter and summer seasons. Therefore, shops and informal businesses in the runway supply goods responding to the material needs of asylum seekers in CARA. Here, they may exchange telephone top-ups and cigarettes for ethnic food, clothes as well access services like shoe repairs.

For asylum seekers in CARA, the runway also represents a source of information and emotional support. Some literature argues that social networks with people of similar background are essential for practical assistance and psychological recovery (Atfield et al. 2007). Often asylum seekers in CARA have little information about local services of reception, asylum law, and the status of their legal procedure. This is due to several factors: the overcrowding of CARA, issues of distrust between humanitarian operators and asylum seekers, and linguistic barriers (many operators are incompetent in English, French or Arabic). Thus, a refugee community in the runway with some previous experience of asylum law and bureaucracy is an essential source of information and advice.

On the negative side, the presence of an active community in the runway may increase the isolation of asylum seekers in CARA from the Italian population. In fact, asylum seekers
spend most of their time in the immediate surroundings of the CARA. As in most camps and reception centres (Rahola 2005; Szczepanikova 2012), there is a tendency towards voluntary confinement, which especially progresses the longer a refugee stays. Economic restrictions prevent refugees from many activities in the city. Further, refugees report difficulties in interacting with the local population. Certainly, the runway provides a range of services and entertainment activities that reduce the need to interact with the nearby city and its local community. There were for instance two Mosques, a ‘pub’, a ‘disco’ at the time of my visit.

Yet, the runway provides alternatives to the integration of asylum seekers into formal opportunities for education and training. Many choose to enter the seasonal agriculture labour force as a temporary solution to make a small living and save money to fund their journey toward other regions of Italy or Europe. However, there is a high risk that asylum seekers will not exit this kind of informal and insecure labour market, where workers are hired daily, payments are exploitative, and injuries occur frequently. This risk is particularly high in the area of Foggia where, given the state of the local labour market, opportunities for education, training and inclusion into the formal economy are rare.

Conclusions

The runway has a crucial role for migrants, which extends beyond the local area. It offers opportunities for resilience to those who could not settle successfully in other parts of the country. Moreover, the runway considerably affects the lives of asylum seekers in CARA. On the positive side, it is an essential source of material and emotional support as well as informational support. Alternatively, it hinders the progress of asylum seekers towards social and economic integration in the host territory. The runway can be seen as the product of adaptive responses to the inefficiencies of the Italian system of reception.

Recommendations

My recommendations are the following:

First, continual monitoring of CARA, rather than sporadic visits, by government and UNCHR representatives would prevent asylum seekers from seeking self-help solutions relative to food and equipment.

Second, there should be improvements to the systems of communication and information in CARA. For example, all operators should be competent in English, French or Arabic, and have some basic knowledge of asylum law.

Last, local authorities should recognize the existence of the runway and ensure that minimum living standards are met through providing basic services and waste management. Equally, it is important to raise public awareness on the local agromafia (literally: agricultural mafia), which extracts enormous profits by exploiting asylum seekers and other forced migrants living in CARA and in the runway.

More broadly, asylum seekers should not be allocated to areas suffering from multiple deprivations, where opportunities for social and economic integration are scarce, if not absent. When placed in such dire locations, asylum seekers respond with bottom-up strategies of self-help. However, these strategies may force asylum seekers to be relegated into the informal settlements and the informal economy permanently.

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Bibliography


MAJA GRUNDLER, Germany’s Asylum Law Reforms: Developing a Foul Heart Behind a Fair Face?

Germany’s response to the ongoing refugee “crisis” has been portrayed as “liberal” in international media. Germany’s intake of asylum seekers certainly seems generous in terms of numbers, however, in terms of treatment of some of these applicants Germany’s response is in fact illiberal. Recent changes to the asylum law severely restrict some asylum seekers’ rights and freedoms and may result in violations of human rights and international law.

Germany’s response to the ongoing refugee “crisis” has been portrayed as liberal in international media – both by supporters who applaud it as generous and by opponents who criticise it as unstinted. While Germany’s intake of asylum seekers certainly seems generous – it has the highest total number of asylum applications in the European Union (EU), as well as more than twice the EU average in asylum applications per 100,000 inhabitants (BBC 2016) – the term “liberal” also carries the idea of endorsing individual rights and freedoms. However, by way of legislative amendment, Germany has placed new restrictions on the rights and freedoms of certain groups of asylum seekers and beneficiaries of subsidiary protection. As these amendments have received little attention in international media coverage, this article outlines the most significant changes and briefly touches on how some of the provisions lead to unfair asylum procedures, which may result in violations of human rights and international law. This article draws heavily on domestic media coverage (in German), and government and NGO statements, in particular the excellent explanations and summaries provided by Pro Asyl.

The New Asylum Law Reforms

The recent “tightening” – as activists termed it (Pro Asyl 2014, ‘Asylrechtsverschärfung’) – of German asylum law began in 2014 by classifying Serbia, Macedonia, and Bosnia and Herzegovina as safe countries of origin (Pro Asyl 2014, ‘Sichere Herkunftstaaten’). Asylum seekers from those countries became subjected to an accelerated asylum procedure and shorter appeal deadlines (Bundesamt für Migration und Flüchtlinge 2015). The government obtained consent to the safe country provisions from political parties professing to have an interest in refugee rights by easing residence restrictions for certain groups of asylum seekers and by improving access to the job market (Pro Asyl 2014, ‘Sichere Herkunftstaaten’). A so-called “asylum compromise” (Asylkompromiss) was agreed upon, which was not seen since the major asylum law reforms in 1993 (see Joppke 1999). Several more laws were then passed, all following the same pattern: rights improvements for certain refugees and asylum seekers were coupled with rights limitations for other (or sometimes the same) asylum seekers and subsidiary protection beneficiaries.

