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OXFORD  
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OF FORCED  
MIGRATION

# Oxford Monitor of Forced Migration

The Oxford Monitor of Forced Migration (OxMo) is a bi-annual, independent, academic journal engaging in a global intellectual dialogue about forced migration with students, researchers, academics, volunteers, activists, artists, as well as those displaced themselves. By monitoring policy, legal, political and academic developments, OxMo draws attention to the realities of forced migration and identifies gaps in refugee protection.

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## **Letter from the Editors**

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Dear Reader,

The years 2020 and 2021 have brought to the forefront the violent inequality plaguing our world. The COVID-19 pandemic made more visible the intimate interconnectedness of society, as well as the power money and geopolitics have in directly impacting people's health and chances of survival. In some countries, citizens received life-saving antibody treatment and vaccines by early 2021, while in others body bags continued to be left outside hospitals due to lack of space. The pandemic further impacted the most marginalized in already disease-ridden countries, with the poorest and most vulnerable dying from lack of hygiene and shelter that may have helped prevent the spread of COVID-19. As mobility measures and restrictions put in place in 2020 are lifted this year, we are seeing a surge in migration and forced displacement. In a global context marked by turbulence and change in these last two years, forced displacement continues to be one of the prominent issues of our time, for which this issue of OxMo seeks to contribute to critical scholarship and innovative works on forced migration today.

This issue of the Oxford Monitor on Forced Migration features eighteen pieces of critical scholarship by authors around the world, as well as three creative and artistic submissions. Our authors are nationals and residents of over ten countries and engage with forced migration across Africa, Asia, Europe, the Middle East, Latin America, and North America.

The issue sheds light on how COVID-19 has impacted the forcibly displaced and calls attention to the failures of humanitarian assistance and asylum systems in receiving countries. In our academic and policy section, two pieces explore the impacts of COVID-19 on displaced communities, particularly Palestinian refugees in Jerash camp in Jordan and in informal camps and settlements in Lebanon. Critical scholars in our Academic section question the politics of victim- and saviourhood of humanitarian programs in Austria, as well as the limited asylum assistance provided to politically persecuted Hong Kong citizens in the UK. Similarly, scholars interrogate the mutually reinforcing factors that explain the continued expansion of the U.S. immigration detention system and the ethical implications of the use of technology, particularly smartphone data, in asylum processes in Europe.

In addition to the critical articles on receiving country policies, this issue showcases pieces capturing and describing unique experiences of forced displacement. These pieces show how some young Afghans view migration as part of the journey to adulthood, autonomy, and independence; how solidarity and community are central to the lived experience of forced displacement for Nicaraguans in Costa Rica; and finally, how resistance, resilience, and transformation are central to Liberian refugees' sense of agency in Nigeria.

As in previous issues, Volume 11 Issue 1 also includes powerful pieces from the field, including a first-hand account of the inside workings of a Departure Centre in Denmark, and an analysis of how those displaced by climate change conceptualize space. These are followed by a piece on how memory and identity inform perceptions of insider and outsider for islanders in Lesbos.

In line with OxMo's mission to engage diverse and global scholars with experiences of forced migration, as well as those without, this issue includes scholarship in French, accessible to francophone readers, as well as two pieces in our artistic and creative

expressions section written by refugees themselves. An additional piece in our Policy section discusses the importance of framing of the migration narrative, which highlights and aligns with OxMo's aim to include voices of those displaced in critical intellectual and policy dialogue across the globe. As Jussi Jaakola states in his poem on displacement, "Truth never damages a cause that is just," which is why as OxMo we believe that by engaging in critical thought on forced migration, injustices and inequalities taking place today may be brought to light.

Finally, we would like to thank everyone who has worked tirelessly to put out Volume 11.1, and who continued to think and write about migration during an unprecedented time for humanity. In the next few months, as we emerge from this crisis and return to our normal lives, we encourage you to think about how those forcibly displaced may not have the opportunity to return to "normality" and how their new normal may in fact require significant rebuilding and resilience from an already impacted community.

A special thank you to Drashti Thakkar for the graphic design of this issue, and to the University of Oxford for their continual efforts to take migration seriously as an academic issue in and of itself. And finally, thank you to our readers for engaging in what is undeniably one of the most defining issues of our times.

**Andrea Ortiz & Domiziana Turcatti**

*Co-Editors-in-Chief*

*Oxford Monitor of Forced Migration*



## ***ARTISTIC & CREATIVE SECTION***

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# ***All Along the Watchtower***

JUSSI JAAKOLA

---

Displaced people

Different time zones

The past and the present

Every breath you take

Between memory and history

Silence your mind and allow your heart to think

Everyone you know, touched by corruption

Authoritarian, non-democratic politics

The abuse and misuse of power, all along the watchtower

The importance of creating dialogue

In light of oppression and responsibility

The ideals of liberty, justice and legality

Deepening your knowledge and understanding

Resilience, when scrutiny is lacking

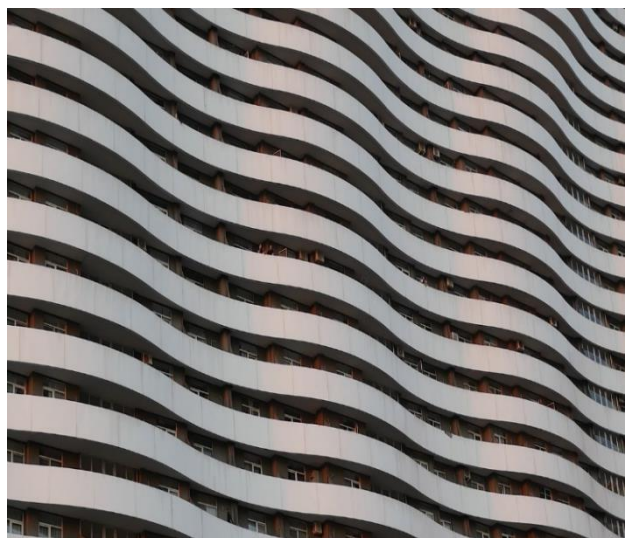
Truth never damages a cause that is just

The future starts with transparency

---

## **The Author**

*Jussi Jaakola is a film director, writer and poet. He is known for '60 Seconds of Solitude in Year Zero', an anthology film dedicated to preserving the freedom of thought in cinema and is the author of 'Saturday Night: Poems 1999-2011' and 'Unconditional Love: Poems 2012-2017'. His work has appeared in the Journal of Jungian Scholarly Studies and the poetry anthology 'Chorus', edited by Saul Williams and published by MTV Books/Simon & Schuster in the United States.*





## ***Mother, Cry!***

YOHANA TEKESTE

---

Mother of millions  
Mother of good ones  
Mother of unalloyed hearts  
Mother of great minds  
Are you not crying?  
For you have lost all your children  
The war said 'I need some'  
So you gave red ones  
The desert said 'I need some'  
Then you gave your beloveds  
The sea said 'I need some'  
You gave your flesh  
Are you not sad and crying?  
Why is God not responding?  
For your womb is full of scars  
Are you not shouting?  
Why is God not listening?  
You cried your lifetime  
Sadness sucked your blood  
You are lonely and deserted  
You have been sitting alone gravely  
Your kids are everywhere  
With lost feelings and identity  
Are you not telling God  
How it hurts to see  
Your own children get played  
With waves of tragedy  
Mother of gold and diamonds  
Don't let others wear your jewellery  
Cry for your children, cry for their safety

---

### **The Author**

*I am Yohana Tekeste. I was born and raised in Asmara, the capital city of Eritrea. I had the most wonderful childhood in my hometown. As a child, I was attached to my parents, especially to my father. He is my role model and hero in life. Speaking of forced migration, nothing is comparable to home. I wish everyone gets the chance to get back home and fulfil their dreams. People are forced to be away from home because of war, economic problems, or political systems in their homelands. I want to be the voice of my people. Being a refugee is the worst thing that I have experienced in my life. As we are born in our home, we hope to die in our home.*

## ***Home Rides in Backpack***

ABDUL SAMAD HAIDARI

---

I carry my home in a small backpack.  
This is my pillow on these rough footpaths.  
A blanket, on these cold, moist sidewalks.

Its holds keep me calm  
Its hug wraps me warm.

*In it, I snail,*

bury shards of childhood memories...  
Memories of joy and grief.  
My broken pen's stained blood.  
The burnt pages of my school books.

On it,  
are itched Baba's finger prints.  
Ammi's last desperate teardrops.  
Hakima's gory red ribbon.

*In it,*

I carry the bombed soil of my hometown.  
The wistful fragrance  
of my apricot, walnut and almond trees.  
The last silent woes of my crumbled walls.  
The shattered fragments of Ammi's dreams.  
The aromatic mists of my mud-made home.  
The lush wetlands of our lives.

It reminds me of Baba's last helpless look.  
Sisters' boiled, rushing tears.  
Brothers' final, fearful hugs.  
Ammi's last worried embrace.

With it,  
I ran across the jungle.  
Climbed the piercing wire-fenced borders.  
Sailed on the back of dark water  
in starving seas.  
Its strong rope bridges my village and I,  
Dah Mardah's unforgettable memories.

With it,  
I cried

when there was no shoulder to lean.  
With it,  
I shared my lonesome anguishes  
when the hermit walls of camp confined  
my very existence.

In it,  
resides every bit of me.  
Every adulthood remembrance.  
Every youthful moment.

We both survived life of captivity.  
It measures the length of brutal times,  
we've spent in detention.  
The midnight groans.  
The late evening outburst sighs.

It witnesses my miseries.  
Carries their unsaid crimes.  
Holds my young Afghani pride.

This backpack honours my dignity.  
Knows me more than the belated humans  
I've rarely met.

But it has been for a while now.  
My muscles are becoming weaker.  
I run out of that childhood stamina,  
unable to carry it longer.

My vision glazes over,  
unable to hold that old-time sight.

My hands lose the grasp.

I run out of breath.

I'm afraid to sing my last farewell  
in this cold and unfamiliar land.

But when this bruised heart  
bids the last goodbye,  
these stubborn eyes shut,  
close forever,  
please bury my backpack alongside me,  
or place it under my wandered head  
instead of cold bricks.  
So that we turn into ashes together.  
To fertilize your harvesting mango trees  
as a final gift.

This is the only way  
I can offer my gratitude as a refugee.

23 October 2017 - Bogor, Indonesia

This poem highlights my own personal life as a refugee during the time when I was sleeping on pavements. I had no one with me, no hope to move on in the adversity of survival, but a backpack alone to hang on to. The backpack in which I carry the shards of both good and bitter memories of my life.

---

### The Author

*Abdul Samad Haidari is a 33-year-old Afghan refugee living in Indonesia since 2014. Abdul is the fifth generation, running for his life. He first became a refugee at the age of 8 or 9 and has been on the run ever since. Abdul previously worked as a journalist and humanitarian aid worker in Afghanistan. During his time in Indonesia, he taught literacy to women refugees, and authored an illustrated book of poetry called 'The Red Ribbon' which has become one of the top 3rd best sellers in Indonesia. He attended several literary festivals and spoke in various human*



*rights panel discussions with the UNHCR, IOM, and in other refugee-themed discussion groups. He was invited to Ubud Writers & Readers Festival in 2019. Abdul Samad could not complete his bachelor's degree in journalism because war interrupted it. However, he is a certified translator/interpreter, accredited by Cairo American University and a member of the Jakarta Foreign Correspondents Club (JFCC).*

## ***ACADEMIC SECTION***

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# **'It's A Choice Between No Life and A Good Life' - Navigating Youth Across Borders: Young Afghans' Search for Safety And A Future In Europe\***

MARIA WARDALE

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*\*This article was written prior to the recent withdrawal of US and coalition forces and subsequent Taliban takeover in Afghanistan in August 2021. In light of these events, the issues discussed herein remain of paramount importance today, as likely growing numbers of young Afghans will make their way out of a situation of heightened insecurity in search of a brighter future.*

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## **Abstract**

Between 2008 and 2018, young Afghan men consistently represented over half of all independent asylum-seeking youth in Europe, and their numbers show little sign of abating. This is despite the fact that their journeys towards Europe are increasingly volatile, and arrival is commonly met with protracted legal uncertainty, fear, hostility and destitution—the very conditions most young asylum-seeking Afghans are attempting to escape. What does this mean for their experiences of growing up across borders? Both policy and scholarly literature tend to portray young independent migrants as a particularly vulnerable and traumatized group of 'child' refugees, for whom migration from conflict is inherently disruptive to their transitions to adulthood. This essay challenges these accounts, drawing primarily from qualitative and ethnographic research exploring young Afghans' motivations to migrate, the reality of becoming an adult in Europe's institutional environment, and the risky strategies young Afghans employ in attempt to navigate a better life for themselves. I demonstrate that independent Afghan youth migration is a socially, culturally and historically embedded feature of—not a disruption to—becoming adult, in which immediate safety is but one aspect of their wider search for secure and viable futures. By reframing young Afghans' experiences through a lens of youth transitions, I call for a more nuanced understanding of independent youth migration in which the search for safety, support and autonomy are all vital in young migrants' active pursuit of a more meaningful and secure future.

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## **Introduction**

In 2015, the number of independent young migrants claiming asylum in Europe increased sharply to 96,000, an eight-fold increase on the annual average in the previous ten years (Allsopp and Chase 2019; Scalettaris et al. 2019). The vast majority were between 15 and 17 years old, 91% were boys and young men, and at its peak, young Afghans represented

the largest group after Syrians. In fact, young Afghan men consistently represented over half of all independent asylum-seeking youth in Europe between 2008 and 2018 and their numbers show little sign of abating (Donini et al. 2016; Kuschminder and Siegel 2016). Given that these young Afghans migrate and arrive at a critical and formative stage of their youth, it is pertinent to ask: how do they experience transitions towards adulthood through migration?

In many ways, the reality of young Afghans' lives disrupts dominant western notions of what it means to be young, which are premised on the idea of youth as a period of innocence and dependence on the stable natal home (Boyden and Howard 2013; Lulle and King 2019). Most have grown up through long-term and intensifying unrest and violence in Afghanistan, Iran and Pakistan (Kuschminder and Siegel 2016). Their journeys towards Europe are characteristically volatile and unpredictable, punctuated with prolonged periods of hardship, family separation and instability (Kaytaz 2016; Lønning 2020). Further, their lives in Europe, which have gained increasing attention over the last ten years, often include protracted legal uncertainty, upheaval, destitution and serious mental health concerns (Chase and Allsopp 2020; Allsopp and Chase 2019).

As a result, and perhaps unsurprisingly, while there is a growing body of literature exploring the positive role of independent youth migration for transitions to adulthood elsewhere (see for example Christiansen et al. 2006), Afghan migration to Europe today rarely features in these discussions. Rather, there is a tendency across youth and social work literature to portray young Afghans as a particularly vulnerable and traumatized group of 'child' refugees within the wider group of 'unaccompanied minors', for whom migration is inherently disruptive to their experiences of youth (Chase 2020; Wernesjö 2020). These perspectives are underpinned by a developmentalist approach that depicts youth as a universal experience at a fixed, biologically determined point in time (Lulle and King 2019; Worth 2009). In turn, they fail to adequately account for the social and cultural significance of Afghan youth migration through history (Lønning 2020; Monsutti 2008; 2007) and leave little space to explore young migrants' own subjective experiences of growing up which are imperative for any nuanced analysis of youth (Christiansen et al. 2006).

This paper seeks to address these shortcomings, starting from a conceptualisation of youth not as a fixed stage, but as a process of becoming, 'a constantly evolving experience, embracing its changeability and instability' (Worth 2009: 1058). I draw primarily from qualitative and ethnographic research to explore (1) how young Afghans' motivations to migrate to Europe are shaped by their position as youth, (2) what happens when their expectations are not met in Europe and (3) how they seek to navigate Europe's social and institutional landscape in search of a better future. By focussing on how young Afghans understand their own transitions towards adulthood, I hope to bring nuance to the narratives around 'crisis' by highlighting how the challenges of growing up in Europe arise not simply because of their past, but from the constraints on constructing better futures.

## **Afghan Migration to Europe in Context**

While the numbers of young Afghan migrants arriving in Europe have gained increasing attention over the last decade, young Afghan men have in fact been migrating outwards for the last forty-years. Before unpacking the experiences of young Afghans today, it is important to situate more recent migration flows within this historical context.

Afghanistan's history resembles one of protracted crisis; crisis is not a temporary emergency, but an everyday reality (Mmembe 1995, cited in Belloni 2020). Since the Communist Coup in 1978 and the Soviet invasion of 1979, it has been in an almost constant state of political and social unrest. High levels of outwards migration, primarily of young men, to Iran and Pakistan continued through the 1980s and by the early 1990s, 40% of all refugees under the provision of the UNHCR were Afghans (Donini et al. 2016). Political instability and violence have only served to intensify in the last thirty years; the fall of the Najibullah regime in 1992 and the capture of Kabul by the Taliban in 1996 led to a reignition of fighting and instability in Afghanistan.

These initial outward flows of migration were largely circular and temporary and, as Monsutti (2007) argues, became an embedded feature of Afghan life. When Iran and Pakistan were initially welcoming to Afghans, they provided the opportunity to work, live modestly, broaden social networks and accumulate the money needed to face the expenses of marriage on return to Afghanistan. In a context where age is defined not by dates of birth (which neither states nor parents record) but through psychological and physical maturity and capability, migration from conflict therefore served as a marker of the transition to adulthood (Donini et al. 2016). By enabling young Afghans to become economically independent, contribute to their community and demonstrate their qualities as resilient and responsible (male) providers, migration represented, at this point, a rite of passage to adulthood.

However, compared to these earlier flows of outwards migration to Iran and Pakistan, the options for young Afghans today are significantly more limited. Over the last twenty years, Iran and Pakistan have started to perceive Afghan migrants as an economic burden and social threat, and as a result have developed strong anti-Afghan rhetoric and policies to prohibit most Afghans from legal status (Scalettaris et al. 2019). At the same time, Afghanistan remains in a situation of extreme insecurity and political turmoil-the US intervention in 2001 and the withdrawal of international coalition forces, businesses and NGOs in 2014 has led to an overall upsurge in fighting, widespread instability, economic and social immobility and a lack of rule of law. In absence of viable prospects in Iran and Pakistan, young Afghan men have started to make their way towards Europe since the 1990s.

Compounding these difficulties, the migratory pathways to Europe have become increasingly fragmented, unpredictable and violent for all migrants attempting to make their way irregularly, owing to heightening border controls (Collyer 2007; Schapendonk 2012). For Afghans, these difficulties are particularly acute-they generally lack the social and financial resources required to overcome the barriers of restrictive border regimes, and endure extreme levels of hardship, state and interpersonal violence, exploitation, detention and multiple removals along their way (Kaytaz 2016; Lønning 2020). In fact, owing to these



multiple barriers, many Afghans never make it to their preferred destination in north or western Europe (Scalettaris et al. 2019). Yet, while young Afghans and their family members are generally aware to some degree of the unpredictability and adversity of migration to Europe, the numbers of Afghans embarking on this journey remain unabated.

Against this background, outwards migration has become a persistent feature of Afghanistan's social landscape and has, in the past, provided a successful route to (male) adulthood (Monsutti 2007). The next section will explore what this means for how young Afghans understand their own decisions to migrate to Europe today.

### **Why Do Young Afghans Migrate to Europe?**

'...to have a better life, to save themselves, you know, to come and educate themselves, people take the risk...' (Young Afghan in the UK, cited in Chase and Allsopp 2020: 13)

Perhaps unsurprisingly, given the widespread and longstanding unrest and violence, most young Afghans describe safety as the primary driver of their decision to migrate (Donini et al. 2016). In some circumstances, this reflects specific and more immediate dangers faced by young Afghan men, including threats or direct violence by the Taliban relating to their family's political or religious affiliation, ethnic persecution and interpersonal violence (Kuschminder and Siegel 2016). However, for many, the search for safety goes far beyond an escape from immediate danger. Particularly for the high number of young Afghans who have spent most of their childhood as undocumented migrants in Iran or Pakistan, it reflects a more pervasive sense of what might be best captured by De Genova's (2002) term 'deportability'; feeling 'always afraid' and 'in danger' (Vervliet et al. 2015). Thus, their migration towards Europe represents not simply flight from immediate risk, but a search for ontological security—the stability and predictability that enables one to find a place in the world (Chase 2013).

It follows, therefore, that the search for safety is not just about survival but living a life that one considers meaningful or fulfilling. In fact, within young Afghans' narratives, there is little distinction between the two, as one young Afghan explains, 'it is a choice between no life and a good life' (Chase and Allsopp 2020: 13). In part this reflects the social and moral expectation of migration that has become so culturally and socially ingrained that to stay behind is simply not an option. Most young Afghans do not in fact make the decision to migrate as they reach adolescence (though they may instigate the physical departure), but they nevertheless accept the obligation because 'it is in the blood of our generation', one young Afghan explains (Donini et al. 2016: 30). Like in other contexts of prolonged crisis (Belloni 2020), they grow up knowing that their future lies out there and as such, when it comes to the stage of their youth where they have to take ownership of their futures, migration becomes the inevitable choice to seek a better life.

How then, do young Afghans navigate the realities of the unpredictable and challenging journey and what does this mean for their transition towards adulthood? For some, the hardship of the journey provides a means to prove their self-sufficiency and resilience to their families, and thus gain social recognition (Kaytaz 2016). Young Afghans often speak

with pride about their ability to endure the migration journey, 'we Afghans we are brave...we can overcome any obstacle' (Kaytaz 2016: 294). Even having experienced multiple deportations, many say they will keep going because they are willing to 'play' or 'gamble' with their lives; with few other options, they state, they 'have nothing to lose' (Donini et al. 2016: 13; Scalettaris et al. 2019: 10). At the same time, 'failing' the migration project—that is, not reaching northern or western Europe—brings considerable shame and as a result, young Afghans are likely to keep the struggles of their journey away from their family. By enduring and overcoming challenges and saving face in front of their family, they are able to assert their position as self-sufficient and resilient sons. In these ways, without the certainty that the migration journey can provide either safety or social recognition, young Afghans enter part of the initiation process of adult masculinity. Drawing from BenEzer and Zetter (2015), the journey in itself, irrespective of its 'completion', is highly formative and transformative in the transition towards adulthood.