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18 As set out in Arts. 2(f) and 15 of the EU Qualification Directive, a ‘“person eligible for subsidiary protection” means a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15’ which includes ‘the death penalty or execution; or torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict.’

19 Pro Asyl is a German human rights NGO focussing on refugee protection.

20 The government requires consent for certain laws from the lower house of the German parliament, in which the Green Party is strong enough to block new laws. In spite of the party’s professed interest in refugee rights it has not prevented the asylum law reforms, justifying its decision by pointing to the concomitant rights improvements.
Another asylum compromise was made in 2015 when on 1 August the “law on the redefinition of the right to remain and the termination of residence” (Gesetz zur Neubestimmung des Bleiberechts und der Aufenthaltsbeendigung) entered into force (Bundesministerium des Inneren 2015). Whist this new law allows those who are “tolerated” (geduldet) in Germany (i.e. those who have exceptional leave to remain) to not be deported and to apply for residence permits (Ghelli 2015), it creates new grounds for imposing immigration detention (Pro Asyl 2015, ‘Ausweitung’). Provided they have integrated well, these individuals are eligible to receive a two-year residence permit rather than having to renew their exceptional leave every six to eighteen months (Ghelli 2015). However, despite the rights contained within the Dublin regulation, new grounds for immigration detention have come into force which prescribe that detention may be imposed upon those who enter Germany from another EU member state or those who pay substantial amounts of money to a smuggler (Pro Asyl 2015, ‘Ausweitung’).

Few Improvements, Harsh Restrictions
The most recent changes to the German asylum law were delivered in two “asylum packages” (Asylpaket I and II) as the legislators termed it, one in October 2015 and one in February 2016. Each “package” was fast-tracked through the lower (Bundestag) and upper (Bundesrat) house of the German parliament (Bundesrat 2016; Tagesschau 2015). The first package, the “asylum process acceleration act” (Asylverfahrensbeschleunigungsgesetz) entered into force on 23 October 2015 (Pro Asyl 2015, ‘Asylpaket I’) and the second package, entitled “law on the introduction of accelerated asylum procedures” (Gesetz zur Einführung beschleunigter Asylverfahren) entered into force on 17 March 2016 (Bundesregierung 2016).

Significantly, the first package allows asylum seekers from countries with a recognition rate of over 50% (Syria, Iraq, Eritrea and Iran) to access integration courses as soon as they have lodged an asylum claim (Yücel 2015). Meanwhile, the second package provides recognised refugees, who successfully complete a vocational training course / apprenticeship, with the right to work in Germany for two years following completion of the course, irrespective of their status during this time (Die Welt 2016). To elaborate, in Germany, refugee status is initially granted for three years - the same duration of most apprenticeships. Thus, if after those three years refugee status cannot be extended (e.g. because conditions in the country of origin have changed), the refugee will nevertheless be able to remain and work for another two years.

Unfortunately, however, these developments are dwarfed by the severe rights restrictions imposed upon asylum seekers and subsidiary protection beneficiaries. To begin with, the first package revoked the 2014 improvements on freedom of movement and access to the job market. More specifically, asylum seekers now have to remain in initial reception centres for up to six rather than three months and residency restrictions apply, namely, travel is not permitted outside the region in which the centre is located (Pro Asyl 2015, ‘Asylpaket I’). This raises the question of whether asylum seekers will be able to access the integration courses referred to above. Though initial reception centres offer language courses, integration

21 Art. 28(1) of the Dublin Regulation provides that “Member States shall not hold a person in detention for the sole reason that he or she is subject to the procedure established by this Regulation,” the procedure being “determining the Member State responsible for examining an application for international protection,” which is often the first EU Member State entered “by land, sea or air having come from a third country” (Art. 13(1)).
22 This includes recognition as a refugee under the 1951 Convention as well as political asylum under Art. 16a (1) of the German basic law.
courses are only available from providers located in the region around the centres (Volkshochschulen Schleswig-Holstein 2015). It remains to be seen whether there is a sufficient supply of courses for all asylum seekers entitled to access them. While living in these reception centres, asylum seekers are not allowed to work (Pro Asyl 2015, ‘Asylpaket I’). Moreover, asylum seekers from safe countries of origin are required to remain in the reception centres for the entire duration of their asylum proceedings and possibly until they are deported (Pro Asyl 2015, ‘Asylpaket I’). Incidentally, the first package expands the list of safe countries of origin (Ghana, Senegal, Serbia, Macedonia and Bosnia and Herzegovina) (Bundesamt für Migration und Flüchtlinge 2015) to include Albania, Kosovo and Montenegro (Pro Asyl 2015, ‘Asylpaket I’). Moreover, the Federal Office for Migration and Refugees will no longer notify those liable for removal prior to being deported (Pro Asyl 2015, ‘Asylpaket I’).

The second package shortens the duration of asylum proceedings (Pro Asyl 2016, ‘Stellungnahme’). More specifically, applications are to be fast-tracked and decided within a week where one of the following apply: the asylum seeker is from a safe country of origin, has deliberately made false representations as to their identity or nationality, has disposed of documents that could have established their identity or nationality, has submitted a fresh claim, has filed an application for the stay of removal procedures, refuses to have their fingerprints taken for the Eurodac database, has been expelled on grounds of public order and security, or if there are serious reasons to believe they are a danger to national security or public order (Pro Asyl 2016, ‘Stellungnahme’). Moreover, an asylum claim will be considered withdrawn if an asylum seeker deliberately withholds information, fails to attend a hearing, absconds, or breaches their residency requirements. Such residency requirements will, for example, demand that those subject to fast-track procedures reside in ‘special initial reception centres’ (Pro Asyl 2016, ‘Stellungnahme’). Further, the claims of asylum seekers who arrive in the special centres belatedly will be treated as fresh claims and therefore only succeed if, since their arrival in Germany, new grounds or evidence have arisen, unless it can be proven that the reason for the delay was beyond the asylum seeker’s control (Pro Asyl 2016, ‘Stellungnahme’). Though the asylum seeker can request a reopening of the asylum proceedings, a second transgression will lead to a final exclusion from proceedings (unless there are new grounds or new evidence) and thus possibly to removal (Pro Asyl 2016, ‘Stellungnahme’). Significantly, removal will be possible even where deportees suffer from PTSD or other mental or bodily illnesses (Pro Asyl 2016, ‘Stellungnahme’). Finally, the right to family reunion will be suspended for subsidiary protection beneficiaries, including unaccompanied minors, for two years (Pro Asyl 2016, ‘Stellungnahme’).

Meanwhile, a third package of laws is already being discussed. Following the familiar pattern, it is said to contain further measures on integration (Die Welt 2016), as well as the classification of Algeria, Morocco and Tunisia as additional safe countries of origin, and Turkey as a safe third country (Pro Asyl 2016, ‘Asylverschärfungen’).

Violations of Human Rights and International Law?
Many of the rights restrictions detailed above will arguably lead to the violation of human rights and international law. Though both packages severely restrict asylum seekers’ rights, it is the second package in particular which jeopardises fair asylum procedures and is likely to lead to a rise in incorrect decisions (Amnesty International 2016). Amnesty International expects that asylum seekers will not have sufficient access to lawyers in special reception centres, which, coupled with short decision-making time frames and appeal deadlines, as well as traumatised asylum seekers’ mental state, will lead to claims being falsely rejected and
possibly to individuals being incorrectly deported (2016). This could also affect those excluded from asylum proceedings or whose claims are considered as having been withdrawn (Pro Asyl 2016, ‘Stellungnahme’). Research from other countries using accelerated asylum procedures highlights problems which may arise as a result. These include insufficient time to obtain expert testimony and legal representation, as well as insufficient consideration of the impact of trauma on memory and thus on the credibility of the asylum seeker (Kenny and Procter 2016). Research also highlights the low quality of decisions. In examining the detained fast-track (DFT) procedure in the UK, UNCHR found that accelerated procedures ‘often fail to engage with the individual merits of the claim’, apply refugee law incorrectly and do ‘not always identify’ those claimants eligible for international protection (2008: 8-9). Further, and most significantly, the DFT was recently ruled unlawful in the UK due to a ‘[l]ack of appropriate time to seek and obtain legal assistance’ (Kenny and Procter 2016).

If, as a result of wrong decisions, deportations occur, Article 3 of the European Convention on Human Rights (ECHR) will be violated where applicants are subjected to torture or inhuman or degrading treatment upon return. Such a scenario would breach the non-refoulement obligation of the 1951 Refugee Convention (Pro Asyl 2016, ‘Stellungnahme’). Further, asylum seekers who cannot access a lawyer or sufficient information to represent themselves in appeal proceedings will be denied the right to an effective remedy (Art. 13 ECHR). In addition, the suspension of family reunion violates Article 8 (right to private and family life) of the ECHR (Pro Asyl 2016, ‘Stellungnahme’) and forces family members to make use of non-legal, dangerous channels to leave their countries (Amnesty International 2016).

In conclusion, although Germany has recently been perceived as generous and liberal for admitting vast numbers of asylum seekers, its treatment of some of these individuals is arguably illiberal and in certain cases may constitute a violation of their human rights and Germany’s international obligations. Even though human rights protection is at the very heart of the refugee regime, the government is trading this protection off for efficiency. Granted, the government may believe this is necessary, be it because it is overwhelmed by numbers, due to the lack of cooperation in Europe, or because it seeks to appease those parts of the German public which have given far-right anti-immigration parties a major boost in recent state elections. Nevertheless, when it comes to refugee protection, quality must not be exchanged for quantity. Germany will be able to process claims speedily but not thoroughly. Though it remains to be seen what consequences the new legislation will have for individual asylum seekers, there is a real danger that these accelerated proceedings will lead to incorrect decisions. Should such decisions result in serious human rights violations, refugee protection will be undermined and Germany will have developed a foul heart behind the fair face that has welcomed so many refugees.

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Policy Monitor
LAN HOANG, Hong Kong’s Unified Screening System: Lack of unification to Improve Asylum Seekers’ Reality

After much effort from Hong Kong’s human rights advocates fighting against the notoriously low recognition rate of asylum claims, the Hong Kong government introduced the Unified Screening System early 2014. This article gives an account of this new mechanism after two years of its implementation. It argues that the unified mechanism provides little effectiveness to improve Hong Kong’s refugee situation, merely acting as a reactive and resistant response mechanism. The government should address systemic issues, including the lack of institutional transparency, biases in institutional and cultural narratives of forced migrants, and inadequate contextual knowledge of decision-makers.

Introduction
Hong Kong is among Asia’s major strategic and prosperous ports, becoming a desirable destination for asylum seekers from Africa, Asia, and the Middle East. In 2012, Hong Kong hosted 750 UNHCR Refugee Status Determination claimants and around 5,800 applicants for protection under Article 3 of the Convention against Torture (CAT) (Shum 2014). This number has increased along with the number of urban refugees and asylum seekers in the Asian region. Approximately 90% are from South Asia (predominantly Pakistan, Nepal, and India), 9% from a wide range of African nations and 1% from countries such as Iran and Palestine (Mathews 2014).