*Central London. Photo taken by the author.*

However, the journey is transformative in other ways that influence Afghans' experience of youth. Though the decision to move may have initially been a social and familial obligation, they may reappropriate the meaning of the journey in ways that differ from their parents' expectations. For example, young Afghans speak extensively about their 'dreams' for the

future in Europe. These may not necessarily be clearly defined, but often include more neoliberal ideals of individual aspiration and freedom; the desire to have fun, the ambition to study, and to fulfil personal goals. That is, to explore not just a better life but a new life that they hope will begin on arrival in Europe (Donini et al. 2016; Meloni 2020). These hopes and aspirations - realistic or not - are powerful; they provide a tool through which to navigate their physical surroundings, and maintain a sense of progress; as long as they keep physically moving, they can keep the hope of overcoming the 'not-quite' liminal stage of youth, alive (Scalettaris et al. 2019; Ungruhe and Essen 2017). Thus, the journey provides the space through which they can fulfil some of the expectations of Afghan adult masculinity, whilst also holding a space for their new future, where a new life awaits them.

### **Becoming Adult on Arrival in Europe**

'Now I'm stuck in the middle, I cannot move forward, I cannot move backward, I cannot go anywhere. It's very hard to explain, I just don't know what to do. I'm alive but I'm dead' (Young undocumented Afghan in the UK, cited in Gladwell and Elwyn 2012: 10)

Arrival in Europe significantly and abruptly reshapes young Afghans' position of youth. In large part this reflects the fact that the binary legal distinction between child and adult, which holds little meaning in Afghanistan, defines their rights and protection in Europe (Lønning 2020). Before briefly setting out the institutional framework for protection, and outcomes for young Afghans, this section explores how arrival in Europe fails to adequately meet young Afghans' expectations and as a result, both suspends and accelerates the pace and direction with which they wish to pursue their future.

#### *Institutional Arrival*

The vast majority of young Afghans enter the 'unaccompanied minor' framework at some point within their time in Europe. This category is assigned to young migrants who enter Europe without a parent or responsible adult. Removal is prohibited in this context, and it is associated with educational, social, practical and financial support that purportedly meet young people's 'best interests' under Article 12 of the UN Convention on the Rights of the Child (Allsopp and Chase 2019; Lems et al. 2020). However, it comes with conditionalities such as the agreement to move accommodation or change school when required to by the Home Office, and to otherwise comply with immigration authorities.

Crucially, the framework is predicated on the binary distinction between child and adult at age 18. After reaching 18 years old, young migrants 'age out' of the framework, and abruptly lose this institutional support. Most young Afghans do not have refugee status at this point. Thus, their transition to adulthood becomes a 'transition to illegality' (Allsopp and Chase 2019). As a result, and somewhat paradoxically, the transition to adulthood often entails heightened risk and precarity at the time when they are expected to move on. Further, on becoming 'adult' their prospects of obtaining refugee status rapidly decline. In the UK in 2018 for example, the grant rate dropped from 27% to just under 6% between those under and over 18 years old (Home Office 2019).

*Security, Frustration and Hopelessness in Europe*

For some young Afghans, arrival in Europe signals the beginning of physical and psychological maturity. For example, many speak of their physical arrival as an affirmation of their strength and resilience to 'make it' (Scalettaris et al. 2019). Others describe a renewed sense of freedom on arrival – it marks the start of new possibilities of what to do and who to be, as one young Afghan reminisces, 'when I arrived in the UK, I became an adult (kalan)...because when you arrive, your mind changes. You think that you have to make something with your life and yourself' (Meloni 2020: 428). Further, Chase (2013) found that young migrants spoke extensively about the safety and security they experienced on arrival in the UK, in contrast to the upheaval they had endured to get there. Thus, some do, if only for a moment, find the safety, freedom and rite of passage that motivated their decision to migrate.

However, for the majority who are not granted permanent legal status, these quickly dissipate and are replaced by an overwhelming sense of insecurity, frustration and hopelessness as they begin to experience the reality of life as an undocumented young migrant in the asylum system (Chase 2013; Chase and Allsopp 2020). This 'shock of reality' is not unique to young Afghans; the adversity and insecurity of the asylum system has been extensively documented amongst other migrant groups (see for example, Lewis et al. 2014; O'Reilly 2018; Parker 2020). However, these experiences present particular challenges for young migrants specifically, because they obstruct essential aspects of this formative stage of becoming adult; the security to envision and plan for their future, and their ability, with support and guidance, to (re)negotiate their place in the adult world (Chase 2013; Chase and Allsopp 2020). In Europe, their legal liminality coincides with their generational liminality.

Without legal status, young migrants experience pervasive senses of fear and insecurity in Europe, and they speak of them in similar terms to the perpetual fear experienced in Iran and Pakistan. In part this reflects the suspicion and hostility directed towards migrants by immigration officials, who, as one young Afghan describes, treat them 'like an animal' (Chase 2010: 2056). But insecurity permeates all aspects of their lives outside of the legal system. Even those purportedly protected under the 'unaccompanied minor' framework describe feeling that, without the security of permanent legal status, the 'care' can feel like an intrusive form of surveillance (Chase 2010). For those who have left the care system without legal status, legal uncertainty is even more corrosive of their sense of safety in Europe because of the prospect of deportation. As a 20-year-old undocumented Afghan in the Netherlands explains, 'if they deport me to Afghanistan, it is like death; I deal with this feeling every day even while I am sleeping' (Kuschminder and Siegel 2016: 16). Without legal status—or even the guarantee of it—Europe fails to provide the space of safety they anticipate prior to arrival, halting their sense of progress.

At the same time, arrival in Europe fails to provide the opportunities that young Afghans seek in order to pursue their futures, both in terms of their familial expectations and their individual aspirations. For example, they express dissatisfaction that the skills and competencies they may have learned through former employment, or the responsibility

they acquired in the household growing up, go unrecognised, or can even work against them if they are perceived to be 'too agentic' (Kaukko and Wernesjö 2017; Allsopp and Chase 2019; Otto 2020). However, the sense of being held back also arises where they do not have specific goals in mind, as one young Afghans explains 'having refugee status as the final thing...I look at it as the beginning of my life. If I had it, I could plan for my future' (Kuschminder and Siegel 2016: 16). Without legal certainty, it can feel impossible to even think about, let alone pursue, a future.

The frustration at being 'held back' from opportunities is coupled with feeling ill-equipped and insufficiently supported to make the right decisions about their life, even where the opportunities do arise. Despite showing considerable resilience and autonomy along their journey, it is difficult to make the good choice in such an unfamiliar environment without adequate guidance. They feel 'alone in a completely new land-everything, everything new' (Meloni 2020: 428). This is the experience for those in and out of the 'unaccompanied minor' system. Amongst the former, many feel like their social workers are ambivalent about their future, or mistakenly think that because of their struggle, they should be able to 'look after themselves' (Kaukko and Wernesjö 2017; Otto 2020). For the latter, 'ageing out' can feel even more isolating and lonely: 'just turning 18 does not suddenly make you mature and capable' (Gladwell and Elwyn 2012: 14).

To conclude, there are significant discrepancies between the anticipation of, and the reality of young Afghans' futures in Europe, resulting in a sense of being both held back and forced to grow up too quickly in Europe. The insecurity, uncertainty and lack of prospects are, tragically, not new to young Afghans. However, resilience and courage are no longer perceived as 'favourable' characteristics in Europe, and without the prospect of a legal future, their capacity to aspire begins to erode. As one young Afghan in the Netherlands says, 'I forgot my dreams; I used to have many plans and dreams for the future. I just think about today not tomorrow' (Kuschminder and Siegel 2016: 16). Without the certainty of a legal future in Europe or the support to achieve it, they become 'frozen in the present' (Bloch et al. 2014: 152).

### **(Re)Navigating Becoming Adult in Europe**

Youth do not, as Lulle and King (2019) argue, simply accept the structural positions ascribed to them but actively seek to re-shape them for their own means. This section explores the ways that young Afghans mobilise (constrained) tactics of agency in order to regain a sense of autonomy and hope for their future, and to renegotiate their position towards adulthood.

#### *Institutional Disappearing*

As explored above, becoming undocumented results in heightened insecurity and risk for young Afghans. Notwithstanding these risks, many young migrants choose to disengage with the institutional system before they are legally required to, most often as they approach the age of majority and an increased likelihood of being refused refugee status. This phenomenon known as institutional 'disappearing' is widely identified amongst young

independent migrants across Europe. It is estimated that approximately 10,000 young independent migrants 'disappeared' in 2015, over 5,000 of those in Italy. In the UK, approximately 2,000 young migrants 'disappear' from the care system each year (Allsopp and Chase 2020). Given the risks of life as an undocumented young person including violence, destitution and exploitation, it is unsurprising that disengaging is a high priority 'problem' amongst NGO and statutory policy-makers, though existing attempts to address it through reporting and police intervention are inconsistent and often ineffective (European Migration Network 2020).

However, considering the failure of institutional and legal systems to meet young Afghan migrants' needs and aspirations, disengaging can for many young migrants, feel like the most feasible and only option to pursue a better future for themselves (Allsopp and Chase 2019; Bloch et al. 2011). Where the alternatives are the threat of deportation or close monitoring by social workers (Meloni and Humphris 2019), 'disappearing' can be understood as a valuable (though fragile) resource for young migrants (Bloch and Chimienti 2011).

Disengaging from statutory services should of course not be glamorized as a collective or subversive agentic act against the state. Young Afghans often reflect on this being the point where their life turned into a 'disaster' (Gladwell and Elwyn 2012; Meloni 2020). Most migrants do not know what life 'underground' will entail (Allsopp and Chase 2019: 299). As Allsopp and Chase (2019) highlight, it rarely brings any lasting positive outcomes for young Afghans, who most often return to institutional support after a period of struggling with the hardship of being undocumented, in a much more vulnerable position than before. Some Afghan migrants do not even consider their 'disappearing' to be an active decision at all, but the result of meeting the 'wrong people at the wrong times' and losing their way (Meloni 2020: 428).

Notwithstanding these limitations, situating this act of resistance within the context of their generational and legal liminality highlights how disengaging can provide a tactic for young Afghans to reignite their sense of autonomy over their future. In a material sense, Afghan migrants may be willing to forego the risks of illegality in order to avoid the risk they foresee as most dangerous, namely deportation, and therefore, they attempt to protect a space for their future (Allsopp and Chase 2019). For others, the decision to disengage into illegality is less about deportation. In Italy for example young Afghans are aware of the inadequate implementation of such systems, but nevertheless choose illegality as a means to pursue their own plans, often to work in the shadow economy (Allsopp and Chase 2019; Meloni 2020). Thus, resisting the expectation of institutional inclusion to become 'invisible' (Bloch et al. 2014), can create a sense of (temporary) safety and opportunity that the existing framework fails to provide.

Similar to the notion of 'social navigation' by Vigh (2006 cited in Christiansen et al. 2006), young Afghans' decisions to disengage into illegality provides a means through which to circumvent some of the barriers that Europe's institutional landscape presents them with. By refusing to wait, or depend on others, it can provide a means to attempt to re-set the pace and direction of their future trajectories in line with their vision of a better life (Allsopp and Chase 2019; Bloch et al. 2014). Outcomes aside, the very act of disengaging also holds

a symbolic value for young Afghans. As in their migratory journey, by taking risks, and embracing uncertainty, they can demonstrate a level of strength, independence and responsibility over their futures. As Meloni (2020) suggests, in the new space of uncertainty comes new possibilities and renewed hope that something might change for the better.

### *Selectively Disengaging*

Young Afghans may practice more subtle forms of disengagement to resist the stagnation, insecurity and alienation of the institutional system, that do not necessitate 'disappearing' or entering illegality. Like on the journey, they may partially withhold information about their current circumstances from family back in Afghanistan. They also commonly withhold information about their past from social workers and foster parents, not solely due to trauma (though this is important), but also as a means to 'bracket' their past, and 'just get on with [their] life' (Chase 2010: 2059). In front of peers, withholding information resists the stigma of the 'asylum seeker' label and appear 'normal' (Chase 2010; Kaukko and Wernesjö 2017; Wernesjö 2020).

By selectively disconnecting from the people around them in ways they feel are beneficial for their journey towards adulthood, young Afghans can renegotiate a new place for themselves in the adult world across borders. Not sharing the harsh reality of their current situation with their family can assist them in becoming responsible sons, to preserve an image of self-sufficiency and avoid the possible shame of their 'failed' migration project (Allsopp et al. 2015; Kuschminder and Siegel 2016). As Brandhorst et al. (2020) illustrate in other separated families, silences can also be understood as an act of care and protection, allowing them to enact an emotional 'provider' role expected of them as young adults for their parents. In Europe, withholding information from peers can help to cultivate a sense of normality, allowing them to focus on making friends and building a new life. As one young Afghan in the UK explains, college provided a 'a safe haven where I could go and hide...a smokescreen in a way... until I stood on my feet' (Chase 2013: 864).

### **Conclusion**

As this paper has demonstrated, the initiation process to adulthood for young Afghans starts long before arrival. The decision to migrate represents not simply an escape from danger, but 'a quest for meaning, social recognition and a re-appropriation of their lives' (Scalettari et al. 2019: 8) and the journey provides an opportunity to prove their resilience, courage and valour, while also keeping the dream of a new and different life in Europe alive. However, for many young Afghans, Europe confronts them with a situation of continued fear, precarity and lack of opportunity - the very conditions they seek to escape. Their resilience and future-seeking are misinterpreted or treated with suspicion on arrival in Europe, resulting in an uncomfortable position of being held back and forced to grow up too quickly. However, without legal certainty, it is difficult to maintain the hope that a better life - whatever this entails - is possible. As a result, and similar to the findings of Bloch et al. (2014) in other contexts of undocumented youth, they find their lives both accelerated

and suspended, resulting in a paralysing state of being 'stuck in the middle' (Kuschminder and Siegel 2016).

However, within this position of liminality emerges the possibility of change. Rather than waiting or depending on an institutional structure that fails to meet their needs, young Afghans may disappear or navigate the system by selectively disengaging. These practices are commonly depicted as 'problems'. However, when positioned within the backdrop of their broader life trajectory, it is possible to see these acts of agency as a remobilisation of the risk-taking, resilience and hope that keep their vision of a future alive during the journey. These practices of agency should not be romanticized; they emerge out of a highly constrained set of alternatives and can often reinforce the structural immobility they attempt to overcome. However, paying attention to young people's narratives around these often high-risk and difficult decisions, helps to reframe them as fragile but potentially transformative acts that allow young Afghans to regain, if only temporarily, a new sense of autonomy over their lives, and a renewed possibility of change.

By exploring young Afghans' subjective experiences, it becomes clear that migration from conflict is not inherently disruptive to youth transitions. As is found in other areas where conflict, risk and upheaval are everyday parts of young lives, enduring or overcoming hardship through migration is a central part of what it means to become an Afghan adult. The problem arises when young people enter a social and institutional environment that fails to recognise this and are confronted with a very different expectation of the nature and pace of transitions to adulthood. Reframing young migrants' motivations, expectations. and vulnerabilities through a lens of youth transition is important for bringing nuance into the migration debate so often flatly portrayed as 'crisis'. Further, it can help to inform an improved institutional environment for young migrants, which values equally their search for safety and support, and their autonomy to pursue a meaningful and secure future.

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### **The Author**

*Maria Wardale has recently received an MA in Migration and Global Development with distinction from the University of Sussex. She returned to academia following three years working for a London-based NGO directly supporting survivors of torture and trafficking to navigate the UK's asylum and healthcare labyrinth. Maria is passionate about bringing nuance to the oft-victimizing narratives around forced migration and asylum through a migrant-centred research approach. Her MA dissertation used participatory photography to explore friendship as an informal practice of care amongst those seeking asylum in the UK. Having now completed her MA, she hopes to pursue a career in migration research.*

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# ***Experiences of Nicaraguan Political Refugees in Costa Rica***

GRACIA SILVA

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## **Abstract**

In this article, I examine the lived experiences of forcibly displaced Nicaraguans who fled to Costa Rica starting in April 2018, as a result of political persecution, violence, and repression in Nicaragua. I use an ethnographic approach, having spent three months in Costa Rica conducting participant observation in collective houses inhabited by young political refugees, with whom I also conducted individual interviews. In Costa Rica, Nicaraguan refugees are facing a series of difficulties and feelings of frustration, xenophobia, and labour discrimination. However, I found that the company of others in similar situations has helped them make sense of what has happened to them and cope with dire circumstances. This article sheds light on the role of solidarity and community as important aspects of integration and contributes to improving people's understanding of refugees' realities.

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## **Introduction**

In 2018, the ongoing Nicaraguan socio-political crisis led thousands of people to flee to Costa Rica. Like many other Nicaraguan youths, I left Nicaragua and went to San José, Costa Rica's capital, to hide from the overwhelming State violence and repression. I spent three months there, before traveling to continue my studies, and I participated in groups that were organizing to support the growing number of Nicaraguan refugees. These refugees faced the challenge of building new lives in a context of economic problems, uncertainty, and xenophobia, and I noticed how, despite being in Costa Rica, their minds and hearts were focused on Nicaragua.

The purpose of this article is to give an overview of the lived experiences of young Nicaraguan political refugees in Costa Rica, their challenges, and their needs. In the first section, I situate the reader in the context of the Nicaraguan protests, explaining the situation that propelled thousands of Nicaraguans to flee the country and seek refuge elsewhere. In section two, I outline the main bodies of literature relevant to this research. Next, I describe the methodological approach of this research, which was based on the construction of horizontal relationships with the Nicaraguan refugee community. Section four presents the stories of two Nicaraguan refugees, and section five reflects on their negotiation of the challenges they are facing in Costa Rica. In the last section, I include recommendations on how Nicaraguan refugees can be better supported.

This work seeks to improve people's empathetic understanding of the lived realities of refugees by foregrounding their voices and allowing their faces to be imagined in order to prevent their dehumanization, while also making their resistance visible.

## Nicaraguan 2018-2020 Wave of Protests

Since the Sandinista National Liberation Front (FSLN) and Daniel Ortega returned to power in the 2006 presidential elections, democratic institutions started to weaken under the concentration of state powers in the hands of the ruling party (United Nations Office of the High Commissioner for Human Rights OHCHR 2018). Disjuncture between the government and wider society reached its peak in April 2018, when brutal government repression towards citizens protesting social security reforms gave rise to the ongoing Nicaraguan socio-political crisis—something the country has not seen in decades.

The first months of the crisis were marked by street demonstrations, marches, pickets, and the occupation of university campuses such as the National Autonomous University of Nicaragua (UNAN-Managua) and the Polytechnic University of Nicaragua (UPOLI). The government's response to the protests was to deploy combined forces of pro-government armed groups and police officers using military-grade lethal weapons in organized attack operations against protesters. This involved gross human rights violations including obstruction of access to medical care, extrajudicial killings, enforced disappearances, and instances of torture and sexual violence in detention centres (Amnesty International 2018a; United Nations Office of the High Commissioner for Human Rights OHCHR 2018). By 19 August 2018, the Office of the United Nations High Commissioner for Human Rights OHCHR estimated more than 300 people dead and thousands injured (United Nations Office of the High Commissioner for Human Rights OHCHR 2018).

As a result of the overwhelming State repression, street demonstrations stopped abruptly in October 2018. However, the government has since continued its effort to silence any trace of dissent through other strategies such as the criminalization of protesters, surveillance, harassment, arbitrary arrests, and selective kidnappings mainly conducted by the police (Cuadra 2019). The repression strategy also includes the creation of laws to outlaw dissent and restrict the exercise of human rights, as well as official statements that deny the repression and its consequences, categorizing protesters as 'coupists' or terrorists (Amnesty International 2018b; Amnesty International 2021). The persecution has been such that by March 2020, more than 100,000 Nicaraguans had fled the country. Around 77,000 of them requested asylum in the neighbouring country of Costa Rica (UNHCR 2020), which adopted an open-door policy for all persecuted Nicaraguans (Bran 2021).

## Solidarity and Integration

Through the experiences of Nicaraguan refugees, I reflect on how people 'cope' with refugeehood and the role of solidarity and community as important aspects of integration.

Zetter et al. (2002) state the difficulty in identifying and establishing a cross-national set of integration indicators. Based on an extensive literature review and three case studies of European countries, they propose a typology of integration along four main clusters of indicators: 1) the citizenship domain, 2) the governance domain, 3) the functional domain, and 4) the social domain. Similarly, psychologists Ager and Strang (2008) established a conceptual framework to understand what integration means for the resettlement of

refugees and other migrants. They discuss four overall themes when talking about integration: 1) achievement and access across the sectors of employment, housing, education, and health; 2) assumptions and practice regarding citizenship and rights; 3) processes of social connection within and between groups in the community; 4) structural barriers to such connection related to language, culture, and the local environment.

My focus on the role of solidarity places a particular interest in the fourth domain of Zetter et al. (2002)—the social. Here, the focus is on informal processes of integration, such as social inclusion and participation, sense of connectivity, and acquisition of social capital. It also fits into the third theme proposed by Ager and Strang (2008) in which they pay attention to social bonds, senses of belonging and respect, and shared values. They found that refugees usually identified social connection to be the defining feature of an integrated community.