Asylum seekers in Hong Kong find themselves restrained in an unwelcoming legal system (Justice Centre Hong Kong 2014; UNHCR 2015). They may get stuck in legal limbo for years with little chance of resettlement, when seeking protection. As Hong Kong is among the most popular tourist destinations in Asia, its lenient visa requirements not only facilitate smooth tourist travel to the region, but also creates favourable opportunities for both regular and irregular migration.

Hong Kong’s Unfavourable Refugee Policy and its Ramifications
The experience of asylum seekers in Hong Kong is distinct from that of asylum seekers in most countries that are signatories of the 1951 Refugee Convention. In signatory countries, national asylum systems are in place, providing a process to determine who qualifies for international protection. Although China signed and ratified the 1951 Refugee Convention, Hong Kong did not. Under the Hong Kong Basic Law Article 154, as a special administrative region, the Hong Kong Government has controls over its own law and policies, including its immigration regulation (Hong Kong SAR 1997). It has maintained “a firm policy not to grant asylum”, which has not included plans to participate in the 1951 Refugee Convention (Loper 2010; Vecchio 2015).

Those who wanted to make asylum claims, prior to March 2014, had the option of choosing from a two-track asylum screening system. That is, asylum seekers in Hong Kong could turn to the local government for temporary protection, as it is signatory to the 1984 Convention Against Torture, and thereby, obliged to comply with the principle of non-refoulement.

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23 In the period from 2014-15, at the same time after Hong Kong Government introduced the Unified Screening Mechanism to consolidate the claims for both persecution and torture, there was a sudden surge in the number of asylum seeker claims, rising by 70% from early 2014 to mid-2015 (Hong Kong Immigration Department 2015)

24 As a signatory of the 1984 United Nations Convention against Torture since 1992, the Hong Kong Government was required to establish an administrative screening mechanism. It did so in June 2004 and
Alternatively, asylum seekers had the option to turn to local UNHCR offices to make their claims, as UNCHR is allowed to screen migrants/refugees as part of its mandate. Asylum seekers are usually forced to remain in legal limbo while waiting for the determination of their refugee status under the government’s or UNHCR’s mechanisms; it takes at least three and up to ten years to evaluate a case (Mathews 2014).

While waiting, asylum seekers are barred from volunteering or legally working to gain income. They are provided with only a basic monthly allowance managed by International Social Service, a local government-contracted NGO (Mathews 2014; Vecchio 2015). This allowance is far from adequate considering high living costs in Hong Kong. The assistance packages offered by the government merely intend to ‘prevent destitution,’ leaving a large number of asylum seekers to struggle in acquiring even the bare necessities. This is in spite of efforts from independent NGOs to bridge the poverty gaps by providing assistance and advocacy; most of the asylum seeking population faces poor living conditions for a long period with an uncertain future (Lee 2013; Vecchio 2015).

The Shift Towards a Unified Screening System

Hong Kong has a very low recognition rates (Mathews 2014; Vecchio 2015). Human rights advocates have long questioned the transparency and effectiveness of these screening mechanisms.

The Hong Kong government, after much effort from human rights advocates, adopted the Unified Screening Mechanism (USM) on 3 March 2012, combining two pre-existing screening tracks to enhance the process of determining asylum claims (Hong Kong Legislative Council 2013). UNHCR then “ceased the screening under its local mandate,” allowing the government to conduct the assessment itself (Justice Centre Hong Kong 2014).

It was not until February 2015, that the Hong Kong government confirmed that it had substantiated five new claims, the first batch of successful cases under USM. This raised the total number of recognitions in its territory to 28, out of the current 20,000 applications, in other words, an acceptance rate of 0.14% since the extension of CAT to Hong Kong in 1992 (Vision First 2015).

The implementation of USM to enhance the process of determining refugee status signifies a crucial step forward in the long struggle for refugee rights in Hong Kong. However, based on empirical evidence, the unified mechanism provides little effectiveness to improve Hong Kong’s refugee situation. Rather, it is a reactive and resistant response that will not suffice without structural policy changes.

enhanced it in December 2009. The Immigration Department’s Torture Claim Assessment Section was in charge of this process (Vecchio 2015).

25 Due to Hong Kong not being a signatory to the 1951 Convention relating to the Status of Refugees, “and has no legal framework governing the granting of asylum UNHCR carried the main responsibility for refugee status determination, assistance to asylum-seekers and refugees, as well as the identification and promotion of durable solutions (mostly resettlement) under its mandate” (UNHCR 2015; UNHCR 2013).

26 UNHCR will continue to provide international protection to refugees in accordance with its mandate. In this connection, persons whose non-refoulement claim is substantiated under the USM on grounds of persecution risk will be referred to UNHCR for recognition as refugees under its mandate and, if so recognised, arrangement of resettlement to a third country.
That is, despite the government’s insistence on having the seemingly proper assistance mechanism in place, refugee rights advocates have made claims of an unfair system. Particularly, local NGOs and members of civil society regret the lack of consultation and collaboration during the design stage, as well as the lack of proper information dissemination and accessibility during the implementation of USM (Justice Centre Hong Kong, 2014; Vision First 2015). Moreover, a recognition rate close to zero remains enigmatic, largely due to the lack of transparency in the screening process. As of December 2015, there are 10,922 outstanding non-refoulement claims according to The Immigration Department (Hong Kong Immigration Department 2015). These numbers were not published by the government’s own volition, but after multiple requests from civil society groups (Justice Centre Hong Kong 2014). NGO staff, lawyers and scholars also suggest the low rate can be explained by insufficient knowledge “of the relevant areas of refugees and training on international humanitarian law” as well as cultural and historical biases of the decision-makers at the Immigration Department as well as by officers in pro bono legal assistance schemes for claimants (Daly interview, 28 April 2015; HKRAC 2013).

The lack of favourable and effective policy towards asylum seekers in Hong Kong also comes from the fear of otherwise attracting large inflows of asylum seekers. Historically, this had happened with 20,000 Vietnamese refugees arriving in Hong Kong in the 1980s, after which the Government insisted that UNHCR repay the city [for over HK$1162 million] it spent over 20 years assisting Vietnamese refugees (Choi 2014; Mathews 2014; Vecchio 2015). This is compounded by a sense of cultural bias and superiority over those of South Asian descent - accounting for over 90% of Hong Kong’s asylum seeking population - leading to the current xenophobic discourse blaming local issues on problems caused by asylum seekers (Barnett 2002; Vecchio 2015). The government also upholds a neoliberal post-colonial legacy, valorizing free-market competition, as the locomotive of economic development, and allocating very little resources to social and public welfare (Lee 2005). Hong Kong’s approach to refugee policy maintains, as Vecchio (2015) puts it, “an indifferent stance before the human suffering”. This is demonstrated through asylum community in Hong Kong subsisting on the fixed and limited ‘in-kind support’ provided by International Social Service amidst rising living costs, without any long-term solutions (Goodstadt 2003; Vecchio 2015; Zhao et al. 2004).

**Conclusion**

Despite the introduction of the USM, the situation of asylum seekers in Hong Kong is far from improving. The Hong Kong government’s approach to refugee policy still contains systemic issues. These include a lack of transparency, biases in institutional and cultural narratives about asylum seekers, as well as inadequate contextual knowledge of decision-makers. There is thus a need for cooperation between Hong Kong policy-makers and civil society to tackle the situation of ineffective processing of asylum seekers. Comprehensive approaches ensuring transparency and efficiency within the system are necessary. Decision-

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27 Claimants are entitled to pro bono legal assistance, a medical examination, an interview, an appeal mechanism among other measures. ‘The process might be prolonged if the claimants fail to cooperate. Any purported correlation between the number of substantiated claims and the standard of fairness or effectiveness of the screening procedures has no rational basis’.

28 As cited by Vecchio (2015), ‘Thomas (2000) demonstrates that after the international community retracted much of its support for the resettlement of these refugees, Hong Kong’s public opinion turned very much against new arrivals. They came to be viewed as a threat to society and, consequently, were identified as migrants seeking to escape poverty rather than political persecution.’
makers also need to receive relevant up-to-date trainings to address the lack of knowledge of global and humanitarian affairs.

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DIANA IHRING, Selective Border Policies and ‘Victimhood’: The Shrinking Protection Space for Migrants in Europe

This paper offers a critical analysis of the gradual closure of the Western Balkans migrants’ route between September 2015 and March 2016. The article suggests that rather than being based on law, the gradual closure of the borders along the Western Balkans was a result of the depleting compassion among Europe’s public vis-à-vis migrants’ plight and the need of respective governments to respond. Dictated by emotionally charged notions of ‘victimhood’ and ‘deservingness’, the increasingly selective entry policies go against the very basic notions upon which the international protection regime is based and attest to the ever-shrinking protection space for migrants in Europe.

Introduction

As the so-called ‘European refugee crisis’ enters into its second year, European solidarity with migrants is gradually depleting. Whilst at the onset of the crisis cheering publics awaited migrants at train stations, steadily high numbers coupled with the Cologne New Year’s attacks and the perceived inaction of national governments have made the European public increasingly weary of the status quo. In Ticktin’s words (2015), a certain “compassion fatigue” has hit the European public and with it the European policy response.

It is with this background that we need to read the entry policies based on the country of origin enforced by national governments along the Western Balkans route between November 2015 and March 2016. After two months of de-facto visa- and restriction-free passage along the Western Balkans migrants’ trail, the profiling of migrants based on their country of origin was first introduced as a selective entry policy in late November 2015 by EU member state Slovenia. Individuals from countries other than Syria, Iraq and Afghanistan were henceforth not allowed to enter Slovenia to continue their journey to Austria. Within days Croatia, Serbia and the Former Yugoslav Republic of Macedonia (hereafter FYROM) followed suit, closing their borders and leaving thousands of migrants stranded in Greece. The second round of entry restrictions followed in February 2016 upon Austria’s announcement to cap migrant entries to 80 persons per day (Strickland 2016). From then onwards, Afghan nationals were also excluded from continuing their journey northwards, as were individuals from certain parts of Iraq. Early March saw further restrictions set in place by FYROM, which started to grant selective entry to migrants according to their city of origin. Damascus, for example, was designated as a safe city (CBC 2016).

In this paper, I offer a critical analysis of the above developments and illustrate the adverse effects of granting access to international protection on the basis of set policy categories, such as the country or area of origin. I will begin with an analysis of the political discourse on the country of origin, presented as a balancing tool between safeguarding borders and responding to humanitarian needs. Then, I will illustrate how the profiling exercise is based on common assumptions of victimhood and deservingness, rather than the actual determination of needs. As such, I will argue that the policy contradicts the central notion of equal and non-discriminatory access to international protection.

Justifying a Controversial Policy: Seeking a Balance between Border Controls and Humanitarian Needs?

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29I will use throughout this article the term “migrant” which includes all individuals traveling along the Western Balkans route.
After weeks of de facto visa-free passage for migrants along the Western Balkans route, Slovenia introduced the country of origin as a profiling tool on 19 November 2015. Upon the policy’s inception, a Slovenian police spokesperson held that with “more and more people that we have reason to believe are economic migrants […] arriving,” the country would only accept migrants “from countries where there are armed battles” (Teffer 2015). Within one day, Croatia, Serbia and FYRO M also closed their borders to so-called ‘economic migrants’, and adopted similar justifications for their new policies. Serbian government representatives further cited the need to “protect our country” vis-à-vis the risk of migrants otherwise stranded in its territory (Teffer 2015).