With respect to the concept of solidarity, while recent studies on migration and refugeehood have started to conceptualize its role, the term elides consistent definition (Bauder and Juffs 2020). For the purpose of this article, I borrow the concept of solidarity used by Jesuit priest, Ignacio Martín-Baró, as part of his Liberation Psychology, a conceptual school that has been dealing with the consequences of social conflict and the trauma of institutionalized violence in Central America since the 80s (Martín-Baró 1994). Following his definition, solidarity represents an effort to get out of the framework of restricted individual responsibility and assume a broader parcel of social responsibility, bearing the consequences of what others need and do. The narrow schemes of institutionalized responsibility are objectively overcome, and by supporting the weakest and neediest sectors of society a situation of greater justice is fostered (Martín-Baró 1990).

I observed how one of the most important and constant motivators of refugees was the support of others and the commitment to reciprocate this support. The refugee stories presented in this article foreground how they have established new relationships and networks for material and emotional support, exemplifying how social support is as much a basic determinant of wellbeing as food, shelter, income, health care and social opportunities (Simich et al. 2005).

## **Research Process**

During my time in Costa Rica in 2018, I came to learn that young Nicaraguan refugees were living in groups and supporting each other to pay rent and cover basic needs such as food and personal hygiene items. Seeking ways to understand the impact of political violence and forced migration as experienced and lived by these young refugees upon arrival and integration into Costa Rica, I conducted fieldwork in San José, Costa Rica, from mid-May to mid-August 2019. I undertook participant observation and conducted in-depth interviews with 13 Nicaraguan refugees.

It was difficult to get a group of political refugees to share their experiences with me. To accomplish this, I used snowball sampling. With the help of Costa Rican professors and Nicaraguan activists-in-exile that I met in 2018, I started contacting people, introducing

myself and my research. Being open and honest about my own experience leaving Nicaragua to go to Costa Rica in 2018 was fundamental to this process. Many of the people I was able to access were willing to talk to me only because they knew I had a similar experience. When I connected with a refugee who was open to talk with me and wanted to support my research, I asked them to refer another refugee.

It is important to acknowledge that the use of snowball sampling is prone to sampling biases (Noy 2008). In this case, this is evidenced in the homogeneity of the research participants, who are mostly women in their twenties who were living in Managua at the time the protests started. Nevertheless, this process of recommendations and references was key to establishing a baseline degree of trust between myself and the participants which made it easier to create a horizontal relationship. This horizontal relationship was essential in fostering research that placed the voices and desires of the refugees to the fore and to abandon a position of expertise from which the researcher takes control of the research process (Gupta 2018).

When undertaking participant observation in a shared home, I always introduced myself to the individuals that lived there and explained my purpose as a researcher. If the home members agreed to support the research, I started spending time at their homes. This provided me with an opportunity to observe and, at times, participate in their everyday dynamics. I selected three refugee homes and started building a relationship with them by taking the role of accompanier as a reliable and consistent presence who makes respectful visits. Accompanying involves:

Standing alongside people, working with them, seeking to develop collaborative relations that recognize power inequities within the relationships as well as within the contexts in which one is working, and seeking to transform them when the people themselves see that as part of the transformative task (Comas-Díaz et al. 1998: 779).

Following Watkins (2015), I adjusted to the life in the community and sought to be open to dialogue and to hear what was important for the refugees in a respectful and thoughtful manner. I tried to value the needs and resources of the community and refrained from setting the agenda or usurping their knowledge. I did my best to create a horizontal relationship with the research participants, but it is important to acknowledge that our life circumstances created a difference, of which we both were aware. This can be appreciated when one of the participants told me: 'I know that you experienced a situation similar to mine. The problem is that in the power relationship between the two of us, you are in another position at this moment.'

Alongside this ethnographic work, I also invited 13 young refugees to tell their life stories in detail during in-depth unstructured interviews. During the interviews, we talked about their involvement in the protests, their decision to flee Nicaragua, and their process of integration in Costa Rica. The interviews took place at various locations in accordance with them, sometimes it was at their residence, a coffee shop, a park, or a location at the University of Costa Rica. Before the start of the interview, they were asked to read and sign a consent form. I highlighted the fact that their participation in this study was voluntary and that they could withdraw from the study at any time. The interviews lasted between 50 and

180 minutes. All the interviews were recorded and notes were taken. To ensure anonymity and to safeguard their identities, interviewees are referred to using pseudonyms.

To communicate these stories, I purposively use a storytelling narrative approach in which we can see how the value of the experience of living with other Nicaraguan refugees is contextual and contingent upon the individual. A growing body of researchers have proposed the use of the arts, According to Gupta (2018) arts act:

As a powerful vehicle with which to disrupt this amputation of seeing and restore compassionate witness. Art can make the invisible become visible.... Art can create a tangible memorial that declares the truth of injustice inflicted upon marginalized communities (Idem. 2018:13).

As such, in the process of writing, I adhered to interviewees' testimonies. I use extended quotes and retain any grammar mistakes and changes between tenses to foreground the refugee's voices. I assume an omniscient voice to narrate some parts without quoting the whole interview. Any judgment on my part is made explicit in the text.

Although my intention is for the reader to listen to the voices of these refugees, it is necessary to acknowledge that there is an implicit interpretation of their words in the process of selecting quotes and writing the stories which is filtered by what appeared as most important to me (Martínez 2014). The translation process is another filter that mediates the messages of the co-researchers. When translating the quotes from Spanish to English, it was difficult to maintain accuracy when dealing with colloquialisms, slang, and different references to the Nicaraguan culture. I reproduced the original speech as accurately as possible and tried to express the meaning of what they were saying.

## **The Impact of Forced Displacement**

The two stories I present next reflect on how exile changes the lives of Nicaraguan political refugees and how they cope with the challenges of being a refugee and integrating in a new country. I consider these stories to be significant because they narrate personal experiences that are part of collective events.

### *Flor de Luz*

One of the reasons I accepted this interview and being part of this research is because I need to say many things.

Flor de Luz wants to talk, and I want to listen. He tells me he had already graduated from college when he decided to be a part of the occupation of one of the universities in Managua. He always advocated for peaceful ways to protest and one of the main reasons he decided to leave Nicaragua was the growing spiral of violence. He crossed the border through a blind spot near the border post of Peñas Blancas and went directly to Upala, a city close to the Nicaraguan border, where he stayed with a paternal uncle.



His uncle and his uncle's wife took him to a place where he could apply for asylum. He received the support of the Upala office of the Migrant Social Rights Centre (*Centro de Derechos Sociales del Inmigrante*, CENDEROS), an NGO that works to empower migrant populations in Costa Rica. He spent three months in Upala trying to find a job. He had experience as an educator and as an artist, and his dream was to find a job as an art teacher. Pretty soon, he realized that dream was not going to become a reality. He tried to work in construction but quickly discovered he was not cut out for heavy physical labour. Then, he worked on a couple of things he could find, like taking care of houses.

He had a good relationship with his uncle but not with his uncle's wife:

My relationship with my uncle's wife was really complicated because the lady is white, with blue eyes. She is xenophobic, because my uncle told me, he did not tell me that she is xenophobic, he told me that his wife did not like *nicas* very much.

Thus, Flor de Luz decided to leave and try his luck in the city of Cartago, where he had a cousin. He stayed in Cartago only for a short period because he did not feel comfortable at his cousin's house: 'I felt great with her [the cousin], but then I began to feel rejected by her husband. It was like, "Shit, what am I doing here? I have no job, I have nowhere to go, I have no way to go anywhere else"'. In the end, he returned to Upala and his uncle, but stayed only for a short time because he could not stand the humiliation and mistreatment by his uncle's wife.

He had no Costa Rican friends and he avoided talking to Nicaraguan people because he was worried they would be supporters of the FSLN. This was until acquaintances and friends started to arrive in the country. When one of his friends and her family moved to Ciudad Colón, a town in the province of San José, he decided to go and live with them. But once again, the environment was tense.

The CENDEROS' office at Upala referred him to the San José office. Through them, he received monetary support from Relief & Resilience through Education in Transition (RET), an international NGO that promotes the development, participation, and integration of vulnerable refugee populations. His psychologist suggested that he should find another place to live because he needed a quiet space to heal. When I ask about his emotional wellbeing, he mentions:

Just imagine that I got the flu three times, because I came from Nicaragua without wanting to talk, I had somatic symptoms because of the repression, I mean, directly in my body, I had somatic symptoms. I was sick like a month and a half, counting all the time I was ill. I started to heal when I went to the psychologist and started talking.

With the money from RET, he started renting a house with some other Nicaraguan people. He thought things were going to get better, but the stress continued: 'I am very depressed because I want to leave the house where I am living, because, in the house where I live, people do a lot of drugs, they are not responsible people'. I asked him to explain more about the difficulties he is experiencing, and he told me he feels conflicted because he does

not like living with his housemates but he cannot afford to leave. He does not have the support from RET anymore, and he is worried because:

I have to find a way to make my own income, and to do that I need some peace of mind. If I left Nicaragua, it was to live in a quieter environment that allowed me to do other things, because I no longer wanted to be part of the protests.

Flor de Luz is trying to find a job so he can rent a place with a friend. He has not had any stable work since he came to Costa Rica. His father and some friends have sent him money a couple of times, RET provided him with funds for a short period, and sometimes he manages to earn some money from theatre work.

He now has some friends from Nicaragua, and has found the support of people from Costa Rica:

I have found a lot of support, especially from Costa Ricans, actually. I struggle with my own share of xenophobia and with the xenophobia that we carry, and I fight with the people who play Alejandro Mejía's song *Nica en Costa Rica*, and with all the xenophobia crap because the truth is that I have found many great Costa Ricans. Sure, they do not understand, because they do not understand at all, or just understand half, but they want to support you, they believe you.

Despite the growing social support he receives from friends and Costa Ricans, he does not feel good: 'I feel that I have not been able to move forward and suddenly I say to myself, no, do not worry, you have not moved forward because you are alone, because you have not figured out how to do it .... I suddenly feel I am a failure' (Flor de Luz, Interview, 8 July 2019). But although he is tired, he wants to continue his work as an artist. This is his dream, and while he knows it is hard, he wants to continue pursuing what makes him happy.

### *Abril*

Abril is thirty, but she is small and looks younger than she is. We are sitting in her bed, looking at each other while we talk. Her room does not have any furniture other than the bed, but she keeps all her possessions organized inside two suitcases and a couple of backpacks.

Abril participated in the occupation of the UPOLI and the UNAN-Managua campuses. Because of this, she was harassed by Ortega's supporters and received several threats to her and her family. Scared, Abril's family pressured her to leave the country, which she agreed to. Her mother was worried that the road to Costa Rica would be too dangerous because of the police surveillance, so they collected money to buy her a plane ticket.

On 18 June 2018, Abril landed in Costa Rica. All she knew was she was coming to an NGO, and they would help her. At the airport, she was received by a member of the CENDEROS team. They gave her room at a refugee house. They also gave her psychological assistance

and helped her to apply for asylum. In the beginning, she did not trust anyone at the refugee house, but then she started making friends:

While I was in CENDEROS I met wonderful people, not only the people who worked there, but also my peers, who, like me, were going through the same situation, who were also refugees. And it was a situation where I felt more comfortable because I had someone to talk to.

Supported by the money she received from RET, she left the refugee house and started living by herself. She did not like this experience. She could only pay for a small room and had to share the bathroom and kitchen with several people. She did not have her work permit yet, and the money she received barely covered her rent and food. She felt frustrated and lonely, so she moved in with two other Nicaraguan refugees that she met when attending a support group for refugees. The experience was good not only because they split the housing expenses, but also because: 'again, I had someone with whom to interact, with whom to communicate and share experiences, stories, to talk if I was feeling bad, and such'. She was happier living there, but in December 2018, when her friends with whom she participated at the UPOLI occupation came to Costa Rica, she decided to move in with them:

I pay for the house, my friend pays for the food, we split it up. I mean, she has her room, I have mine. She usually, because I have been the one who has worked the most because she did not even have the first ID card yet, so, she prepared the food. Since I left early and came really late, then, she made the food, cleaned, and I came, ate, and went to bed. .... we talk, and we are like the *güegüense*, we make fun. We give ourselves that kind of support in which we try to make fun of what is happening to us, you know? To avoid being so stressed.

Though she feels better living with her friends, she is still dealing with stress and depression:

Look, I think my stress gets accumulated. Not only do I have the stress of what happened and what is happening in Nicaragua, but I have the stress that I am here, and I have to solve problems here and now. So, everything gets together. There are like two parallel moments, but in the same context, I mean, in the same experience. I mean, I am here and now, but trying to know what is happening in Nicaragua, remembering things that happened to me, but I also know that I have to solve problems here, that I have to search for work, that I have to find a way to pay bills, and such.

Abril tells me she is always looking at the news and worried about the things that are happening in Nicaragua because her family is still there. The other stressful situation she is facing has to do with money. Sometimes they do not have enough money to buy basic food and hygiene products. She has had multiple jobs, such as waitress, kitchen assistant, store attendant, but none for more than a couple of months. Most of the money she gets is from her family in Nicaragua, even when she knows her family is struggling and also need the money. She thinks labour discrimination is the main difficulty she is facing. She shares,

'some people look at your papers, and it is all good until they see your [refugee] ID card and then return them to you'. Abril frequently discusses the impact this has on her self-perception and life aspirations:

I have mixed feelings, if this really, if this really happened, you know? Like, why? When did things mess up? When did I get here? And such. And also, leaving my studies, and starting from zero. I mean, there I already had a life plan, I already knew where I was going. Instead, here, it is like making another new life plan. How long will I be here? These are the questions I constantly ask myself. Sometimes it is hard for me to concentrate, it is hard for me... yes, I mean, there are days that I have trouble concentrating. There are days that I just want to sleep, and I just start thinking and thinking, and I cannot sleep. Or maybe I go to sleep, and I do not want to wake up.

Abril cannot imagine her future right now. She mentions she talks with her friends but that they ask why she is sad, and she does not have a clear answer to that. She just feels sad. She says this is why she talks to me, because I am not asking why. Abril stopped receiving therapy after she left CENDEROS. Then she received therapy with Doctors Without Borders, but she stopped when she started her last job because she did not have the time.

### **Challenges and Needs of Nicaraguan Refugees**

These examples reveal how the life worlds of Nicaraguan refugees have areas of convergence and contrast. I chose to present these two stories because Abril's story is paradigmatic of the other ones I heard while I was conducting my research, while Flor de Luz's story is the exception. He was the only research participant who was not happy living among other Nicaraguan refugees. Additionally, he was the only one who expressed that he wants to stay in Costa Rica while the others want to go back to Nicaragua. Despite these differences, these two stories mention some of the main themes that emerge from the wider set of interviews such as financial stress, xenophobia, and feelings of hopelessness and frustration.

According to a study of the International Organisation for Migration (IOM) (Organización Internacional para las Migraciones 2019) on mixed migration flows of Nicaraguan people in Costa Rica, Nicaraguan migrants' biggest worries are income sources, access to food, and access to medical assistance. During my time at refugees' homes and through the interviews, I also observed how the lives of these migrants were mostly focused on their struggle for survival and access to basic needs. The most common struggle was their difficulty in finding a decent job. When they did find a job, it was usually under precarious conditions, with an income below the minimum wage and no benefits.

Conversations about labour exploitation were common. This is unsurprising given that IOM highlights that while 74% of the refugee surveyed population had a job in Nicaragua, only 42% had found a job in Costa Rica. Most of the time, the job they could find did not match their skills and involved poor work conditions. Indeed, many Nicaraguan refugees with higher education were earning less than the minimum wage and many of them found that

their work permit from the Directorate General of Immigration and Foreignness was not recognized in many private workplaces, citing labour discrimination as the primary reason Nicaraguan refugees cannot find a job (Organización Internacional para las Migraciones 2019).

Simich et al. (2005) mention that discrimination in policy and practice are major challenges for immigrants and refugees, especially with respect to employment opportunities. This becomes crucial because employment affects other relevant integration issues such as economic independence, self-esteem, and self-reliance, social interaction with members of the host society, and planning for the future (Ager and Strang 2008). For Abril and Flor de Luz, the difficulty of finding a job frustrated them. They already had experience in their fields of study, were used to working in their areas and had ambitions and plans for their future. When I met them in Costa Rica, they took any job available, but it was hard for them to adjust to the working conditions they were facing. They were forced to accept these working conditions because they needed the money to pay rent and to buy food.

The insecurity and burden of not having an income combines with the wider stress of transnational family relations and daily confrontations with xenophobia. All interviewees mentioned experiencing discrimination and perceived that many Costa Rican people lack empathy and sensibility towards their immigration status. Even Flor de Luz, who characterizes his interactions with Costa Ricans in a more positive way, outlined the difficulty of dealing with the xenophobic behaviour of his uncle's Costa Rican wife. According to the IOM, this is a common situation, with 40% of the surveyed population indicating that they experienced discrimination in Costa Rica, mostly related to their nationality (Organización Internacional para las Migraciones 2019).

Despite these negative perceptions, Abril and Flor de Luz mentioned they have met 'great' and 'wonderful' Costa Ricans who have supported them. This positive connection with Costa Ricans is important and should be cultivated because creating social bridges with the local community contributes to making refugees feel safer and has a positive impact on their perception of quality-of-life. Based on research with refugees in the United Kingdom, Ager and Strang (2008: 180) mention that 'friendliness from the settled community was very important in helping refugees to feel more secure and persuading them that their presence was not resented'. Similarly, Zetter et al. (2002) emphasized the importance of feeling socially included in the dynamics of the host community for the active integration of migrants. In the case of Flor de Luz, who did not feel happy living among other Nicaraguan refugees, establishing good relationships with Costa Ricans has contributed to his emotional stability.

The relationship with other Nicaraguans is another crucial factor in how refugees feel in their new setting. Establishing social bonds with co-nationals is associated with improvements in quality of life, independently of their involvement with the local community, and contributes to effective integration (Ager and Strang 2008). Bonds with co-nationals are crucial sources of informational, material and emotional resources (Atfield et al. 2007), and their social support is an important factor to cope with stress and reinforce self-confidence during crisis situations (Simich et al. 2005).



*Street demonstration against the Nicaraguan government organized by Nicaraguan refugees, San José, 2019. Photo taken by the author.*

For Nicaraguan refugees in Costa Rica, a source of support in dealing with the frustrating circumstances they face in Costa Rica has been the company of other Nicaraguan refugees. Abril had to live with other refugees because they needed each other to pay rent and buy food. It was easier to share resources than to live alone. But living together, interacting with people with similar experiences with whom she can talk – people with whom to keep company and get her mind off her problems – also has the benefit of acting as an emotional stress relief. Shared houses serve as spaces for solidarity acting as communities of resistance because, as Watkins and Shulman (2008) explain, there is an expectation that their cohabitants will support each other to achieve a common good. Facing great uncertainties, they find ‘more humane ways of being together’ (Watkins and Shulman 2008: 209). They are together because they need each other, but by working together, they also nurture an atmosphere of extended family.

However, this does not erase the memories they have about the things that happened to them or that they witnessed, the worries they still have about the situation of Nicaragua or the complexity of the emotions associated with their situation as refugees. As Abril says,

their minds keep thinking about the past and the present, about Nicaragua and Costa Rica. The political violence they suffered and their experience as refugees are inseparable. Both violent experiences left young people's lives in limbo and impeded the pursuit of their plans.

## Final Reflections

This study has shown how some refugees may feel like they have to start over, in worse conditions, when they already had a life plan in Nicaragua. They are worried about not finding a job and they feel stagnant. While informal support is important, effective formal services are still necessary to guarantee access to favourable work conditions for refugees and to meet their most pressing needs.

Likewise, it is vital that these young people have psychological support. IOM (2019) found that 71% of the refugee population surveyed indicated that they suffer emotional distress that prevents them from conducting their daily tasks. Yet only 19% of them has sought assistance, mainly through non-governmental or civil society organizations (Organización Internacional para las Migraciones 2019). Implementing such support is critical in integrating and improving refugee life worlds. However, the fact that some of them, like Abril, have to stop going to their therapy sessions because of the need to work illustrates the complexity of their difficulties and the fact that solutions must take into account multiple aspects of their wellbeing.

Social support and solidarity networks provided by co-nationals are perceived positively by these young refugees. However, it would be interesting to further explore if the support of other Nicaraguan refugees facilitates access to employment, education, and other opportunities that lead to integration or if, on the contrary, they are conducive of segregation. Additionally, as we hear in the stories, refugees are trapped between their past in Nicaragua and the need to survive in Costa Rica, thus facing a split in temporality. It would prove fruitful to dig deeper into this phenomenon and assess how it affects refugees' capacity to integrate into their host society.

This article has sought to write the refugee's stories in a more literary style in order to more effectively capture their emotions, feelings, thoughts and life worlds and bring them closer to us. It has sought to make them imaginable as real people, with a past, and with hopes for the future. This closeness, I argue, fosters a better understanding of the way forced displacement can mark and transform someone's life and the realization that these people need social support and to be heard without discrimination or distance.