The distinction between so-called ‘economic migrants’ and others was further picked up in the second round of restrictions in February 2016. In a joint statement released by the police services of Austria, Croatia, Slovenia, FYROM and Serbia (Republic of Croatia Ministry of the Interior 2016), the countries reappraised the Schengen Borders Code, which had de facto been suspended in the foregoing months. According to the joint statement; entry of individuals without legal documents was henceforth restricted to entry on so-called ‘humanitarian grounds’, defined as applying to “those persons who are arriving from war-torn areas and are in need of international protection (for example from Syria Iraq), provided that they can prove their nationality” (Republic of Croatia Ministry of the Interior 2016).

This approach was further detailed in the Vienna Declaration a week later, which saw the same five countries stressing the responsibility of the Western Balkans in maintaining “security and stability in Europe”, as well as ensuring “access to international protection for people in need” (Austrian Ministry of Foreign Affairs 2016). The fight against ‘illegal migration’, associated with “risks of crime, violent extremism and terrorism” was juxtaposed with the need to cater appropriately for asylum seekers. ‘Illegal’ migration along the Western Balkans route was described as “a challenge for the reception and asylum systems of all partners concerned” (Austrian Ministry of Foreign Affairs 2016); a peril, thus, not only for European security and stability, but for the institution of asylum itself. Thereby, policy makers presented access to international protection as conditional upon selective border policies.

Thus, profiling by country of origin was presented as a balancing tool between restoring control at border crossings and catering for those in need of international protection.

The Country of Origin and Assumed Deservingness

At the heart of the distinction by country of origin – either ‘war-torn’ or ‘safe’ - lies the assumption of the voluntary nature of migration. Whilst someone coming from a war-torn area is assumed to have been ‘forced’ to leave their home, someone from a deemed “safe” country is presumed to have acted ‘voluntarily’. The dichotomy between ‘forced’ and ‘voluntary’ migration is in line with invoked policy categories: an individual en route is either a ‘refugee’ or an ‘economic migrant’. In the terms spelled out in the Vienna Declaration, the dichotomy is embodied by the concept of an individual being either an ‘asylum seeker’ or an ‘illegal migrant’.

Of course, the very vast majority of migrants traveling along the Western Balkans route during that period did so without legal travel documentation; that is, they crossed borders without fulfilling any formal visa requirements. As such, the invoked distinction is rather paradoxical from a legal viewpoint. The discourse on ‘two kinds of people’ is not based on
law. Instead, ‘asylum seeker’ and ‘illegal migrant’ are extremely politicised terms, which base their *raison d'être* on moral judgement, rather than on any legal basis.

In her seminal study on victimhood, Diane Enns (2012) argues that to be a ‘victim’ and especially to be a ‘good victim’, an individual must not be complicit in one’s plight. The author argues that only those who are ‘innocent’ and can be pitied are “victims with high moral currency” (Rothe 2011). The distinction by country of origin and associated complicity in one’s suffering is therefore inextricably linked to the assumed deservingness of an individual traveling along the Western Balkans route. At the same time, Ticktin (2015) argues that empathy is a finite resource and that ‘the victim’ has to be recurrently re-defined to fit the ever-narrower ‘empathy space’.

Read in this light, one well understands the increasingly restrictive entry policies along the Western Balkans. Indeed, between November and March 2016, no discernible improvements in the security situation neither in Afghanistan nor in Iraq took place. Rather, policy makers had to respond to the increasing ‘compassion fatigue’ (Ticktin 2015) among their audience – the European public – and reframe the ‘victim’ as deserving of international protection. The currency of the ‘good victim’ was devaluated to fit the decreasing compassion towards migrants in Europe.

**A Shrinking Protection Space in Europe**

The danger with this approach is two-fold. First, access to international protection becomes conditional upon an individual’s ability to fit the notion of the ‘good Other’ (Enns 2012). The country of origin and associated involuntariness become a prerequisite for even just accessing the international protection regime. At the same time, public empathy guides and redefines who can be the ‘good Other’. Thereby, public opinion (as shaped by media), subjectivity and, to some extent, irrationality, determines the protection space an individual may access.

Second, migrants whose movements are deemed ‘voluntary’ – which in itself is a problematic concept – are, by definition, excluded from accessing international protection, which along the Western Balkans means the permission to continue their journey. These migrants, deemed undeserving, are left in a limbo, parked in borderlands across the route, prone to exploitation and ready to do whatever it takes to reach Northern Europe. By assuming needs rather than investigating them, the profiling exercise creates new humanitarian needs. In March 2016 these needs were visible as never before with over 13,000 migrants stuck at the Greek - FYROM border.

**Ways Forward**

As demonstrated above, much of the policy making in the region is infused with moralising judgments on migrants’ complicity in their plight along the Western Balkans and simplistic notions of migration.

Migration scholars like Richmond (1993) and van Hear (2009), have repeatedly drawn attention to the risks of reducing migration to either ‘forced’ or ‘voluntary’. Indeed, Richmond suggests that the decision to migrate is always situated along a “continuum between compulsion and choice”. Access to international protection - especially for people on the move – must be based on a case by case determination of individual needs and not by pre-defined and politically laden categories.
At the same time, we must be weary of moral judgments often made when speaking of migration. As the fierce discussion started by Al Jazeera (Malone 2015) and picked up by UNHCR (2015), Jorgen Carling (2015) and others illustrate, ‘migrant’ and ‘refugee’ are deeply politicised terms. More than that, however, these terms have real life implications for the people who are labelled as such. Assuming individuals’ motives and treating them in accordance to associated and assumed deservingness goes against the most basic notions upon which the international protection regime is based.