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## The Author

*Gracia Silva is a culture, migration, and human rights researcher and activist. She has worked in non-profits in Costa Rica and the United States accompanying, translating, and assisting migrant populations. She completed her master's in Anthropology during which she wrote a thesis exploring social trauma and solidarity networks among Nicaraguan refugees in*

*Costa Rica. Gracia has attended and presented in conferences and forums on culture, migration, and human rights in Central America and the United States. She is committed to using ethnographic research to enrich the comprehension and management of cultural diversity and international migration.*

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# ***Do Ezidi Women Need Saving? An Analysis of the Politics of Victim- and Saviourhood in Baden-Württemberg's 'Special Quota' Humanitarian Admissions Programme for Ezidi Women and Children***

ANDREA THERESA HAEFNER

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## **Abstract**

Following the 2014 genocide committed by the so-called Islamic State against the Ezidi minority in Northern Iraq, the German federal state Baden-Württemberg launched a 'Special Quota' Humanitarian Admissions Programme (Sonderkontingent) to bring over 1,000 women and children for psychological treatment. To explore how different aspects of the politics of victim and saviourhood are at play in the programme, this paper uniquely brings a range of theoretical frameworks into dialogue with primary data from expert interviews. I argue the Sonderkontingent is embedded in an Orientalist discourse of non-Western women as oppressed and 'in need of saving'. My findings suggest that the programme's exclusive employment of the label 'the vulnerable' to women and children illustrates a gendered and racialised understanding of victimhood, whereby a hierarchisation of vulnerability during the selection process necessitated the performance of the expected victimhood. While the Sonderkontingent had the intention to 'save' Ezidi women, the findings of this research indicate that participants were exposed to new forms of vulnerabilities in Germany, most notably through cultural and language barriers, restricted legal rights (i.e. concerning family reunification and freedom of movement) as well as through a Eurocentric approach to trauma treatment. In light of the negative implications identified, as well as wider criticism of the power-asymmetry between an active superior West and a passive inferior Other at the core of humanitarianism, this paper ends with a call for more decolonial approaches in the humanitarian sector and outlines lessons learned for similar programmes in the future.

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## **Introduction and Background**

In August 2014, the so-called Islamic State of Iraq and Syria (ISIS) staged a brutal attack on the Ezidis<sup>1</sup> in the Shengal region of Iraqi Kurdistan. In what became the 74<sup>th</sup> genocide committed against their community, an estimated 10,000 Ezidis were executed or kidnapped (Cetorelli et al. 2017). Images of those who could flee but were trapped in the mountains and stories of women's sexual enslavement for ISIS fighters were prevalent in news coverage around the world (Buffon and Allison 2016). In Germany, where the largest Ezidi diaspora lives due to displacement in previous decades, the Central Council of Ezidis

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<sup>1</sup> This article uses the spelling Ezidi, other spellings are Yazidi, Yezidi and Êzîdi.

(*Zentralrat der Êzîden in Deutschland*) approached the State Ministry of the federal state Baden-Württemberg for support (Junne et al. 2019). Just three months later, in October 2014, a 'Special Quota' Humanitarian Admissions Programme for 1,000 particularly vulnerable women and children from Northern Iraq<sup>2</sup> was initiated, bringing women who had been freed from ISIS captivity—most of which were Ezidi but some belonged to other minorities—to Germany for trauma treatment. Participants and their children were placed across 22 municipalities and whilst established under a temporary humanitarian protection scheme for only two years, as of 2021, almost all continue to live in Germany (Junne et al. 2019).

The programme is unique on many levels. Firstly, Baden-Württemberg was one of the first international actors to react to the genocide. Secondly, it was the first time in Germany that a Humanitarian Admissions Programme (HAP) was set up at a state level, rather than by the central government. Thirdly, the programme brought attention to the Ezidi cause in the international community, best exemplified by Nadia Murad who arrived in Germany through the Sonderkontingent and later received a Nobel Peace Prize for her advocacy. It served as a pilot project for later HAPs and resettlement programmes for Ezidis to Australia, Canada, and France.

While some praised it as a best practice, others maintained that the 95 million Euro budget could have been used to build up support infrastructures locally, criticising its 'sensational' character and Eurocentric approach (see for example Hauser, cited in Stiefel 2016). Indeed, the exclusive focus on supporting sexually abused Ezidi women provides grounds for concern whether the Sonderkontingent falls into the long-standing pattern of 'white men saving brown women from brown men' (Spivak 1993).

### *Research Focus and Methodology*

Studies thus far have largely approached the programme from a psychology perspective, focusing on the trauma experienced by participants and different treatment models (see most notably Hillebrecht et al. 2017; Rometsch-Ogioun El Sount et al. 2018; Kizilhan 2015; 2017), and have not used a social-science lens (with the exception of McGee 2018). Considering its international appraisal, the programme warrants further coverage in the field of social sciences and critical assessment.

The present article examines the Sonderkontingent's underlying assumptions mainly from the perspective of Postcolonial, especially Postcolonial feminist, critiques of humanitarianism. I argue that the programme is embedded in an Orientalist discourse of Black and Brown women 'in need of saving'. It has a gendered and racialised understanding of Ezidi women's 'victimhood' and labelled them as 'the vulnerable'. Using the Sonderkontingent as an illustrative case study, I employ a holistic interdisciplinary approach which critically engages with existing theories on (gendered) Orientalism, sexual and

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<sup>2</sup> Translated from German 'Sonderkontingent für 1.000 besonders schutzbedürftige Frauen und Kinder aus dem Nordirak' and from now on referred to as 'Sonderkontingent'.

gender-based violence (SGBV) interventions, and the politics of labelling to demonstrate how these issues play out in the humanitarian sector.

In order to make the arguments I present here, I am drawing on the findings from interviews conducted in 2020 with nine key informants who were directly engaged or were highly familiar with the Sonderkontingent: two staff members of the IOM and UNHCR who were working with Ezidi survivors in Duhok at the time, one representative from the Baden-Württemberg State Ministry, one representative from the State Ministry's local partner organisation in Iraq, one social worker in Freiburg supporting programme participants, one representative from a German- and one representative from an Iraqi-women's rights organisations working with Ezidi survivors, one Ezidi survivor and activist who arrived in France through a similar HAP, and one German-Ezidi representative from the transnational umbrella organisation for Ezidi Women's Councils. That my primary data is exclusively based on external perspectives on the programme, including my own positionality as a white German national without any prior connections to the Ezidi community, presents the largest limitations of this research. However, I was able to account for this limitation by successfully selecting a sample of external yet diverse set of actors with different perspectives on the Sonderkontingent. Semi-structured interviews with open questions relating to the person's role in the programme and opinion on the above criticisms were conducted in German and English, which were later transcribed and thematically analysed.



*Two Ezidi women walk at Shebil Qasim during Eda Rojiet Ezi celebrations. Photo Credit: Rezhna Tannia, December 2020. Permission has been secured from the artist.*

## Literature Review: The 'Saviour' of Non-Western Women

### *Orientalism and the Victimisation of Black and Brown Women*

This section seeks to challenge the perceived objectivity and neutrality of humanitarianism by outlining how Orientalist discourses, especially on the victimhood of Muslim women, inform its programming. In his seminal work *Orientalism* (1978), Edward W. Said criticises the Western representations of 'the East' or 'the Orient' as backward, uncivilised and inferior, which formed a juxtaposition with a progressive, civilised and superior Western-self. From a Foucauldian understanding of discourse as power, Said finds the Orientalist representations a means of exercising cultural hegemony to legitimate European rule over the (post)colonial world and reinforce the idea of the Orient as the Other (ibid).

Postcolonial feminist scholars criticised Said for not distinguishing gendered representations and thus not capturing women's experiences in his analysis. Their analyses found Western discourses to often homogenise Black and Brown women as a monolithic oppressed victim (Kapur 2002; Spivak 1993), contrasted with the image of a modern, educated, politically and sexually liberated Western woman (Chaudhuri and Strobel 1992; Mohanty 1984). This dynamic bears relevance for the case of Muslim communities, historically described as particularly sexually deviant in contrast to the 'respectable' gender relations of the West (Stoler 2016: 306). While the image of 'the oppressed Muslim woman' is rooted in colonial and orientalist discourses, its prevalence gained traction again in the aftermath of the 9/11 attacks. With the title of this article, I am referring to Lila Abu-Lughod's (2013: 82) book 'Do Muslim women need saving?' which analyses how gendered Orientalism in modern-day literature uses 'pornographic' display of violence and oppression. Domestic violence, honour crimes, female genital mutilation, polygamy and the veil are some of the widely addressed topics in this discourse, which portray Muslim women as passive victims of their culture who lack agency. Sara Farris (2017: 11) argues that Muslim women personify 'the victim par excellence of non-Western male violence in the Western European imagery', with (Arab) Muslim men characterised as the violent and barbaric perpetrator. This narrative, coined as 'neo-Orientalist' by some (see Samiei 2010 for an overview), is argued to serve an anti-Islam agenda and a relativisation of, or distraction from, oppression and sexism within Western society (Abu-Lughod 2013; Farris 2017).

### *Humanitarianism and SGBV*

Authors such as Spivak (1993) and Kapur (2002) have long been criticising Orientalist discourses to have historically served Westerners as a justification for interventions. In recent years, this has empirically most often been discussed for the US-led invasions of Afghanistan and Iraq. Ample research has analysed how the women's rights agenda was co-opted to morally justify violent humanitarian interventions (Abu-Luhgood 2013; Khalid 2017). While these dynamics may be most evident in militarized actions, some scholars more broadly criticise humanitarianism (in this paper understood as the broad apparatus of non-state and state actor engaged in different subfields of humanitarian action) as a

continuation of the colonial past into present times (for a collection of essays see Duffield and Hewitt 2009).

Despite humanitarian action's aim to alleviate suffering based on the principles of humanity, neutrality, impartiality and independence (Chaplin et al. 2019), critical scholars maintain that an asymmetrical power relationship between a saving superior Western-self and an inferior non-Western Other remain at its core (Barnet 2012; Fassin 2010; Tabar 2016; Ticktin 2014). These academics argue that subjects of humanitarian aid are characterised by innocence and a lack of agency, reflecting Orientalist discourses outlined above. A major critique is that the humanitarian sector values so-called 'global knowledge', meaning the expertise and interest of the Global North, over local expertise (Turner 2019). This epistemic superiority of the Global North leads to the fact that paternalism becomes an 'organizing principle of international humanitarian order which relies on dual notions of care and control while involving in other's lives to protect them even against their will' (Barnett 2012: 485). In other words, whilst the Other is silent, the humanitarian has agency and power to determine what is best for the Other. In this context, Linda Tabar argues that humanitarianism reproduces racialised hierarchies through its making and operationalization of the suffering 'victims' (2016).

Here it is particularly relevant to look at SGBV interventions. In the 1990s, following the emergence of new types of wars (most notably the Bosnian war and Rwandan genocide), in which rape was increasingly employed as a weapon of war, SGBV was placed high on the international agenda (Mertens and Myrntinen 2019). Until today, SGBV interventions, especially when militarised, remain a contested topic amongst feminist scholars. Celebrated by some for its achievement of establishing feminist concerns at the international level (e.g. Cohn and Enloe 2003), others have pointed to the shortcomings including the reproduction of Orientalist narratives and the commodification of victims (for an overview see Veit, 2019). Radna Kapur (2002) argues that the focus on violence against women in the international human rights arena has contributed to the image of non-Western women in the victim position, therefore, losing its emancipatory agenda.

Other critics claim that this move confirmed the female body as vulnerable and therefore a site of policing, protection and intervention (Ticktin 2011), much like it had been in colonial times where regulations of sexuality constituted imperial power (Stoler 2016). Miriam Ticktin (2011; 2014) argues that the unprecedented attention of humanitarians to sexual violence medicalises and therefore depoliticises the issue, without demanding greater social justice and accountability. The entanglement of sexual violence with gendered relations of power, as well as the context in which the violence occurs, including continuums of violence by Western forces, become erased and more political claims are displaced (ibid).

### *The Politics of Vulnerability*

We can therefore see that the categories of victim and saviour in humanitarianism are deeply entwined with colonial legacies. This section now turns to how the gendered and racialised understanding of victimhood is reflected in the policy label 'the vulnerable'.

Whilst the concept of vulnerability bears different meanings depending on the academic discipline, in the policy world 'the vulnerable' is employed as a category to determine protection needs and support. Having become a 'buzz-word' in recent years (Flegar 2018), migration scholars have for decades criticised that the labelling and categorisation of individuals oversimplify unique positionalities and needs. Policy categories are used to group people together assumed to share certain characteristics, such as age, gender or disability (Bakewell 2008). This is linked to the process of labelling, involving the 'disaggregation, standardization, and the formulation of clear-cut categories' (Zetter 1991: 44) which 'are translated into bureaucratically assumed needs' (1991: 39). Once a category and then a bureaucratic label is established, it becomes a tool for humanitarian programming to identify certain issues and responses. The process is found to misinterpret individuals' experiences which then results in implementing a one-size-fits-all approach failing to address their actual needs (Bakewell 2008).

Another major criticism is the power imbalances at the very core of this process: due to their non-participatory character, policy categories and labels reflect the interests, values and judgements of those who label rather than those who are labelled (Zetter 2007). While it may appear that people are put in a seemingly neutral ordering process, the protection actors determine who is perceived as 'worthy' or 'deserving' and the type of support granted (Sajjad 2018). Sajjad describes labelling as an exercise of power that divides the world into the colonial binary between 'civilised' and 'uncivilised', 'Western' and 'Third World' (2018: 46), or in the case of this article 'victim' versus 'saviour'.

The link to the discourse on racialised and feminised victimhood is particularly visible in the employment of the vulnerability label. There appears to be a longstanding assumption among humanitarians that 'the (most) vulnerable' would be women, children and the elderly (Fiddian-Qasimiyeh 2017; Sözer 2019), which is connected to a wider infantilization and feminisation of the refugee figure (Enloe 1993; Malkki 1996). This supposedly self-evident character of the vulnerability label is found to avoid a critical discussion of what the label actually entails (Flegar 2018; Sözer 2019; Turner 2019) and to ignore unique and situational vulnerabilities (Chaplin et al. 2019). In practice, the binary categorization translates into the common exclusion of all refugee men from the vulnerability label (Farrag 2009; Turner 2019). It further increases the risk of leaving behind those who face complex sets of intersecting identities, meaning for whom different identity markers such as gender, age, (dis)ability and ethnicity intersect to unique discriminations and vulnerabilities (Chaplin et al. 2019). As Sözer (2019: 4) eloquently states: While categories 'bind' those labelled 'vulnerable', they 'blind' the policymaker from seeing the contextual nature of refugee's vulnerabilities.

The politics of vulnerability in humanitarian practices is even more intensified and problematic given a recent shift among humanitarians from targeting 'the vulnerable' to focus on 'the most vulnerable' (Sözer 2019). The emerging hierarchical system offers assistance only to a fraction of those in need of support, which leads scholars to describe refugeehood as a 'vulnerability contest' (Howden and Kodalak 2018) whereby the evaluating humanitarians' expectations of worthiness have to be matched. As the vulnerability label is connected to accessing resources and services, it is found to encourage, and at times necessitate, the performance of the powerless, vulnerable victim



(Malkki 1996; Turner 2019). Lewis Turner (2019) summarises that scholarship found this performance to include 'demonstrat[ing] material destitution' (Wagner 2018: 43), publicly identifying with humanitarian labels (Clark 2007), and framing one's experiences within particular narratives to establish 'credibility' in the eyes of humanitarians (Sandvik 2011)' (cited in Turner 2019: 14). I would add that the suffering body bears particular importance for claims of deservingness, as outlined in the previous section in the context of sexual violence (Ticktin 2011). While some scholars maintain that refugees' strategic performance of vulnerability presents an exercise of agency, it does not take away from the fact that they remain in a subaltern position where the power lies with the humanitarian (Turner 2019).

### Case Study: The 'Saviour' of Ezidi Women

Having these various aspects of the politics of victim- and saviourhood in humanitarian programmes in mind, I came to question how they applied to the Sonderkontingent. This is why the following part applies these criticisms to the programme, after which their consequences, namely the creation of new vulnerabilities, will be discussed. The paper's findings are visualized in Figure 1.

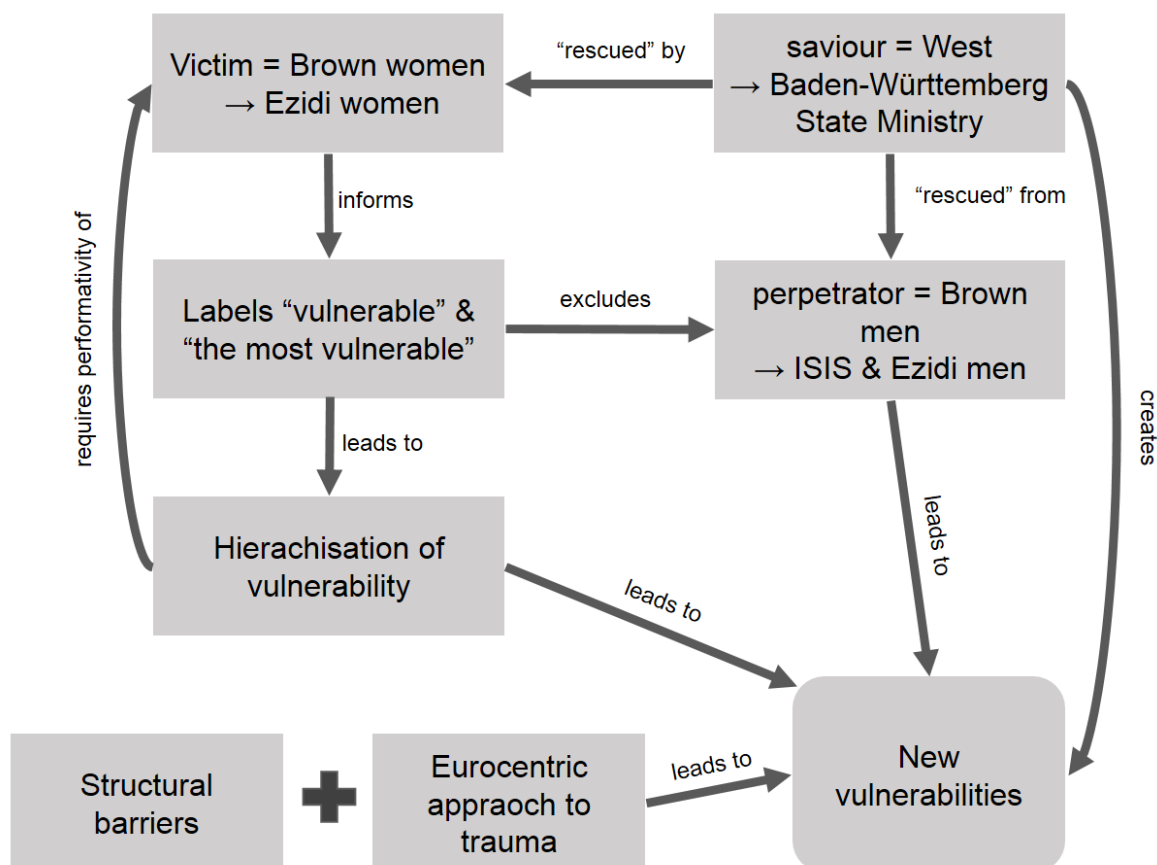


Figure 1: Overview of the paper's findings and argument



*Victimisation of Ezidi Women*

As outlined in the introduction, the Sonderkontingent was established in reaction to the atrocities Ezidi women suffered at the hands of ISIS. Ethnically Kurdish, Ezidis are one of the oldest monotheistic religious communities indigenous to the Middle East. Estimates put their number at about 500,000 spread through northern Iraq, northern Syria, western Iran, Turkey, Armenia and Germany (Kaya 2019). Their undeserved perception as 'devil-worshippers' has made them the object of persecution from the 16<sup>th</sup> century onwards under the Ottomans up until the 21<sup>st</sup> century under ISIS, whereby the latter attack accounts for the 74<sup>th</sup> genocide (Tezcür et al. 2020). On 3 August 2014 and the days following, an estimated 3,000 Ezidi men were executed and approximately 6,400 women and girls taken hostage and sold into domestic servitude and sexual enslavement (Cetorelli et al. 2017). The systematic sexual abuse, including rape, bears a particularly destructive element for the Ezidis whose community is characterised by a closed caste system whereby marriage and sexual relations with non-Ezidis are strictly prohibited (McGee 2018). At the time that the Sonderkontingent was initiated in October 2014, it was unclear whether women returning out of ISIS captivity would be accepted back. The decision by the spiritual father of the Ezidis, Baba Sheikh, that returning women were still members of the community was only taken later that year (Junne et al. 2019).

This sexual violence was at the centre of public discourse around the Ezidis. Ezidi women found themselves in the paradoxical situation of being expected to provide testimony of the sexual violence experienced to receive international support, whilst still being stigmatised within their own community (Hardi 2018; Hosseini 2019). In a paper analysing Western media coverage of the genocide, Buffon and Allison (2016) find a 'hyper-visibility' of Ezidi women's injured body, combined with a strong focus on the Ezidis' non-Muslim belief system, the historic violence and discrimination faced, and the courage of survivors to speak out. Their analysis shows that Ezidis' diverse narratives and subjectivities were silenced, which particularly rendered Ezidi men invisible, or worse conflated with the perpetrator ISIS. The production of an undifferentiated image of the 'abducted woman', they argue, mobilised a cultural representation of victimhood 'infused with Orientalist and patriarchal tropes' (Buffon and Allison 2016: 177). Other scholars have also found that the image of the Ezidi refugee has become highly feminised (McGee 2018; Stuewe 2018). Consequently, we can see that the representation of Ezidi women strongly reflects (neo-)Orientalist discourses criticised in the above section, focusing on their victimhood and describing them as infantile, disempowered and incapable of self-determination. Seeing that Ezidis are not Muslim and would therefore at first sight not fall into the category of 'the oppressed Muslim woman', I conclude that more importantly Ezidi women were violated by 'the Muslim man' and for this reason appear in need of saving.

Thereby this discourse appears to neglect the wider historical, social, political and cultural background. While not wanting to trivialise the atrocities of the 2014 genocide, scholars have called for a better contextualisation (Al-Ali 2018; Kaya 2019). The sexual violence under ISIS exists within a continuum that includes everyday forms of gender discrimination and inequalities in Iraqi and Ezidi society prior to 2014. Al-Ali (2018) notes a long history of the politicisation of Iraqi women's bodies, which includes the instrumentalization of women's rights during the US invasion mentioned earlier but has also played a role in

regional and national politics. As an ethnic minority, Ezidis have been even more vulnerable to existing forms of gender-based violence and discrimination in political, legal, and socioeconomic terms (Kaya 2019). Not accounting for this background offers only a restricted understanding of the roots and context of the genocide and hence limits the means to address it (Al-Ali 2018).