With a humanitarian crisis at the footsteps of Greece, and Europe as a whole, the protection space for migrants across the region has never been smaller. There is an urgent need to move away from category-based protection mechanisms and return to the very cornerstone of international protection: investigate needs and support accordingly.

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Bibliography


KAMYAR JARAHZADEH, Those Who Follow the Rules: Exploring Life for Afghan Refugees in Turkey

In the context of continued irregular migration from the Global South, refugee / migration management systems that administer refugees outside of the final destinations deserve greater examination. This paper explores the case of Afghan refugees in Turkey to illustrate the failings of migration management systems that encourage refugees to wait for more permanent solutions in a location outside of their home country. The inability of these systems to provide a sustainable or meaningful life for refugees reveal inconsistencies in common Global Northern perceptions of refugee institutions, and negate any incentive for migrants to utilize formal migration systems.

Mainstream rhetoric by politicians and policy makers in the global north often calls for refugees, migrants and other mobile populations to abandon their clandestine journeys and instead wait in an imagined queue while following a similarly imagined set of rules (Gale 2004). As migration scholars note, the actual rules as they apply to migration are not clear, and an imagined ‘queue’ for refugees’ legal entry does not always exist to meet asylum seekers’ needs (Gelber 2003; Sabates-Wheeler and Macauslan 2007). If there is a process for asylum seekers to claim refugee status that resembles an orderly queue, resettlement programs in intermediary countries are perhaps the closest manifestation of this global northern ideal. To explore the implicit failings of such resettlement programs, this paper will examine the reality of Afghan refugees in Turkey: a form of migration management that approximates the idea of a migration queue. Drawing on a review on relevant literature, and interviews and ethnographic study conducted by the author, this case study elucidates how the current incarnation of Turkish migration management is inherently flawed as it fails to serve its intended purpose as an adequate alternative to onward clandestine migration.

Clandestine migrants to the global north are often considered ‘queue-jumpers’ (Gale 2004). The logic behind this moniker unfortunately neglects the reality that one cannot feasibly wait in a transit country like Turkey for resettlement for an extended period of time, and that clandestine migration is in many ways a more guaranteed route to asylum. The case of Afghan refugees in Turkey clearly exhibits the inability of refugee administration in Turkey to incentivise individuals to remain in a formal system of migration management. For refugees who actually choose to wait in the proverbial queue, that wait is indefinite in comparison to a refugee who moves to a European state before making an asylum claim. In such a situation, there is a clear lack of incentive to actually follow the rules of migration management as they are presented. This paper argues that future migration policy makers need to reckon with the realities that asylum seekers face in countries such as Turkey.

A diverse variety of Afghan communities both reside in and pass through Turkey: from migrant labourers to communities that were granted special ethnic refugee status in the 1980s (e.g. Danış et al. 2006). However, this paper focuses solely on a specific community of Afghans in Turkey: relatively recent arrivals from approximately 2001 onwards who are awaiting resettlement or have encountered UNHCR’s resettlement system. Since the start of chronic instability in Afghanistan in the 1980s onward, over three million refugees and

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30 Research for this study is based on ethnographic fieldwork and interviews conducted in Turkey from 2012-2015. That research has been compiled in an unpublished graduate dissertation at the University of Oxford titled, “Capabilities and Aspirations in Transit migration: The Case of Afghans in Turkey.”

31 For example, the community of Afghan refugees in Turkey originally profiled through my field work beginning 2012 has yet to be resettled as of publication of this paper.
migrants have fled the country to a variety of destinations, but primarily for the states of Iran and Pakistan (Monsutti 2004; Human Rights Watch 2013). Deteriorations in conditions for Afghan refugees in these states have led to subsequent movements, wherefore many Afghans now travel to Turkey to seek refuge or attempt a further journey to Global Northern countries to seek more permanent asylum (Yamin and Malik 2014).

Currently, UNHCR and the Turkish government have registered over 40,000 Afghans in Turkey as asylum seekers (UNHCR 2016). Turkey is signatory to the 1951 Refugee Convention and the 1967 Protocol, but maintains a geographic limitation insofar as it only accepts European asylum seekers as refugees: all other asylum seekers are seen as temporary guests without a path to full citizenship (Kirisci 2000). This is despite the fact that Turkey is home to more than 1.5 million Syrian refugees, and thousands of refugees from other non-European states (UNHCR 2016). These individuals are only eligible for temporary asylum seeker status, administered jointly between UNHCR and Turkey. With this status, individuals are subject to administration and management through this system, and are potentially eligible for third country resettlement.

Nominally, Afghans who choose to go through this system of administration through Turkey and UNHCR are the global northern politicians’ platonnic ideal of a refugee that is rightly waiting in the proverbial migration queue. Although these Afghans may have arrived in Turkey through clandestine means, they do not continue their journey any further and instead subject themselves to the will of larger migration management systems. But what is the actual experience of refugees who follow this formal system of migration management?

In reality, quality of life for Afghans in Turkey is unsustainable for individuals to endure long-term. The joint refugee administration of the Turkish government and UNHCR’s refugee resettlement apparatus is based on eventually providing refugees one of three permanent solutions: resettlement, local integration, or repatriation (Betts et al. 2013). However, these three solutions remain illusive. As noted, local integration is legally unattainable as Turkey restricts refugee status solely to European asylum seekers. Resettlement is also an insufficient solution as refugee resettlement acceptances pale in comparison to demand.