In my interviews, the two representatives from the Ezidi and German women's rights organisations were the most outspoken in criticising a sensationalisation of the Ezidi case and argued that, as victims of the West's enemy ISIS, Ezidi women presented a unique opportunity for instrumentalization. In line with the works of Farris (2017) and Abu-Lughod (2013) referred to earlier, they argued that the saviour of Ezidi women serves an underlying agenda: it allowed the West to avoid taking any responsibility for the sociohistorical context in which the violence occurred and distract public scrutiny from its own social issues such as sexism or questionable asylum practices. They saw an inconsistency in the State Ministry's focus on the sexual violence experienced by the Ezidis while neither supporting women in other war contexts (e.g. Sudan, Democratic Republic of the Congo or Myanmar) nor having strong policies to combat violence against women in Germany.

As I have shown, the representation of the Ezidi genocide shows parallels to Orientalist discourses focusing on the victimhood of non-Western women. Building on this background and my interviewees' criticism, I will explore in the following section how these narratives were translated into the Sonderkontingent's programming.

### *The Politics of Victim- and Saviourhood in the Sonderkontingent*

The way in which this discourse informed the Sonderkontingent's set-up is arguably most evident in its exclusive focus on women and children. The Baden-Württemberg State Ministry found women to be 'the most vulnerable' population due to their experiences of sexual enslavement, as well as loss of family members and husbands which required them to provide for their children by themselves. The project team reasoned that men had higher chances of arriving in Europe through irregular channels, whilst women had more difficulty to cross the borders or survive in the IDP camps (Junne et al. 2019)<sup>3</sup>. I therefore reason that the Sonderkontingent had a clear gendered understanding of who was deserving of protection.

Further, in reacting to the sexual violence experienced at the hands of ISIS, the programme appeared to neglect the continuum of violence described in the previous section. Some of my interviewees maintained that the project team did not account sufficiently for oppressive patriarchal structures in the Ezidi community, such as dowries, forced marriages or limited access to education, as well as the stigmatisation Ezidi women and children faced when returning from ISIS captivity. In the programme's concentration on trauma therapy, we can therefore find elements of the medicalisation and depoliticization of sexual violence which

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<sup>3</sup> The irony of excluding Ezidi men, knowing that they need to irregularly cross brutal border regimes to be reunited with their spouses, should be noted.

Ticktin (2011) criticises. The focus on bodily integrity and medical treatment appear more important than the wider socio-cultural context.

Whereas the image of Ezidi women centres on their victimhood, the State Ministry is characterised in the saviour position, as evidenced in media representation, brochures and interviews with the project team. McGee (2018: 104) describes the public presentation of the three male programme leaders (two of which have Ezidi roots), as an 'omnipresent figure of the superman-saviour from the West or diaspora'. Interview statements of Michael Blume, the lead project manager, such as 'when are you ever asked to save 1000 lives?' (translation<sup>4</sup>, SWR1 2019) or 'you can save a life for the price of a car and I think democracies should do that' (cited in Wallis 2018), are troublesome and give ground for concern about the perceived superiority of the Western humanitarian. The Orientalist juxtaposition of a saving West to the barbaric and victimised non-Western other reproduces itself time and time again.

Finally, it appears that the programme displayed a paternalistic and not participatory approach. While the State Ministry stated to have cooperated with local organisations, most notably the Ezidi Supreme Spiritual Council in Lalesh, my interviewees suggested that these consultations were not representative. In their opinion, the patriarchal structures within Ezidi society meant that women were neither present in the decision-making bodies nor properly consulted. This suggests that the project team valued their own knowledge over that of those they aimed to support, reflecting earlier outlined criticism of humanitarianism. A lack of understanding of the local context, and particularly the local politics, was confirmed in the interviews I conducted.

### *The Politics of Vulnerability in the Sonderkontingent*

To further comprehend how gendered understandings of vulnerability and victimhood played out in reality, we have to look at the selection process of the programme. In 2015, a team from the Baden-Württemberg State Ministry flew to Duhok Governorate to interview and personally select participants. As mirrored in the Sonderkontingent's name, in addition to only selecting women and children, they aimed to choose those deemed '*particularly vulnerable*'<sup>5</sup>, which brought yet again issues with it.

Initially, the State Ministry decided on two selection criteria for Ezidi women: the need to (1) be located in Northern Iraq, and (2) have been victims of traumatising experiences, put more explicitly, of sexual violence at the hands of ISIS. With the programme established relatively shortly after the genocide when many Ezidi women were still in captivity, the State Ministry was initially unsure whether they would succeed in filling the quota of 1,000 participants. However, they soon faced a situation where they had more interested and suitable candidates than places. Therefore, on top of the before-mentioned criteria, the State Ministry established a ranking which 'included the duration of captivity (from a few days to several months), the severity of traumatising (up to flashbacks and acute

<sup>4</sup> When 'translation' is indicated, this means it was translated from German into English.

<sup>5</sup> German refugee policy uses the term 'schutzbedürftig' for 'vulnerable', which translates into 'in need of protection', and hence reflects the saviour-narrative even stronger.

suicidality), medical indications (e.g. self-harm to evade further abuse), the dissolution of protective family structures, and the perspective for successful treatment in Germany' (translation, cited in Junne et. al 2019: 72).

For the selection process, the State Ministry interviewed Ezidi women who had been recommended by local protection actors based on details related to their captivity, traumatising experiences, current psychological state, and acute complaints (Junné et al. 2019). From my interviews, it becomes clear that the State Ministry not only categorised Ezidi women into those who were considered 'worthy' for participation but further established a hierarchy among them. The representative from the umbrella organisation for Ezidi Women's Councils clearly expressed the brutality of this process in our interview: 'What is a criterion? How often and long one had been raped? The more the better chances are to be included?' (translation).

These questions direct us to the need for Ezidi women to match the criteria and thus the idea of deservingness for the project team. In my interviews, representatives from the IOM and UNHCR who had observed the selection process, maintained that many women did not answer truthfully: 'there was this idea of having to perform victimhood. "Explain everything that had happened and how horrendous everything was"'. They believed that women recounted more severe scenarios, out of fear of not being included in the programme, or consciously withheld information, for instance on missing family members, due to rumours that they would have a better chance of being selected. These accounts provide concrete examples of the discussed problem in the literature review that competition over the recognition of one's vulnerability may force people into performing the expected vulnerability. In the end, both interviewees maintained that it was not the 'particularly vulnerable', by the programme's own definition of vulnerability, who were selected. Based on follow-up screenings the IOM did, my interview partner estimated that only about half of the women brought to Germany matched the selection criteria of being severely traumatised.

My research, therefore, found that the Sonderkontingent repeated a pattern of Western humanitarian practice in which a group of people is selected, labelled and then given access to certain privileges. I argue that the selection criteria rather reflected the priorities and interest of the Baden-Württemberg State Ministry, than those of the local community. It seems like another manifestation of Western hegemony that the programme team flew to Iraq—with a limited understanding of the local culture and circumstances—to personally select suitable candidates, rather than relying on the assessment of local actors. In the last section, I now turn to the consequences of these shortcomings in the set-up, as mirrored in new vulnerabilities that emerged upon arrival in Germany.

### *New Vulnerabilities: Structural Barriers*

While the State Ministry maintained that the change of scene and a stable structured day helped the women to overcome their trauma, most of my interviewees contended that the cultural and language barriers, as well as bureaucratic restrictions, were hampering the

perspective of starting a healing process in Germany. A social worker supporting the programme participants in Freiburg described:

Thinking about what counts as vulnerability, I recognise with which background and experiences, and under which conditions—culturally, politically, through the genocide—these women arrived here in order to receive support, and in which renewed dependency they entered due to a lack of local networks, language barrier, lack of access to information, completely new culture and society .... Thus, vulnerability is very multifaceted at home as well as here. Whilst in principle they are refugees—even if they don't see themselves as such—the corresponding legal frameworks again pose great barriers to participate in socio-political life (translation).

Interestingly, this suggests that while aiming to support 'the most vulnerable', the Sonderkontingent exposed the participating women to new vulnerabilities, which in turn limited their ability to act autonomously.

These restricted legal rights are connected to the Sonderkontingent's problematic set-up as a Humanitarian Assistance Programme. As de-facto visa schemes with humanitarian scope, HAPs are built on the assumption that people need only temporary protection and will return to their country of origin. HAPs have been criticised for their 'rights trade-off' (Endres de Oliveria 2020) since they minimise social provisions and rights compared to resettlement programmes for refugees under the 1951 Refugee Convention. This affected the participating women in two ways. Firstly, their residency status is only temporary, currently being renewed every two years, and bound to a specific municipality, which severely hinders the women's freedom of movement and exposes them to constant legal insecurities. Secondly, it limited the possibility for family reunification, which is particularly problematic, considering that participants were told at the beginning of the programme that they could be reunited with their husbands after two years. Although in our interview the State Ministry blamed the federal government for changing the legislation following the migration summer of 2015, other interviewees saw it as a political failure of Baden-Württemberg.

Overall, it is difficult to imagine how the women should enter a healing process while exposed to a completely new environment, not knowing if they will be reunited with their families or whether they will have the right to stay in the long-term. Furthermore, there is the question of whether the trauma treatment in Germany was a suitable approach to begin with, as will be discussed in the next section.

### *New Vulnerabilities: Trauma and its Eurocentric Treatment*

The exclusion of male Ezidis was the most prominent obstacle reported in all interviews, severely hampering the women's healing process. Whereas the project team assumed in the beginning that most of the women had lost their husbands in the genocide, several participants had to separate from their spouses to participate in the Sonderkontingent. In a strongly patriarchal society, most of the participating married women had previously been

dependent on their husbands. The separation of spouses through the programme was particularly puzzling seeing that family ties present an important stabilising factor in trauma therapy. In the words of one of my informants, an Ezidi survivor himself, 'they needed their husbands more than therapy'. In my interviews I was told that many women felt deceived until today, torn between returning to their husbands in Iraq or providing a better future for their children by staying in Germany.

Moreover, although the project team aimed at putting participants that were related in the same accommodations, participants were dispersed across 22 municipalities. My interviewees maintained that many women were not aware of this before their arrival and perceived it as secondary isolation. The family separation and related uncertainty were indeed identified as 'the most important distressing factors' in an independent research paper (Rometsch-Ogioun El Sount et al. 2018: 8) and described as 'destabilising' in the programme's own evaluation (Junne et al. 2019: 268). According to the interviewed social worker, this translated for some women into psychological crises, sleeping disorders, constant anxieties and instability. The preoccupation with the wellbeing of family members in Iraq, many of which were either missing, in ISIS captivity or dire situations in IDP camps, was found to leave little capacity to focus on closure and processing of the trauma.

Another issue addressed in my interviews was that the programme's Western approach to trauma therapy did not sufficiently respond to the women's cultural background and experiences. Similar to criticism of Eurocentrism in humanitarianism, recently the field of trauma studies has been criticised for not understanding the interplay between body and mind in non-Western cultural contexts, including the failure to capture trans- and intergenerational trauma in collective societies (see e.g. Milich and Moghnieh 2018). My interviewees found these concerns highly relevant for the case of Ezidis who have a strong communal orientation.

Indeed, the programme's key traumatologist Prof. Dr Kizilhan discussed extensively the unique understanding of trauma in the Ezidi's collectivist society and the need to develop culturally sensitive approaches. With the 2014 attack awakening memories of the previous 73 genocides, he found that Ezidi women have experienced traumatisation at individual, collective and transgenerational levels, and the healing process would concern not only the individual but also the community as a whole (e.g. Kizilhan 2015; Kizilhan and Noll-Hussong 2017). He outlined that Ezidis understand and express trauma differently from Western societies and that hence traditional Western psychotherapy is only suitable to a limited degree.

Whereas the need for culturally sensitive approaches was communicated early on, my findings suggest that these were not necessarily implemented. In fact, the Sonderkontingent's set-up foresaw for each municipality to develop its own psychosocial care response with little guidance from the State Ministry. Another criticism to be considered is that the Sonderkontingent did not offer the appropriate treatment for genocide survivors. My interviewee, who was working for the IOM's psychosocial support unit in Duhok at the time, maintained that a more elaborate programme linking specialised trauma healing with *ad hoc* and culturally sensitive community-based psychosocial activities would have been necessary. He said:

I don't know if they underestimated, or they knew, and they didn't want to think about it ... I feel that the programme itself failed a bit on its assumptions. Bringing out of the mess witnesses and victims of a holocaust—because it was a holocaust, we were using this word, I am not inventing—and then somehow parachuting them into the beautiful Stuttgart; very rich, very nice, but without the proper follow-up.

While the expectation was that the women would come to Germany and immediately start treatment, in reality hardly anyone took up the 'established and individualised trauma therapy in a European understanding' (translation, Landtag von Baden-Württemberg 2016: 5). Instead, participants engaged predominantly in group therapy measures, such as art or movement therapy. Acknowledging that adequate communication and integrated psychosocial care were not provided to the women at the early stages of their stay in Germany, the IOM representative concluded: 'only half of the work was done', meaning that they succeeded in bringing the women over, but failed on supporting them in their healing process.

## Conclusion

While the Sonderkontingent was established to 'save' Ezidi women after the genocide, my interview data suggests that new vulnerabilities were created in the process, forming part of the continuum of traumatisation and violence the women experienced. In sum, I have argued that the Sonderkontingent reacted to and is therefore reflective of an Orientalist discourse of Brown – here Ezidi – women 'in need of saving' from the West. The programme appears to reproduce many of the problematic power-asymmetries in humanitarianism, where a paternalistic approach denies voice and agency to those it aims to support. In its exclusive selection of women and children and ignorance of Ezidi men, the Sonderkontingent appears to employ a gendered understanding of both victimhood and vulnerability. This in combination with the new vulnerabilities created in Germany, through structural barriers and a Eurocentric approach to trauma healing, I maintain, should lead us to question whether the very reason the Sonderkontingent was initiated – the psychological treatment – was successfully provided in the end.

With this article, I by no means want to deny that the Sonderkontingent presented a positive life-changing opportunity for many participants, especially the young who see their future in Germany. However, I insist on the importance of critically examining how the Sonderkontingent is embedded in a humanitarian system that serves to perpetuate Western hegemony. Therefore, at a time of Post-, and more so De-colonial approaches, this article ends with a call to rethink humanitarian and migration governance as we know it. Doing so would require to not simply broaden the scope or change aspects of a HAP like the Sonderkontingent, but to also challenge the Eurocentrism and Neo-colonialism at its very core. With this paper, I hope to demonstrate small steps that need to be taken by Western humanitarian programmes targeting SGBV survivors which include a careful consideration of the local context, true consultative processes, as well as the critical self-reflection of the humanitarian's own positionality and discourses that inform programming decisions.

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## The Author

*Andrea Theresa Haefner graduated with distinction from the MSc "Migration, Mobility and Development" at the School of African and Oriental Studies in 2020, and holds a bachelor's degree (summa cum laude) in "Liberal Arts and Sciences" from Amsterdam University College. Since 2015, Andrea has been working in the field of migration and asylum, with a particular passion for gender issues and feminist perspectives. She co-founded and worked with grassroots initiatives and NGOs supporting refugee's socio-economic integration in the Netherlands, France, the UK and Germany, as well as was employed in Brussels for two years at UNOPS and the International Centre for Migration Policy Development.*

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# ***Turning Asylum Seekers' Smartphones into Control Devices: The Introduction of the Data Extraction Policy in Austria***

IVAN JOSIPOVIC

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## **Abstract**

Refugees are often forced to embark on an irregular journey to apply for asylum in a safe country. Smartphones are a key tool for orientation both on the road and upon arrival. In recent years, countries like Belgium, Denmark, Germany, and Austria have introduced policies that enable authorities to evaluate asylum seekers' data storage devices, in particular smartphones. The goal is to gather evidence on an individual's identity, their travel route, or potential public safety risks emanating from a person. By analysing short messages, social media activities, internet searches, and geolocation data, immigration authorities heavily intervene into individuals' private spheres, raising questions over data protection, voluntary consent, and proportionality. This article draws on the case of Austria to explore how Smartphone Data Extraction (SDE) could come to be considered a legitimate policy tool in an era of the new data protection discourse. It maps adversary stakeholders and conflicting political rationales at this new site of migration control, arguing that we are witnessing an experimental phase of SDE policies in Europe, where the purpose, the scope, and the ethical implications are strongly contested.

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## Introduction

Smartphones are an essential tool for anyone who is on the move across unknown territory. People who flee their country and who seek to apply for asylum in Europe often embark on an irregular journey. More than any other group of migrants, they rely on digital devices for geographical orientation, information on institutional procedures in countries of transit and destination as well as a means for mobilizing social resources through communication networks (Kaufmann 2016; Zijlstra and van Liempt 2017). Recently, political actors and immigration authorities in Europe have begun to use immigrants' reliance on smartphones, turning them into tools of migration control. The extraction of data from asylum seekers' devices has become common practice in asylum procedures across countries like Norway, Denmark, or Germany (Bolhuis and Van Wijk 2020). Contacted phone numbers, country codes, email addresses, or location data can be used to establish an applicant's identity, their travel route or to assess potential security risks, all three of which are relevant to rights and duties throughout the asylum procedure as well as the acquisition of a legal status.

As a policy tool of border control, Smartphone Data Extraction (SDE) raises multiple legal, ethical, and practical questions. How can the right to respect for private life be upheld? What does the asymmetric power relation between authorities and immigrants mean for the provision of consent under data protection regulations? How and by whom is data saved, processed, and interpreted? Recent analyses (Meaker 2019; Bolhuis and Van Wijk 2020) have shown how countries that implemented some form of SDE grapple with all of these questions.

This article studies the case of Austria, which adopted a corresponding law in 2018. It analyses how SDE could be considered a legitimate policy tool and which hurdles policy makers encountered in the process of implementation. The article is based on a policy analysis that draws on four sources of data material: the related legal act from 2018, parliamentary debates between August 2015 and August 2018, parliamentary inquiries, as well as political party press releases and newspaper articles.

In the following section, I describe the contemporary role of digital infrastructure for processes of border control and elaborate on the implementation of SDE in other European countries. In the third section I turn to the case of Austria and discuss 1) the political climate and the argumentative patterns for the introduction of SDE, 2) the legislative process and civil society resistance, and 3) implementation issues. In the final section, I seek to draw lessons from Austria's case by identifying the major sites of conflict in this realm of migration control.

## Background: Smartphones as Control Devices

Migration control and criminal justice databases have been a central pillar of the European border regime for almost three decades (Jeandesboz 2017). Starting from the early 1990s, several European Member States started dismantling border control posts based on the Schengen Agreement that was later incorporated into EU law. Of course, Schengen did not mean a Europe without borders for all. By the early 2010s, the EU had entered a new era of

border control, by increasingly militarizing its external borders in southern Member States against unwanted immigrants (Lemberg-Pedersen 2018) and by delegating immigration control activities to private firms and neighbouring countries like Turkey, Libya, or the Ukraine (Bialasiewicz 2012). Data management through digital infrastructures constituted another key dimension of this new border regime. Various data bases and detection tools enable authorities to verify, identify and assess potential risks associated with individual immigrants (Van der Ploeg and Pridmore 2016). In the context of asylum, the most prominent infrastructure is EURODAC, an automated fingerprint identification system which is intended to support an efficient implementation of the Dublin Convention (and later the Dublin Regulation). Like its legal predecessors, the current Dublin III Regulation stipulates that the country in which an asylum seeker first applies for international protection is responsible for accepting or rejecting the claim.

Following the so-called refugee crisis of 2015, several EU Member States began restricting immigrants' access to their territories and asylum systems. Given the fact that the principle of providing asylum is a core aspect of liberal democratic constitutions as well as a legal obligation under international and EU law, policy makers largely refrain from substantive changes to this legal realm and instead introduce procedural hurdles. Identification, namely the process of linking personal (and biographical) information to a particular individual is a key step in asylum procedures (Van der Ploeg and Sprenkels 2011). It does not only set up the informational basis for making an individual bureaucratically manageable, but also holds information that is potentially relevant to the assessment of state responsibility and security risks.

For more than a century, passports have been the primary linkage between an individual and its citizen persona (Torpey 2000). Yet, as the possibilities to forge documents grew and as people from war-torn regions began to arrive without any documents (either because they were destroyed or because individuals were stateless), state authorities responded by increasing informationalisation and digitisation in other material spheres (Van der Ploeg and Sprenkels 2011). After documents, the human body became machine-readable through the application of biometric technology (*ibid.*). Now, we witness how smartphones as globally dominant technological self-extensions are turned into plains for inscribing state control.

Extracting data from digital devices, such as a person's messages, internet searches, social-media activities, or geolocations, enables authorities to make people identifiable without relying on a great deal of their self-disclosure. However, the production of evidence through such infrastructures is by no means a neutral way of rendering asylum procedures more efficient. In fact, it is a deeply social and political process by which purposes of data extraction need to be defined, where parameters of evidence need to be constructed and where particular actors need be selected to conduct interpretations of the material at hand (Amelung et al. 2020, Dijstelbloem et al. 2011).

Bolhuis and van Wijk (2020) have recently described the increased use of social media and mobile devices for migration control in asylum procedures in Belgium, Germany, the Netherlands, Norway, and Sweden. The extent and concrete realms of application of SDE differ across these countries. For example, while the German Immigration Office can only

apply SDE if no less intrusive methods are available to establish a person's identity, Norway and the Netherlands have informal criteria that are based on an officers' personal evaluation of the data carrier. The German case, which offers the most extensive scholarly examinations on internal proceedings so far (see for example Biselli and Beckmann 2019), provides for a three-step procedure. First, immigration officers who are responsible for the registration of asylum applicants early upon arrival decide whether a data carrier (mainly smartphones) should be read out. This is the case if the individual is not able to provide a passport or any replacement documents. Second, the data carrier is attached to a hardware system that automatically retrieves, complies, and saves particular types of meta-data from the phone, including login names and profile information of social media and email-addresses, the language used in text messages, country codes saved in contacts and calls, domain endings of websites, and geolocation data. Eventually, the results report of this automated data extraction can be inquired for release by immigration officers who conduct the asylum hearing in order to be able to look for contradictions to applicants' personal indications (ibid: 12).

The existing evidence on the feasibility, efficacy, and legality of SDE shows a myriad of practical, legal, and ethical issues that are common to digital infrastructures of migration control (Brouwer 2011; Ajana 2015). In Germany, the Federal Data Protection Commissioner argued early on that the law did not provide any guarantees that data analysis would only be conducted in cases where it was necessary due to no other remaining options of identification. She furthermore pointed out that the systematic data evaluation without a judicial order might be potentially unconstitutional. In June 2021, the Administrative Court of Berlin concluded the first lawsuit against related practices and found that the federal immigration authorities had indeed wrongfully read out the data carrier of an Afghan asylum seeker, because they had not examined milder means.

Despite early controversies in Germany, where SDE was introduced in 2017, Austria followed the example one year later. In the next section, I elaborate on how SDE came to be seen as a legitimate policy tool for processing asylum seekers in Austria.

### **The Introduction of SDE in Austria**

In Austria, the legal basis for SDE was created in July 2018 under the *Fremdenrechtsänderungsgesetz 2018* (BGBl I Nr. 56/2018) (Aliens Law Amendment Act 2018). The corresponding ministerial bill (38/ME) announced 'creating the possibility for the seizure and analysis of data carriers in the possession of the asylum seeker (in particular cell phones)' (own translation). Para. 39a. of the amended BFA-Verfahrensgesetz (BFA-Proceedings Act) states:

(1) The bodies of the public security service shall be authorized to make a backup copy of data contained on seized data carriers for the purpose of establishing identity and to evaluate such copy if a foreigner has filed an application for international protection and it is not possible to establish identity on the basis of the available evidence [...].

Section (2) of para. 39a. furthermore allows the examination of data carriers if the declared travel route cannot be reconstructed based on any other evidence. The following part will take a closer look at how this legislative measure under Austria's post-2015 conservative-right-wing coalition government was realized.

### *Political Climate and Policy Rationales*

Like many other EU Member States, Austria experienced a steep rise in asylum applications in 2015 and 2016. Although it managed to successfully accommodate tens of thousands of people, the political climate turned from an initially welcoming culture to scepticism and outright hostility towards refugees. The conservative People's Party (ÖVP), at that time part of a grand coalition government with the Social Democrats, as well as the far-right Freedom Party (FPÖ) were the driving forces of an anti-immigration discourse in Austria. Although the Grand Coalition had passed some of the most restrictive asylum laws in the country's history, the 2017 snap elections turned into a competition over what else could be done to curb migration and discipline people who had successfully established a status. The ÖVP and FPÖ won the election and formed a new government coalition around the common project of law and order politics. A few weeks into office, the FPÖ interior minister Herbert Kickl made his first political announcement, in which he argued that he would respond to the wishes of the majority population and implement restrictive asylum policies, including SDE.

Interestingly, however, the FPÖ fostered debates over asylum seekers' smartphones much earlier. As early as September and December 2015, the FPÖ made parliamentary inquiries to the former interior minister. At that time, the media sensationalised a public debate about why asylum seekers own (expensive) smartphones if they come from war-torn regions. Some sources spread misinformation, arguing that the federal government gave away smartphones for free. Although most mainstream news outlets soon debunked these myths and ridiculed existing assumptions over asylum seekers and technological gadgets, the FPÖ maintained these stories in its parliamentary inquiries. After their question on an alleged smartphone give-away-action was answered negatively, the FPÖ members of parliament turned their argumentation around. The second inquiry referred to reports that highlighted the importance of smartphones for refugees 'as an anchor to their homeland' and as a means to maintain contact with their families. Based on this, the FPÖ members of parliament asked if the interior ministry was using phone data to tackle the issue of lost travel documents and to determine asylum seekers' countries of origin. Again, the question was answered negatively-there was no legal basis for such practices.

After arriving in government office, the FPÖ was ready to create precisely this kind of legal basis. Between 2018 and mid-2019, when the coalition broke apart, the ÖVP-FPÖ majority passed a series of restrictive laws. The laws were mainly driven by two strains of logic that cut across their immigration policies: increasing the administrative availability of asylum seekers through disciplinary measures and responding to alleged bogus identities in several legal areas. In this way, SDE arrived in a large legal amendment package that also enabled authorities to introduce machine-readable asylum procedure ID-cards that can be used for identification purposes or to grant access to particular reception facilities. The



assumption of bogus identities is also reflected in another part of the package, which changes the Universities Act to prevent the misuse of student mobility for obtaining a residence title. During the same year, the FPÖ furthermore triggered a legislative debate on immigrants' misuse of electronic health insurance cards, which led to the introduction of facial images on these cards.

Thus, it is important not to think of the introduction of SDE as an isolated measure, but as a policy tool that emerged from a particular anti-immigration discourse and that is part of a series of other instruments that reflect similar political rationales. An FPÖ member of parliament's statement, issued prior to the introduction of the respective ministerial bill, reflects the assumption that asylum seekers are dubious and obscure figures:

There are possibilities that are now being created for the first time, for example, tracking via cell phones or the like. You [the opposition] can now argue against it, say, no, you don't want that, stand here and say that. But I would like to point out that there is a reasonable suspicion that a person is lying to the Republic, to the officials of the aliens branch of the police, when he or she is being questioned. [That goes] to the extent that he or she does not even speak the language of the stated country of origin or know its capital or the national currency and the like. (own translation)

### *Legislative measures and resistance*

In April 2018, the federal government eventually presented the ministerial bill of the Aliens Law Amendment Act, which, it was argued, would increase the efficiency of procedures and more quickly establish the need for asylum applicants' protection. The SDE provision related to immigrants who fall under the legal realm of the asylum procedure and to those whose situation is unrelated to asylum but are caught without legal permits and identification documents. In its original version, the legal proposal enabled authorities to seize and check data carriers to assess an individual's identity and his or her travel route. It also allowed them to draw on the data in cases of suspected false information during the asylum procedure and authorised parts of the public security service to transfer evaluated data for the purpose of criminal prosecution to the responsible authorities.

This triggered a wave of public statements on the bill, coming from human rights organisations as well as internet rights and data protection organisations. Among the latter, the non-governmental organisation Epicenter Works argued that the provision represented a violation of the right to a fair procedure under Article 6 ECHR, the right to respect for privacy under Article 8 ECHR and Article 7 CFR, as well as the right to data protection under Article 8 CFR (Adensamer et al. 2018). It described the policy as 'disproportionate and excessive' (ibid: 4) because the goal of establishing identity and travel routes could not justify such an intense encroachment into people's personal sphere. Specifically, it criticised the fact that data could be processed without limitation in regard to its nature and presumed content. Furthermore, it highlighted how immigration authorities would be allowed to create a backup copy of the data without ensuring the individual's right to delete data that is obviously unrelated to the purpose of the measure.

Not only does the SDE policy potentially violate several fundamental rights of liberal democratic rule. The measure was also deemed ineffective and unsuitable in recent years. For example, UNHCR noted in its statement that smartphones are often used by several people during the long flight journey (UNHCR 2018). Thus, even if geodata would indicate that the phone was moving through Hungary, for example, it cannot be concluded that this movement is also related to a particular individual and that Hungarian authorities would accept this as sufficient evidence. Bolhuis and van Wijk (2020) have also highlighted in their study how public security services are often confronted with the challenge that digital profiles on social media and elsewhere are used by several people, making it even more difficult to associate information with a particular individual.

Despite heavy criticism of the bill, the federal government pushed its agenda forward during the following months, passing the law with minor changes in July 2018. However, an important objection of human rights and internet rights organisations prevailed: Section (4) of para.39a of the BFA Proceedings Act on the use of smartphone data for the purpose of criminal prosecution was taken out of the final amendment act. Civil rights groups had argued that this provision circumvents the principle of proportionality that becomes effective in criminal procedure rules and according to which a sanction must be in proportion and in fair relation to the offense (Refugee Law Clinic der Universität Graz 2018).

### *Implementation issues*

In September 2018, the legal package that included the SDE policy came into force. However, authorities were soon confronted by implementation issues. As of March 2021, the SDE policy has not been practiced in Austria. Several parliamentary inquiries by the liberal opposition party NEOS (The New Austria and Liberal Forum) have revealed critical administrative hurdles (the last parliamentary inquiry was 4865/J from 13 January 2021). Most importantly, it has become apparent how the national Data Protection Law as well as the European General Data Protection Regulation forced immigration authorities to differentiate between various types of data in their administrative procedures—a process that has not been completed two and a half years into the new legislation. As Bolhuis and van Wijk (2020) have shown with examples of other European countries, data protection can also be an issue in relation to the applicant's consent. Here, the question arises to which degree asylum seekers are truly able to give meaningful consent given the fact that they do not have much bargaining power. Likewise, such provisions might clash with a legally codified duty to cooperate with asylum procedures in some countries.

During the inquiry in Austria, the establishment of diverse procurement with regard to hard- and software components for data extraction also arose as an issue. Creating backup copies and extracting metadata in the process of SDE requires specialised software and staff. In Germany and the Netherlands, for example, authorities use a computer programme that has been created by forensic technology companies and which enables staff to extract metadata within minutes (Meaker 2019). Establishing contracts and developing organizational capacities can be a costly endeavour—another point of critique among civil right groups who argued that the Austrian ministry poorly assessed the costs of SDE, especially in the face of weak implementation results in Germany.

Germany introduced SDE in 2017 and a parliamentary inquiry in 2018 offered early indications of the efficacy of the new instrument. According to the Federal German Immigration Office's answer, within nine months, authorities had extracted data from digital devices of almost 15.000 people who lacked identification documents. Among this group, the data was accessed in about 5.000 cases (as mentioned, this is only possible in Germany if no less intrusive measures are available), one-third of which supported information provided by applicants, and two-thirds of which were declared as not relevant to establish identity and origin. The evidence found on devices contradicted initial statements made by applicants in only about 100 cases—a very small proportion considering that Germany had 230.000 asylum applications in the same time span (Thüer et al. 2018).

While these results were also highlighted in public statements opposing SDE, the empirical basis for this article does not hold any information as to whether and how insights from Germany are taken into consideration by the Austrian ministry.

## Conclusion

In this article, I explored how SDE became considered a politically legitimate instrument to tighten control over asylum seekers in Austria. I argued that the policy tool of SDE is a materialisation of a politically constructed relationship of distrust between state bureaucracy and asylum seekers. The case of Austria shows how the legitimisation of data-based surveillance measures does not require the ascription of a specific threat scenario to immigrant identities but can operate on a more fundamental level by denying any kind of trustworthiness to asylum seekers' self-made declaration on their identities. Clearly, at the level of institutional politics, conservative and far right parties have been the major actors in this project. As I showed, in Austria the idea of controlling smartphones in asylum procedures emerged as early as 2015. Against the background of high levels of immigration, it was driven by the far-right FPÖ, who embedded its arguments in a discourse on asylum applicants' deservingness of status and material resources. In 2018, after entering government, the FPÖ went on to realize its plans, this time by taking the deservingness discourse even further. It highlighted the measure as one of several interventions to respond to alleged bogus identities. Suspicion over immigrants' misuse of student mobility schemes or the health care system are examples from other domains.

While this particular type of anti-immigration discourse resonated with the Austrian electorate and made SDE a priority for the government's policy agenda, the respective right-wing parties faced heavy resistance from civil society throughout the legislative process. Human rights and internet rights organisations held the government responsible for its data protection obligations. For the time being, political opposition has managed to prevent the use of SDE for the purpose of criminal prosecution procedures. Here, the Austrian case showed possible policy advocacy coalitions between different civil society groups who use their expertise in the fields of human rights and data protection to hold governments accountable for their liberal democratic and constitutional obligations. Thus, while the policy tool of SDE might have been politically legitimized through anti-immigration discourses in the aftermath of the 2015 crisis, it remains to be seen how it will evolve against the background of wider constitutional legitimacy issues.

In the face of the vast expansion of European digital infrastructures for migration control in recent years, it cannot be assumed that this national policy will be revoked in the near future. In fact, it is more likely that we are witnessing an experimental phase, where security and immigration authorities are battling to incorporate their desire for increased control into data protection regimes and fundamental rights obligations. As early empirical evidence has demonstrated, these experiments show little efficacy and do not appear proportional in relation to the intrusion of privacy.

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### The Author

*Ivan Josipovic is researcher, lecturer, and PhD candidate at the Institute for Political Science of the University of Vienna. In his dissertation project, he studies the role of digital infrastructures for migration governance in the EU. During his stay at the Austrian Academy of Sciences, Ivan specialised on the study of European asylum and border politics through his engagement in the EU Horizon 2020 project RESPOND-Multi-Level Governance of Mass Migration. Currently, he is part of the research group IN:EX at the University of Vienna. Email: ivan.josipovic@univie.ac.at*

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# ***Confronting the US Immigration Detention System in the Biden Era***

ZOE MARTENS

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## **Abstract**

This paper explores the rise of the United States immigration detention system and subsequently evaluates the ability of two key policies under the Biden administration to dismantle it. It examines three mutually reinforcing factors to explain the growth of US immigration detention: the criminalisation of immigrants, the hardening of detention policies, and the privatisation of immigration detention. These factors show that the immigration detention system is not founded on empirical reality, but rather in the interests of various actors with a stake in sustaining the system. It is critical to take this into account to understand where the Biden administration stands in confronting this formidable system. The paper analyses the potential of the administration's proposed comprehensive immigration reform, as illustrated in the US Citizenship Act of 2021, and criminal justice reform, as exemplified in Executive Order 14006, to confront immigration detention. Though both policies are positive steps toward curbing US reliance on detention and incarceration, they do not adequately address the symbolic, political and financial investments in the immigration detention system. Critical gaps remain that leave space for the perpetuation of immigrant criminalisation and detention. Accordingly, the paper concludes with two principal policy recommendations that would start to dismantle the immigration detention apparatus.

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## **Introduction**

The 2022 United States Department of Homeland Security<sup>6</sup> (DHS) Budget-in-Brief commits \$1.8 billion for 32,500 immigrant detention beds, forming part of the US commitment to '[protect] our country, our people, and our way of life' (DHS 2022: 3). This supposed relationship between billions of dollars, tens of thousands of detention beds, and a way of life that is distinctly 'ours' beckons further examination.

Upon investigating this relationship, contradictory patterns emerge. The explosive growth in the number of immigrant detention beds and the budget necessary to sustain them stand in sharp contrast to immigration trends. In recent years, the proportion of unauthorised immigrants in the United States has been falling (Passel and Cohn 2018), and new arrivals apprehended at the Southern border have increasingly been asylum seeking families (Gramlich and Noe-Bustamante 2019). Despite these empirical realities, the US detention

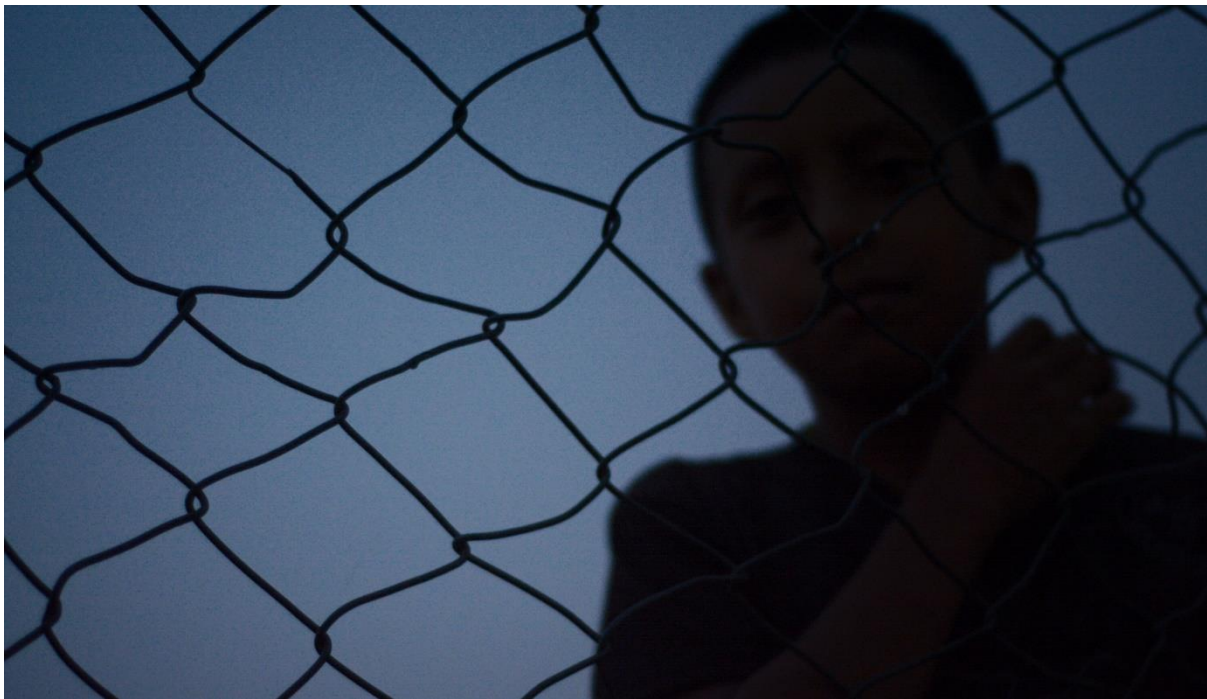
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<sup>6</sup> The Department of Homeland Security merged 22 federal agencies into one department in 2002. DHS oversees immigration-related agencies, including US Citizenship and Immigration Services (USCIS), US Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) (DHS 2020).

system continues to grow, presenting a disjuncture ripe for analysis. How did the US arrive here and what would it take to confront this growing and unjust system?

Though many breathed a sigh of relief after the end of Trump's presidency, the critical approach toward US immigration policy must not end before the country takes meaningful steps toward justice for immigrants. The rhetorical, political, and financial principles that have long underlain the US immigration system remain strong in Biden's presidency.

On his first day in office, the President made his immigration stance clear, revoking various anti-immigrant Executive Orders written by his predecessor<sup>7</sup>, and unveiling his landmark plan for comprehensive immigration reform, the US Citizenship Act of 2021. In February 2021, House Representative Linda Sanchez and Senator Bob Menendez officially introduced the Citizenship Act before the House and Senate, respectively (AILA 2021). This Act seeks to establish a path to citizenship for unauthorised immigrants, address the root causes of migration in Central America, manage the Southern border through smart technology, and reform the immigrant visa system, among other provisions (United States 2021a).



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President Biden also introduced a racial justice agenda in response to the heightened reckoning with racial injustice in the US, including Executive Order 14006 (United States

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<sup>7</sup> See President Biden's Proclamation 10141 reversing the 'Muslim Ban' enacted under former President Trump which had banned nationals from several Muslim-majority countries from entering the US and Executive Order 13993 reversing former President Trump's order that expanded immigration enforcement priority to nearly all unauthorised immigrants in the US interior.

2021b), which responds to the privatisation of criminal incarceration that disproportionately affects Black and brown communities. The Order prevents the Department of Justice (DOJ) from renewing contracts with private prison companies in an effort to curb mass incarceration by severing the industry's ties with private companies.

Despite these positive steps marking a commitment to immigrant justice and racial equity, these policies do not directly confront the immigration detention system, leaving critical gaps that investors in the regime of immigration detention may permeate. Unlike the Executive Orders the President revoked upon gaining office, the immigration detention system did not come into existence within the past four years. Across decades, it has reinvented itself, a consistent iteration of the same story.

This paper looks at the pillars that uphold the current immigration detention system to understand the potential of President Biden's policies to affect positive change. Drawing from migration studies literature in the areas of crimmigration, securitisation, and detention privatisation, the paper outlines three mutually reinforcing pillars of the detention system. First, it examines the criminality of immigrants as a discursive strategy to control national belonging and its relationship to incarceration and detention. Then, it turns to the ways that these narratives harden into policy, institutionalising detention as a response to immigration that political actors use to their benefit. Next, it addresses the interests of private prison companies that sustain the immigration detention industry and promote financial and political gain at the expense of immigrants' human rights. Finally, it explores the ability of two policies introduced by President Biden, the US Citizenship Act of 2021 and Executive Order 14006, to confront the US immigration detention system and the injustice it perpetuates.

## **Criminality**

In order to sustain the counterintuitive relationship between the current immigration reality of asylum-seeking families and the rapid growth of the detention apparatus, significant narrative work must be done to (re)shape public understanding of immigrants. Using a narrative lens, ever-increasing detention beds may best be understood as part of a politically expedient struggle against criminal outsiders, 'symbolic assailants' in the nation (Jiang and Erez 2017: 1). The identification of these assailants reflects global hierarchies of citizenship, in which members of devalued nations are redefined as criminals, thereby justifying the denial of their rights and belonging in the nation (Aas 2013). As seen in the DHS budget, 'protecting our country, our people and our way of life' from immigrants is a powerful narrative frame, positioning immigrants as the enemy of the state against which to wage a battle (DHS 2022).