With respect to repatriation to Afghanistan as a durable solution, recent events demonstrate that the country is far from safe for Afghan returnees, and that many who are repatriated often become displaced persons in their supposed ‘home’ country (Macdonald 2011). This is further exacerbated by the fact that many Afghans in Turkey have spent most or all of their lives outside of Afghanistan in places such as Iran, Pakistan, or in the case of younger refugees, in Turkey (Monsutti 2004; Coordination Group of Afghan Refugees 2014). Importantly, Afghan asylum seeker populations’ political mobilisations have been based on a collective desire for resettlement (Coordination Group of Afghan Refugees 2014). The other two ‘durable solutions’ are not significant parts of the Afghan refugee community’s agenda.

This leaves refugees in Turkey in a tenuous situation. On a material level, life in Turkey is difficult and unsustainable. While Afghans have legal presence in the country, available aid is

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32 Following the advocacy and community organizing of Afghan refugees in Turkey since 2012, I have yet to see a manifestation of a communal desire for repatriation or local integration. While some individual refugees may have these desires, my research and ethnographic field work did not uncover any larger-scale sentiment in favor of an alternative to resettlement.
often ad hoc and insufficient to sustain these communities (Coordination Group of Afghan Refugees 2014). Despite claims from the government and UNHCR that work permits are available to this population and that young refugees have the right to education, these are legal fictions that do not correspond with the Afghan refugees’ realities. In the context of illegality and semi-legality, most refugees work without proper documentation, as the work permit process is inaccessible for refugees. Enforcement of labour laws is infrequent, making employment without authorisation viable for refugees and migrants. At the same time, this lax approach to workplace regulations also means that exploitation is commonplace for these workers. Most work without the proper documentation (Coordination Group of Afghan Refugees 2014). Further access to education is highly uneven (Coordination Group of Afghan Refugees 2014). Most refugees cannot hope to live a basically secure life, with the capability to work legally and receive a formalised education.

In addition, their legal situation is perilous. Remaining in Turkey and following the directives of the global migration management system means subjugation to the whims of the international policy community. Afghan refugees are waiting in a queue that at any moment could be made irrelevant. The UNHCR framework of three durable solutions suggests that just as Afghans in Turkey are queuing for their turn at asylum, where policy directives to shift towards repatriation or local integration, the asylum seeker’s proverbial place in line could be made meaningless. Increasingly, as countries deem parts of Afghanistan safe for the deportation of asylum seekers and migrants, there is an increasing possibility that resettlement from Turkey be an option (McClenaghan 2016). Time spent awaiting resettlement will then have been for naught.

This cursory exploration of Afghan refugee life in Turkey demonstrates the paradox at the heart of migration management that encourages asylum seekers to wait in an intermediary country. While the presumed purpose of such a system is to regulate migration and control mobility, the inadequacies of this system actually make illicit onward migration as a more promising route of migration. Whereas mainstream migration discourse focuses on minimising refugee practices of perilous forms of migration, such as dangerous boat journeys and illicit smuggling to Europe, current policy realities help produce these exercises of mobility. Whether it is out of ignorance or negligence, the desire of policy makers to force refugees to wait for their turn in order to resettle outside of global northern countries neglects the fact that life in such situations renders onward migration at any costs a reasonable alternative.

As new policy solutions continue to be floated at high-levels regarding migration, any future solution needs to take into account that mobile populations in transit or awaiting resettlement deserve the right to a legitimate system of queuing and case processing, along with a sustainable and fulfilling lifestyle in the meantime. If either of these needs is not met, any new policy recommendation is doomed to fail in comparison to the option of onward migration at any cost.

Kamyar Jarahzadeh is a graduate of the MSc in Migration Studies from the University of Oxford. His research on Afghan migration and refugee policy in Turkey has been ongoing since 2012, and he has lent his knowledge and skills to various civil society organisations involved in advocacy for Afghan refugees. He is currently working primarily as a global health and international development professional.

Bibliography

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Call for Papers

Oxford Monitor of Forced Migration, Vol. 6, No. 2

Deadline: 15th September 2016

OxMo, a journal dedicated to protecting and advancing the human rights of refugees and forced migrants, is accepting submissions for our twelfth issue. We welcome articles which fit within the following sections. For further information and to review our style guidelines visit www.oxmofm.com or contact oxmofm@gmail.com

OxMo Monitors (Word limit: 1,500 words)

- **Policy Monitor**: critically examines policies and practices implemented by governments, NGOs and UN agencies in all phases of forced migration. Please submit to policyeditor.oxmofm@gmail.com
- **Law Monitor**: critically analyses national and international laws, rulings and governmental policies as well as legal developments taking shape and their possible implications for the rights of forced migrants. Please submit to laweditor.oxmofm@gmail.com
- **Field Monitor**: critically explores direct experiences of working with forced migrants, including during field work, research or from local communities. Please submit to fieldeditor.oxmofm@gmail.com

Academic Articles (Word limit: 6,000 words)

This section explores practical and conceptual issues pertaining to forced migration. Submissions must engage with and interrogate existing literature on forced migration, present in-depth research in a given area, and offer original insights into a situation or trend. OxMo encourage submissions from across academic disciplines. Please submit to articles.oxmofm@gmail.com

Firsthand Articles (Word limit: 1,500 words)

This section encourages individuals to share personal reflections on experiences of displacement, thereby offering insights and perspectives into how forced migrants are affected by the laws, policies and activities of governments and agencies. OxMo seeks critical, balanced analyses that allow the reader to gain an understanding of the context and wider implications of the situation of forced migration described. Please submit to firsthand.oxmofm@gmail.com