This narrative of national belonging in the US context is not original, but rather takes many cues from effective rhetorical strategies throughout US history. For instance, during the 1970s War on Drugs, depictions of criminal Black and brown men established a racialised threat and provided an arena in which politicians vied to pronounce the harshest 'tough on crime' stance to prosecute and incarcerate them (Moreno and Price 2018; Macías-Rojas 2018). The immigrant narrative recasts the racialised threat as the apparent 'invasion' of the



border, a threat to white American hegemony and the American way of life (Jiang and Erez 2017). Immigration has certainly led to major demographic changes within the United States, stoking fear of the nation's eventual transformation to a majority-minority population in which white Americans will be outnumbered (Frey 2018). The parallels between the supposed internal threat of Black Americans in the War on Drugs and external threat of immigrants from the Global South reveal the way that racialised narratives of criminality work to delineate threatening outsiders from those who belong in the nation (Aas 2013).

US law increasingly considers acts of immigration illegal in response to this racialised threat, demonstrating the fluid nature of criminality which shifts according to the political interests of the state (Aas 2013). The frame of 'crimmigration' defines more and more acts of immigration as criminal, effectively merging the administrative immigration process with criminal regulations (Garcia Hernández 2019; Stumpf 2006). Shifting immigration toward criminal regulation serves to justify the criminalisation of human mobility, just as the War on Drugs sought to justify the criminalisation of Black Americans through redefining criminal sentencing. In the 1980s, policymakers reframed the criminality of drug crimes by the race they were associated with, mandating longer prison sentences for crack cocaine possession, associated with Black Americans, compared to powder cocaine, the more expensive substance used mostly by white Americans (ACLU 2006). US crimmigration narratives borrow from these tried-and-true tactics, strategically redefining as criminal the mobility of people originating South of the US border as part of a racialised struggle for national belonging (Aas 2013).

Immigration detention may then be best understood not as a neutral solution to the complex issue of forced migration across international borders, but rather as a strategy to maintain the boundaries of national belonging by incarcerating the immigrant population codified as criminal (Doty and Wheatley 2013). These policy responses were never natural, but rather constructed to the benefit of certain actors. In both the War on Drugs and the contemporary immigration arena, criminalisation has become a strategic opportunity for political actors to incarcerate the unlawful and exclude them from the national space, subsequently gaining political currency (Moreno and Price 2018). As political actors become invested in this response, they work to sustain the narrative that upholds the system of criminalisation. Rather than responding to empirical realities, this narration perpetuates the control and punishment of 'illegal' outsiders (Doty and Wheatley 2013).

## **Hardening Policies**

As political actors drew upon the legacy of internal control of Black and brown Americans ascribed with criminal status to develop the control of immigrants seeking inclusion in the nation, policies emerged to codify these strategies. Many academics point to 1996 as a precedent-setting moment in the history of immigration policy when politically expedient narratives of immigrant criminality hardened into policy (Coleman 2012; Juárez et al. 2018; Kerwin 2018).

In 1996, President Clinton made a decisive move to align the Democratic party with the 'law and order' rhetoric that Republicans had dominated in the War on Drugs, enacting the

Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) (Kerwin 2018). IIRIRA widened the scope of immigrant criminality by making once-administrative immigration offenses criminal and expanding mandatory detention without individualised custody determinations (Kerwin 2018). Further, IIRIRA increased immigration enforcement budgets and expanded the actors involved in enforcement through the 287(g) program, which introduced the ability of local law enforcement agencies to enforce immigration law by entering into Memorandums of Agreement with Immigrations and Customs Enforcement (ICE) (Coleman 2012; Juárez et al. 2018; Kerwin 2018; Macías-Rojas 2018).

The 287(g) program in particular expanded the reach of federal immigration policy into the everyday lives of immigrants. This program deputised local law enforcement officers to participate in the policing of national belonging through actions such as running immigration status checks after misdemeanour traffic violations (Coleman 2012). 287(g) multiplied the chances of immigrants interacting with immigration enforcement in their communities. As exemplified in 287(g), IIRIRA and federal policies in its wake set the stage for the development of a massive struggle against the criminal immigrant, one in which detention was no longer tethered to judicial discretion over individual detention outcomes, but rather subject to the whim of evolving definitions of criminality.

The hardening of federal policy institutionalised detention as the natural response to immigration. The 2009 'bed quota' squarely situated immigration detention as the necessary response to these apparently criminal outsiders. The 'bed quota' refers to the 2009 Congressional directive that mandated the maintenance of 33,400 daily detention beds (Sinha 2017). This 'arbitrary' quota institutionalised the political will to detain immigrants, as politicians sought to fill the tens of thousands of detention beds that were already funded by the DHS budget (Sinha 2017; Torrey 2015). The political nature of the detention response is particularly clear when juxtaposing the 2009 bed quota with the post-recession reality of a multiyear decline in the unauthorised immigrant population arriving to the US (Sinha 2017). Tens of thousands of detention beds corresponded not to empirical immigration realities, but rather the vested interests of politicians in maintaining an immigration system premised on the control of criminal outsiders.

Most recently, the election and presidency of Trump exemplified the apparent political expediency of the criminalisation of immigrants. Trump's 2016 campaign speech infamously referred to Mexican immigrants as rapists, drug dealers and criminals (LoGiurato 2016). Once elected, he passed countless executive orders excluding and criminalising immigrants, from the so-called 'Muslim Ban' prohibiting nationals from several Muslim-majority countries from entering the US (United States 2017a) and Executive Order 13768 that expanded immigration enforcement priority to nearly all unauthorised immigrants in the US interior (United States 2017b).

The Trump administration's 2018 'zero tolerance' policy most recently reiterated the categorical criminalisation of immigrants. This policy mandated criminal prosecution of every immigrant crossing the border without authorisation, including asylum seekers and people traveling with children (Kandel 2018; Kerwin 2018). The directive led to de facto family separation due to judicial precedents limiting the detention of children in the US, as well as limited family detention space (Kandel 2018). DHS asserted that some immigrant

parents are aware of limited family detention space and 'use their children as shields from detention' (Kandel 2018).

Trump's zero tolerance policy further criminalised immigrants and asylum seekers by claiming that the act of fleeing one's home country with their family is actually a devious plan to avoid the punishment the federal government has deemed proportionate. This new understanding of deviance in the face of immigrant profiles shifting to asylum seeking families reflects the way that the political interests of the US shape its definitions of immigrant criminality (Aas 2013). The directive positioned the expansion of family detention as a necessary measure to maintain the ability to detain immigrants who have fled with their children, a strategic way to criminalise immigrant families while responding to the public outcry over family separations.

### **Private Interests**

Private interests, the third major player in the detention apparatus, help explain the apparent consensus to detain children and families as the latest iteration of the detention system. Profitable immigration detention contracts with the federal government mean these companies have a significant stake in the detention systems' continued growth. Further, these private prison companies have become increasingly invested in immigration detention as sentencing reforms across the US have cut prison populations, leaving ICE contracts as the primary source of revenue (Cho et al. 2020; Moreno and Price 2018; Sinha 2017). As these companies gain more detention contracts, profits increase and their stake in the system intensifies. As an illustration of the scope of this stake, the nation's two biggest private prison companies, GEO Group and CoreCivic, run eight of the ten largest detention facilities and 72 percent of all immigration beds in the US (Bauer and Johnston 2019).

Private prison companies profit from the expansion of immigration detention, as seen in the expansion of family detention under President Obama (Gilman and Romero 2018). Despite a lack of evidence that the arrival of asylum seeking families and minors warranted detention, GEO Group and CoreCivic won contracts to open two new family detention centres, propelling the expansion of the family detention system from less than 100 family beds to over 3,000 after their implementation (Gilman and Romero 2018). GEO revenues increased by over \$30 million after opening the Karnes County Family Detention Facility, and CoreCivic credited the South Texas Family Residential Centre with \$245 million in 2015 revenue (Gilman and Romero 2018).

Detention contracts and subsequent profits also work to the mutual benefit of government agencies and actors invested in detention. Contracting out detention services allows for rapid detention expansion, which ICE continually seeks as apprehensions, and the increasing categories of immigrants who apparently necessitate detention, outpace the speed of deportations (Bauer and Johnston 2019). These contracts also muddy the distinction between public and private entities, deflecting accountability for the oft-reported substandard conditions in US detention facilities (Doty and Wheatley 2013; Hernandez 2019). Further, private prison companies funnel profits into lobbying efforts to pass pro-detention legislation, perpetuating their detention market and supporting

government actors who need detention capacity in order to execute their political strategies of policing strict boundaries around national belonging (Moreno and Price 2018).

With this kind of profit margin and these political relationships on the line, private prison companies use various tactics to incentivise detention and maximise revenue. A prominent strategy is leveraging contract terms through occupancy guarantee clauses (Gilman and Romero 2018; Sinha 2017). These clauses appear in contracts between private prison companies and ICE, assuring that the government agency pays for the minimum quota the prison companies set, despite the facility's actual occupancy (Gilman and Romero 2018; Sinha 2017). Reminiscent of the 2009 bed mandate, the occupancy guarantees incentivise mandating detention categorically in order to fill beds. An oft-quoted exchange during a 2013 House Judiciary Committee hearing between Representative Henry Johnson and former ICE director John Morton confirms the relationship between ICE contracts and bed minimums; Morton verifies that ICE must pay for empty beds in many contracts and, therefore, fills them to spend the money as Congress appropriated (Sinha 2017; Torrey 2015). In this way, private interests have largely guaranteed their profits, as well as the perpetuation of detention policies that assure them.

These dynamics promote financial and political gain at the expense of immigrants' human rights. There is evidence that private companies in partnership with ICE maximise profit by manipulating the length of detention stays and cutting operation costs at detainees' expense. Gilman and Romero obtained data on the T. Don Hutto Residential Centre, operated by Corecivic, revealing evidence of ICE using bond amounts to maintain the size of the detained population (Gilman and Romero 2018)<sup>8</sup>. Private companies also cut costs and manipulate earnings by using detainee labour through ICE's 'Voluntary Work Program' (UCCR 2018). In this program, ICE pays detainee laborers \$1 a day based on a 1950 law<sup>9</sup>, a practice of concern to many, including the US Commission on Civil Rights (Bauer and Johnston 2019; Hernández 2019; Kerwin 2018; UCCR 2018). Both public and private detention facilities use detainee labour for essential operational tasks, but the Commission expressed their concern regarding the 'added pressure to coerce detainees' to perform labour in order to maximise profits at private facilities (UCCR 2018: 2). These strategies reveal private prison companies' deep commitment to the detention apparatus as an earning strategy, often at the direct expense of immigrants' human rights.

### **Confronting the Detention Legacy**

This paper shows that the immigration detention system is rooted in a network of investors that spans racial narrative creators, policy makers and private prison companies, each with their own symbolic, political or material gain embedded in the system (Bauer and Johnston

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<sup>8</sup> This study obtained data regarding the reasons for release, length of detention stays and bond amounts for custody decisions at the T. Don Hutto Residential Center through a FOIA request. The data shows that ICE categorically applies custody decisions depending on the capacity of the facility. The data suggests high bond amounts during times when fewer migrants are entering detention and lower bond amounts when book-ins are higher.

<sup>9</sup> U.S.C. 1555(d) allows the US government to pay non-citizen detainees for their labor (UCCR 2018).

2019; Kerwin 2018; Moreno and Price 2018). Though many breathed a sigh of relief when President Biden assumed office, a change in administration alone is not enough to confront a system based not in immigration reality but rather in the interests of powerful actors with a stake in its continuance.

The US Citizenship Act of 2021 was President Biden's landmark immigration policy proposal upon assuming office, and it is now officially before the US Congress (AILA 2021). Among its many provisions, perhaps the most notable is the proposed path to citizenship for the approximately 11 million unauthorised immigrants in the US (CMS 2021). Although the Citizenship Act could provide a life-changing path to citizenship for many unauthorised immigrants currently living in conditions of precarity, there is no guarantee the Act will escape the criminalising ramifications that have traditionally accompanied US immigration reforms, especially given the varied and vested investment in immigrant criminalisation that this paper has explored.

Immigrant criminalisation has traditionally accompanied pathways to citizenship in US immigration reform. For instance, the Citizenship Act's immigration reform predecessor, the 1986 Immigration Reform and Control Act (IRCA) linked the legalisation of eligible unauthorised individuals with stronger immigration enforcement for the rest, as reflected in increased detention and Customs and Border Protection budgets (Cooper and O'Neil 2005; Enchautegui 2014; Rosas 2015). The Citizenship Act now before Congress proposes an eight-year path to citizenship for eligible unauthorised immigrants and even begins to address family detention by calling for the increased use of Alternatives To Detention (ATDs) (United States 2021a), but it remains to be seen if the Act can avoid the political concession of legalisation for some with criminalisation for others. The Citizenship Act is on precarious ground, as lawmakers have acknowledged the challenge they face in trying to pass a large bill with such sweeping immigration reform provisions (Fabian and Dennis 2021).

Gaining bipartisan support for the Citizenship Act will prove trying without resorting to the strategy of criminalising the unauthorised immigrants who are ineligible<sup>10</sup> for immigration relief in order to make the regularisation of those eligible more politically viable. Although the Citizenship Act currently contains far fewer criminalising provisions than its predecessor, IRCA, Section 2302 proposes the use of smart technology to increase surveillance of the US-Mexico border, ultimately maintaining the narrative of a border overrun by criminal outsiders (United States 2021a). This border enforcement section is likely to expand in the search for bipartisan support, as opposing lawmakers seek political compromise by calling for increased immigration surveillance, enforcement and detention.

The Citizenship Act fails to directly take on the immigration detention system. It does not offer a path to end mandatory detention, family detention, nor the use of private prisons<sup>11</sup>.

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<sup>10</sup> Section 245G of the US Citizenship Act of 2021 states that ineligible immigrants include those who are ineligible under the US Immigration and Nationality Act Section 212 (8 U.S. Code § 1882) and any immigrant with a felony conviction or three or more misdemeanor convictions (United States 2021a).

<sup>11</sup> The Act addresses the use of detention in only three ways: Section 4101 expands the Family Case Management Program as an alternative to detention, Section 4304 establishes a rebuttable presumption of release from detention for certain victims of crime with pending immigration petitions, and 4305 states that the

This maintains the detention system as a valuable resource at the disposal of lawmakers, government agencies, and private prison companies. Lawmakers who oppose the Citizenship Act may leverage the detention system as part of their political compromise to target and criminalise the portion of the unauthorised population that will be ineligible for immigration relief. Further, ICE will continue to rely on immigration detention for their work. These dynamics are already in motion. The agency recently released interim enforcement guidance that perpetuates the criminalisation of immigrants and incentives for detention (ICE 2021). ICE issued the guidance in response to President Biden's Executive Order 13993 which revised US immigration priorities (United States 2021c). It ultimately justifies the detention and deportation of broad categories of immigrants, such as those convicted of an aggravated felony<sup>12</sup> (ICE 2021). As long as the Citizenship Act leaves the detention system largely unscathed, interested actors will continue to use it to their advantage.

Private prison companies will also sustain the immigrant criminalisation and detention that the Citizenship Act leaves intact. Given President Biden's Executive Order 14006, these companies are likely to expand the immigration detention system in search of contracts. This order prevents the Department of Justice from renewing contracts with private prison companies yet makes no mention of the Department of Homeland Security, the agency under which ICE operates (United States 2021b). When private prison companies are unable to renew their contracts with the Department of Justice, their profits will take a hit and they will likely seek expansion in the immigration detention industry, pursuing ICE contracts with new urgency. Private companies have already found immigration detention to be a more resilient niche than criminal incarceration, the latter having felt the impact of sentencing reforms which work to reduce prison populations and the demand for incarceration (Cho et al. 2020; Moreno and Price 2018; Sinha 2017). President Biden even recognised these companies' 'profit-based incentives to incarcerate' in Executive Order 14006 but has yet to address the ease with which they can shift their focus from criminal incarceration to the immigration detention system (White House 2021). These gaps in President Biden's treatment of immigration detention raise alarm, given the powerful alliance of policymakers, government actors, and private companies bent on perpetuating the system of immigration detention that reaps political and financial gain at the expense of immigrant's human rights.

## Policy Recommendations

The US Citizenship Act of 2021 and Executive Order 14006 contain gaps susceptible to the influence of detention investors, whether their stake in the system be rhetorical, political or financial. By acknowledging these gaps in President Biden's policies, this paper seeks to highlight that the detention legacy that President Biden inherits is deeper and more pervasive than the President's policies currently account for. Policy alone cannot address

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Secretary of Homeland Security shall establish programs that provide alternatives to detention (United States 2021a).

<sup>12</sup> Aggravated felonies are not necessarily aggravated crimes, nor felonies, but rather, a term of art used to categorise the criminal acts that Congress considers worthy of immigration consequences, such as theft and non-appearance at a court date (AIC 2016).

the entirety of the investments in the detention system, but it can start to address the incentives for detention that grant policymakers and companies payoff at the expense of immigrants' human rights. The following policy recommendations would aid President Biden and his administration in beginning to take on the detention system.

First, Congress should work to repeal all mandatory detention legislation that fuels immigrant criminalisation and detention. As seen in IIRIRA among other policies, lawmakers have mandated categorical applications of immigration detention at their whim. Given the Citizenship Act's potential to bend to political compromise in combination with continued ICE enforcement guidance that criminalises immigrants, it is essential to remove mandatory detention as an incarceration incentive. Congress must take a stand against criminalising policies that mandate detention for broad categories of immigrants and pursue individualised custody decisions that respect immigrants' humanity.

Second, President Biden should immediately expand Executive Order 14006 that bans the renewal of DOJ contracts with private prison companies to include DHS, as well as call for the termination of current private prison contracts with DHS. Despite its good intentions, this Executive Order as it stands actually could increase the privatisation of the immigration detention system. The Order should not only ban the renewal of private prison contracts with DHS, but also call for the timely termination of existing private prison contracts for immigration detention, as advocacy groups have pointed out that these companies often enter into decades long contracts with ICE (Franzblau 2021; DWN 2021).



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Ensuring individualised custody decisions and refusing to allow private companies to profit off immigrants' incarceration are two policy steps that directly address long-standing incentives to detain immigrants. One path toward these critical shifts is the New Way Forward Act, recently reintroduced before US Congress (United States 2019). Among other provisions, the Act would repeal mandatory immigration detention policies, ban the use of private detention facilities and terminate existing private prison contracts within three years of the bill's introduction. Whether through the New Way Forward Act or other legislation, it is critical to confront these political and financial incentives in order to move away from the immigration detention system that benefits political and business actors at immigrants' expense.

## Conclusion

The veins of immigration detention run deep in the United States, and the pressures on the US migration system will not soon let up, two realities that beckoned an exploration of the potential of President Biden's policies to confront the immigration detention system and prioritise justice for immigrants. President Biden and Vice President Harris have expressed their concern for the root causes of migration, from corruption to climate crises (Evans 2021), but have yet to identify the root causes of immigration detention that characterise immigrants' inhumane reception in the US as they flee these very conditions.

Though President Biden has taken steps to mark his administration as a sharp turn away from his predecessor's xenophobia, the US Citizenship Act of 2021 and Executive Order 14006 do not adequately confront the profound US investment in immigration detention. The mutually reinforcing interests of policymakers and private prison companies, based in narratives that criminalise immigrants, will continue to fortify one another in spite of these two policies. Therefore, it is critical that the Biden administration identify and restrain the incentives for immigration detention as the first step toward justice for immigrants. Only then can US immigration policy start to move toward justice for immigrants.

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## The Author

*Zoe Martens is a master's student of Human Rights at the Humphrey School of Public Affairs in Minnesota, passionate about resisting the criminalisation of immigration. She has previously worked as a domestic violence advocate for immigrant survivors in Minnesota and as a legal team member at a migrant shelter working with Central American asylum seekers in Mexico. She is currently a research assistant at the Humphrey School, working on a project about immigrant essential workers during the COVID-19 pandemic in the US.*

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# ***Ethnographic Reflection on Exilic Narratives Outside Closed Camps: The Case of Residual Liberian Refugees in Nigeria***

TOSIN SAMUEL DURODOLA

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## **Abstract**

What happens when refugees' status are terminated and camps are officially shut down? How do residual refugees construct home and space outside closed camps? How do their narratives of the journey to exile intersect with the agency deployed to transcend their location of dispossession within a shared space of marginality? This paper offers an ethnographic reflection on the post-refugee experience of residual Liberian refugees living outside the closed Oru Refugee Camp, Ogun State, Nigeria. This paper reflects on how their exilic narratives have given rise to the audacious desire to contest their position of dislocation following their eviction from Oru refugee camp to a nearby uninhabitable bushland area in 2012. In their exilic narratives, residual Liberian refugees are inclined to attribute their resistance, resilience and transformative agency in exile to both their experience of war and their exilic journey from Liberia, which has influenced their condition of arrival in Nigeria, their subsequent adjustment and integration, and their ambulant perception of home.

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## **Introduction**

'Exilic narratives' as a term affirms the way exiles' journeys and experiences are transformed into powerful narratives over time. Journeys are powerful life-changing events that significantly affect those who experience them. When instigated by wars, these experiences of displacement become etched into exilic narratives. In the case of residual Liberian refugees in Nigeria, their formative experiences of migration include not only the recurring cycles of displacement during the Liberian civil wars, but also their experiences during and after the closure of the Oru Refugee Camp in Ogun State, Nigeria. These experiences have been elaborated by residual Liberian refugees as meaningful narratives of suffering and exile. Such experiences play pivotal roles in building an 'exilic' identity which can be used to unify the emerging diaspora community together.

The Oru Refugee Camp was created in 1990 by the General Ibrahim Babangida administration following the outbreak of the Liberian Civil War when over 1,000 Liberian asylum seekers fled to Nigeria. About 5,000 Liberian refugees were registered in Nigeria at the height of the Liberian Civil War of 1989 to 2003 (Reliefweb 2003). This new abode was supposed to be a temporary stay pending the restoration of peace in Liberia but the failure to achieve any of UNHCR's three durable solutions—repatriation, integration, and

resettlement—protracted their stay in Nigeria. The situation for Liberian exiles in Oru refugee camp worsened when they lost their refugee status in 2012, thus resulting in the official closure of the Oru camp and an abrupt end to all humanitarian activities and international assistance. Several months after their refugee status ended, Liberian residuals and other nationals were evicted from the campsite by neighbouring community members. Following this, the Liberian exiles relocated to a nearby previously uninhabitable bushland area where they have subsisted ever since in a continuous state of exile without humanitarian support or state protection (Akinfenwa 2016).



*Crowded section/buildings of the Liberian and Sierra Leonean residuals settlement in Oru-Ijebu, Ogun State, Nigeria. Photo Credits: Tosin Durodola and Obasola Bamigbola.*

This ethnographic study reveals that the present situation in the Oru residual refugee settlement is rather different from the ones observed by previous scholars (Mokuolu & Yarseah 2013). The refugees have become members of 'residual caseloads' whereby they no longer can access the legal rights their refugee status entitles them to (Crisp 2016). Moreover, the number of refugees and asylum seekers living in the camp had reduced drastically to around 300 (according to the statistics made available by the refugee association in Oru Camp in 2019). Unlike the situation observed by previous scholars, in which many of the refugees in Oru camp were under the care of UNHCR and highly dependent on humanitarian assistance, the author's recent fieldwork shows that residual Liberian refugees have not been able to access any form of humanitarian support since the cessation of their refugee status.

This paper reflects on the metaphoric and actual conditions of the exilic journey of residual Liberian refugees in Oru. According to BenEzer & Zetter (2014), narratives of exilic journeys help survivors re-evaluate and reconstruct their previous expectations of exile and the new life which they hoped for, influence their interpretations of the conditions in which they arrived in exile, and influence their subsequent adjustment and integration. Journeys of contemporary exiles are the central subject of investigation because they powerfully shape the making and unmaking of the status of the displaced from a legal citizen to an asylum seeker to a refugee to stateless individual.

The narratives of residual Liberian refugees unpack the actual exilic process—the medium that connects the two ends of their exile. Through their oral narratives, this paper unpacks their experiences before setting out from the homeland, their reasons for fleeing, the strategies and networks used to travel, and the physical and psychological suffering experienced during the journey from Liberia to Nigeria. These exilic experiences intersect with their everyday lives and have given rise to their transformative agency in exile, shaped their aspirations and efforts to build quasi-permanent homes, and sustained their audacious desire ‘to be’ or ‘to have’ resources in the space previously dominated by the Oru host. In deconstructing these experiences, this paper relies on their subjective narratives which have been shaped and preserved through trajectories and systems of movement in time and space. The narratives of residual Liberian refugees provide an alternative view to existing humanitarian narratives and offer an original contribution to existing theories and approaches to refugees and resettlement in development studies.

## **Methodology**

Prior to conducting fieldwork between July 2019 and December 2019, the author was unable to identify the location of residual Liberian refugees in Oru town because of the paucity of data on their status since the closure of the refugee camp by the Nigeria government in 2012. The author’s contacts at the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI), humanitarian and aid agencies, and Ogun State government were unable to provide an exact description of their location due to many years of disengagement of humanitarian services at the Oru Refugee Camp. Investigative reports by two Nigerian newspapers—the Guardian and Punch newspapers—eventually gave the author an insight into the prevailing realities in Oru refugee camp. However, on arrival in Oru town in July 2019, it was difficult to identify the refugees’ exact location even with the details in the national newspapers. Later, the author approached the King’s palace and was given directions to the present location of the residual Liberian refugees, a bushland area adjacent to the closed camp.

When the fieldwork began, the author approached the Chairman of the residual refugees’ community for permission to conduct interviews in the Oru residual refugee settlement. After learning the purpose of the inquiry, the chairman identified residual refugees who could provide valuable information. Qualitative data was collected through participant observation, in-depth interviews, and focus group discussions conducted over six months in 2019. Open-ended and semi-structured interviews were held with residual Liberian refugees in Oru town, while observations were conducted at the church, mosque, Cassava-

processing factory, restaurants, and other dilapidated sites in the residual Liberian refugee settlement in Oru, Southwestern Nigeria. Focus group discussions were conducted with female residual Liberian refugees to get a broader perspective on food-making practices and cultural preservation in the residual refugee settlement. Additionally, a few young residual Liberian refugees participated in a focus group discussion on the second-generation perception of the intersection between Liberia and Nigeria. Informal questions and observations were employed during visits to the farms, Okada businesses and the Cassava-processing unit. In total, 29 participants were engaged in the study.



*Front view of the Residual Liberian refugees' settlement in Oru-ljebu, Ogun State, Nigeria. Photo credits: Tosin Durodola.*

## **Findings**

### *Spiritual Exile: Living with Fear in Monrovia*

During ethnographic fieldwork, residual Liberian refugees in Oru, Southwestern Nigeria described the myriad ways in which the Liberian civil wars marked their lives, social fabric, and cycles of displacement. The civil wars directly threatened their lives, worsened their living conditions, disrupted their livelihood, and broke the cord of unity and togetherness amongst families. In the participants' narratives, fear, rumours of attack, sporadic gunshots, threats, loss, separation, and direct violent acts by warring factions forced them out of their homes and turned them into travellers in a strange world.



Fear of death became ubiquitous in Liberia due to the increase of armed confrontation between the Taylor and Doe's forces, their restrictions on village movement, and as residents became the target of threats, massacres and other acts of terror. Halimatu<sup>13</sup>, a 55-year old woman, conveyed the difficulties and pain in her daily life prior to displacement. In her emotionally rich narrative, she described both the inexplicability of the situation she lived in and her inability, even then, to make sense of how she and her husband and child escaped Liberia unhurt despite belonging to the targeted groups during the civil war:

Samuel Doe, the President, was a Krahn man, so they (Charles Taylor's force) killed Krahn people. They were killing the Mandingos, Nigerians, Ghanaians, and other nationalities. It did not matter if you were neutral or not, as long they find that you belong to the opposing tribe, they would kill you. Even the people that we grew up together were in possession of guns and they did not care if we were friends. I did not feel safe and I had to escape. It was like hell on earth.... My husband who is a Nigerian had to pretend to be Jamaican to protect me and my child...

Furthermore, exile as presented in Halimatu's narratives is not confined to the involuntary physical displacement from her homeland of Liberia. Long before her physical exit from Liberia to de-familiarised spaces, Halimatu and her family were living in an internal exile. She lost her parents and siblings to the war and had to hide with her husband and child in Monrovia. In fear, they hid in their house as rebels marched across streets at night, knocking and waiting for residents to open or entering by force. All through the night, they would hear the shootings, screams, the desperate and futile pleas of women to not take their husbands and children away, listening in silence while confined in their own home. The foregoing affirms that they were in exile while rooted in their homeland without being physically displaced. Tsaior (2011: 100) describes this condition as a 'spiritual exile which registers itself in terms of absence through presence'.

This experience of spiritual exile has been maintained outside the closed Oru Refugee Camp as residual Liberian refugees perceive themselves as an exiled community (even when they are eligible for local integration) with the nationalistic duty to preserve their identity and safeguard their space. Due to their belief that home is central to their subjective consciousness, participants spoke about the importance of preserving their culture and language in order to maintain the longevity of the exile community in the diaspora. A male respondent in his forties recounts:

We have a dialect choir in the church where our mummy and daddy sing in Bassa, Krahn, Mandingo or other Liberian languages to keep us thinking about home. That means if am not Mandingo and I am in the church, I can also learn songs in other languages.

The above narration suggests that the attempt to preserve the culture of the homeland can instigate nostalgic feelings and imagined moments of home. Although exile denotes displacement or estrangement in the physical and spiritual sense, it can also be an unreal place that is made real by the constant everyday efforts of exiles. Olaoluwa (2020) argues

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<sup>13</sup> All names in this article are pseudonymous to preserve the anonymity of the participants.

that the trauma of homeland displacement is further complicated by exclusion in the place of refuge which becomes doubly painful for the displaced and instigates a longing for home. Hence, nostalgia can influence exiles to construct an imaginary link to their homeland through cultural productions and practices. It is the sense of homelessness, nostalgia, and marginalisation that creates the condition for the refugee to engage in artistic production including songs and dance which re-forge a link to their culture of origin.

### *Fearlessness: Defiance of Death in Transit*

The journey out of Monrovia occurred in most cases at night. This was done as a preventive measure lest profiled ethnic groups be seen by people who would inform the rebels of their identity. However, the desperation to leave the war zone sometimes precipitated the need for road travellers to move incessantly, night and day, and as quickly as possible. In such a scenario, these travellers often became the victims of harassment, torture, and massacre to rebels mounting roadblocks in strategic zones. Halimatu recounts the experience with rebels on her way out of Liberia:

On our way going, there were so many checkpoints. The rebels will ask for the name of your tribe. If you say you are Mandingo or Krahn, they will kill you. It was a tough moment for me because I could not speak any other language in Liberia apart from Mandingo. I was afraid but my husband assured me that he had a plan. So when we got to Palwal checkpoint, we joined the queue and when it was almost our turn to be questioned about our identity, my husband looked at me and shouted, 'Ramotu, Get out of the line!'. The rebels were shocked and wanted to know who had the courage to give such an order. That was how all of them (rebels) left the barricade to beat and torture my husband. It was during this moment that I crossed with my two children to the other end of the barricade. My husband was later released and he joined me on the road.

In Halimatu's narration, the incident at the Palwal checkpoint formed what Cohn (2018) describes as a compelling experience that sheds light on the broader dynamics which characterise the struggle of refugees' journey to exile. In these incidents permeated by force and fear, refugees are compelled to confront a crossroads between settling for the displacement that uprooted them from home or fighting for the dawn of movements towards future emplacement (Lems 2014). For Halimatu's husband, that moment compelled him to audaciously help his wife and child cross the death zone into Ivory Coast. This moment of strength and audacity invigorated Halimatu's everyday life and deepened her everyday survival strategies in the places of encampment. These survival stories are crucial to reconstructing refugee experiences and understanding the traumatic displacement that has formed core existential strategies of refugees upon arrival in countries of asylum (Sakr 2018). This kind of experience on the move was in play when residual Liberian refugees were evicted from the main Oru refugee camp site to a nearby uninhabitable bushland area by the Oru community members. The Oru community, driven by the desire to reclaim their land and property, adopted another mechanism to remove the residual Liberian refugees completely from the town. This attempt was based on

mistrust by the host community who perceived Liberian refugees as a population from a violent country with experience marked by despondency, stubbornness, resilience, and pride.

The resilience displayed by refugees in the face of fear and danger is not characterised by planned and calculated actions, but rather improvisatory measures produced in congruity with the world refugees cross (Munt 2012). Munt's (2012) assertion is corroborated by the methods deployed by the residual Liberian refugees to respond to the threat of expulsion from Oru town. In response, they approached the King for intervention, a year after their eviction from the main site of the refugee camp. The Oloru is the office of the king of Oru town who provides spiritual lordship in its relationship with various districts and subjects (both indigenes, visitors, and residents of Oru-Ijebu) (The Nation 2013). The decree of a king is legally binding and cannot be revoked by his subjects and as observed by Lawal (1977), the 'adé ilẹkẹ' (beaded crown with a fringe over the face) represents political authority and power drawn from the gods which the subjects must obey. Within this prism, the Oloru of Oru-Ijebu intervened in the land issue and resettlement crisis through a combination of dialogue with district heads, chieftains, and other actors. Thereafter, the King gave a decree that the residual Liberian refugees should remain in the Oru community and attempts by landowners to banish them from the bushland area should be halted. Although the King lacks the constitutional power to resettle residual Liberian refugees, he continued to provide them access to land, markets, labour force and sociocultural privileges accrued to bonafide settlers in Oru-Ijebu (Akinfenwa 2016).

Thus, the rhetoric of survival, threats, and escape is a critical composition of refugees and demonstrates an inextricable psychological and emotional link to the spaces of the past where they were forced to leave behind (Olaoluwa 2017).

### *Brotherhood: Stormy Voyage to Ivory Coast*

The Carvara River was a huge concern for displaced persons who were stuck at the border of the Ivory Coast. It was worse when the journey occurred during the rainy season because the rivers would overrun and the transit through the strong current would be highly dangerous or unfeasible. Thus, Liberians were sometimes immobilised on a bank of the river while waiting for the water to settle, often without shelter or food. In addition, they were also at the risk of being discovered by rebels or massacred by warring factions. Myer, a residual Liberian male refugee in his forties from the Kru tribe, narrates how their journey became protracted when they arrived at the Carvara River:

We could not count the number of people traveling to Ivory Coast. We were so many that it could be between 35,000 and 60,000 people. We had to wait for canoes to arrive. The issue of paying to board a canoe was insignificant because the crowd was too much.... People just had to volunteer to either make canoes at the bank of the river or transport people with the canoes to the other end of the Cavara River....The raining season time then was between June and July. There was heavy rainfall and the river was filled and overflowed so much that many people who attempted to cross it died.

Myer's narrative affirms the power and desperation of the residual Liberian refugees to seek safety in neighbouring countries, and the readiness to forsake everything and risk it all, 'when the canoes arrive'. Here, home is not represented via metaphors of kinship and homeland, which have become undesirable. Instead, Liberian refugees' journeys are framed as a desperate search for a new home which requires careful navigation through death zones. The experience at the Cavara River is mobilised to convey not just the precariousness of the passage from one space to another, but also the brotherhood and fearlessness that enabled refugees to build canoes and overcome poor sailing conditions. Myer's narrative of his exilic journey reveals what Pineteh (2017) describes as the traumatic, distressing, and ritualistic passage that has transformed and marked the everyday lived experiences of refugees upon arrival in places of asylum.

This sense of brotherhood and courage is reproduced outside the closed Oru refugee camp to deal with present day challenges. During interviews, participants explained that former Liberian refugees who are in academia, civil society and corporate business have organised into a diaspora association named Organization of Liberian Communities in Nigeria (OLICON) in the absence of international protection. However, in contrast with the modus-operandi of the US-based Liberian diaspora (Osman 2012), OLICON negotiates the resources in the host country in favour of only the exiles in the country of refuge, namely Nigeria, rather than the homeland or elsewhere. Residual Liberian refugees rely on OLICON since the departure of UNHCR to protect their interests and to provide civic engagement, public diplomacy, and development assistance in Nigeria. The spirit of brotherhood promoted through OLICON is informed by memories of their exilic experiences and has helped reduce the devastating impact of UNHCR's aid withdrawal such as health risks, economic difficulties, risk of statelessness, and socio-cultural differences in Nigeria. A respondent explains:

OLICON has been of great help, especially where it concerns on healthcare and scholarships for our children. We contact our regional coordinator who liaises with counterparts in Lagos and Oyo States to provide basic social and financial interventions ... OLICON has helped with repatriations. Sometime ago when the UN stopped their repatriation, OLICON met with the Liberian government to help repatriate some of our people.

This audacious courage and conviction affirm residual Liberian refugees' ability to confront both the mental and physical challenges they faced when moving across locales.

### *Resilience: Dead Women Tell no Tales*

Food was a major challenge along the tumultuous journey of many residual Liberian refugees, and in several instances, displaced Liberian refugees died as a result of malnutrition. For example, Halimatu complains that upon arrival at Sanniquellie, there was no food available, which negatively affected her baby's health because she could not breastfeed him. Similarly, Mariama recalled that she was lucky to survive eating unripe pawpaw in a nearby forest while some of her co-migrants died of hunger. Despite these challenges, many Liberian refugees described how they overcame their precarious

conditions and limited ability to access food. For example, prior to their departure from Monrovia, Rebecca recalled that she and her little daughter shut their doors out of fear and could not go out to search for food because rebels were raiding, raping, and shooting sporadically. After surviving on leftover foodstuffs for an extended period, Rebecca summoned the courage to walk to the nearby street to get food for herself and her daughter. She recalls how her popularity in the neighbourhood helped her get the necessary support to survive:

I was able to move around to get food. My tribe was not under attack because they had a special tribe they were attacking and also they were looking for government workers then. People know me, so what could they do to me? They call me Mama Scade. My nickname helped to an extent and I was a popular figure so it was difficult for someone to just attack me. So when they saw me on the street, they called me by my nickname and they allowed me to just go and get my food. This situation persisted for over a month.

These narratives of extraordinary audacity in the face of hostile geographies were subsequently mobilised to empower refugees' defiance of adversity in places of encampment (Sakr 2018). In line with Sakr's (2018) argument, Liberian refugee women imbued their passage and movement with poignant significance that required their alertness and fearlessness to overcome. Rebecca's narratives, for example, were invoked to show how refugees' acute awareness and alertness begets both their tendency to cautiously scrutinise their environments for danger and threats as well as their strategic deployment of audacious tactics in response. Thus, the plethora of experiences during the exilic journey from Liberia redefined the resilience of Liberian refugees as a community in exile.

Despite the myriad economic challenges they face, residual Liberian refugees have achieved outstanding success at both subsistence and commercial levels. Residual Liberian refugees subscribe to the use of local equipment to manually produce garri due to constraints around accessing mechanised tools for processing in the former refugee camp. They now possess a small-scale cassava processing factory in their settlement where they compete with the cassava processors in Oru town, neighbouring cities, and even as far as Ibadan. It is important to note that Liberian refugee women predominantly are responsible for the activities of cassava processing into garri including frying and market sales. In order to attract more customers, increase their market share, and make a profit, Liberian cassava processors sell garri at cheaper rates compared to the standard local market prices. A female respondent during a focus group discussion explained:

We buy raw cassava from our farmers here [refugee farmers in the settlement] on credit and process it here. When we sell the products, we make profit and pay the farmers back. We sell for small profit because if we sell compared to the standard price, they [Oru community members] will not buy from us. The small profit comes fast and we even employ some of the Oru women to peel, patch and grind the cassava.

This desire to overcome adversity in unfamiliar locales affirms that the experience of tumultuous displacement can give rise to acuity, increased awareness of the urgency to

survive in spaces of marginality, exclusion, and adversity (Olaoluwa 2019). This sharp awareness of historical peril and remembrance of victory empowers refugees to turn the exilic experience into an 'agency of advantage' over the challenges of hostility and marginality in places of encampment (Pineteh 2017).

### *Survival: Disembarkation in Nigeria*

As the journey to Nigeria was unpremeditated for the majority of residual Liberian refugees, successfully reaching Nigeria depended largely on their ability to access affordable means of transportation. In some cases, this meant that residual refugees who had planned to reach Nigeria had to stop their journey in the Ivory Coast due to a lack of means to travel any farther. For many Liberian refugees, the decision to flee to Nigeria was based on both practical considerations as well as a general sense of trust that they would be supported on arrival financially, physically and emotionally. As Paye, a 49-year old man, explains:

There was communication between me and others [Red Cross]. We knew that our people [Liberians] came to Oru refugee camp in 1990. So when we got to the UN office in Lagos, we were directed to join our fellow nationals in the refugee camp in Ogun State. When I got to the camp, I identified my countrymen and I was happy to reunite with them.

The memories of the precarious journeys of suffering and hope through countries like Togo and Benin, where Liberian refugees were threatened and massacred, were recollected to support refugees' self-reliance and resilience in their country of arrival. The memories of harassment and cruelty during the exilic journey from Liberia emboldened the application of various tactics by Liberian refugees to manoeuvre and tackle hostilities and estrangement in different locales and geographies.

Narratives describing the trajectory of refugees' journey strengthened their ability to confront future obstacles (Pineteh 2017). For some residual Liberian refugees, these experiences of suffering and hope have compelled them to work within the informal economy of Oru town and amplified the energies and efforts geared towards reviving old socio-economic structures. The 'Babylon', for instance, symbolises the epicentre of commercial and social activities 'when the camp was still camp'; that is, prior to the closure of the Oru refugee camp. This structure, Babylon, has been metaphorically revived in the form of a mini-restaurant, stall and bar. Both the residual refugees and the host community are frequent visitors to this commercial centre, where they consume Liberian dishes, purchase non-food items, and relax. A female respondent narrates:

This place [residual Liberian refugees' restaurant] is different from the indigenous food centres that make stew and rice every day. Here, there is new soup every day. You can consume soup made with pumpkin leaf yesterday, potato green today and cassava leaves tomorrow. The way we prepare our food at home in our country [Liberia] is the same way we do here. This is different from the Oru town indigenes who prepare almost the same stew and veggies in their restaurants.

The above testimonies affirm that the host suppliers and refugee owners of these businesses have benefited significantly from the revival of some of the old Liberian refugees' socio-economic structures. This situation supports Omata's (2018) argument that displaced persons seek their own economic space in the wider host economy in such a way that does not necessarily conflict with indigenes. At present, the residual Liberian refugee settlement has transformed into a mini-commercial hub where agricultural and trading activities are thriving. For instance, the stalls and restaurants situated in the settlement receive visitors from neighbouring cities who patronise the owners (residual Liberian refugees) of such commodities and food.

The journey of forced migrants, like the experiences of the Liberian refugees, is fragmented and marked by traversing unknown and perilous locales to secure safety with no predetermined point of disembarkation. It is this trajectory of exile and diasporisation that empowers and better prepares refugees to deal with hostility, marginality and silencing in countries of asylum (Olaoluwa 2017).

#### *Lack of Integration and Place-Making: Construction of Home outside Oru Refugee Camp*

Findings from this study reveal that the failure of local integration and abandonment of failed resettlement applications are major reasons why many residual Liberian refugees still live in a bushland area close to the former refugee camp in Oru town. According to residual Liberian refugees, UNHCR failed to uphold its obligations in the Multipartite Agreement signed between the Government of the Republic of Liberia, Sierra Leone, Federal Republic of Nigeria, Economic Community of West African States (ECOWAS) and UNHCR by not providing Liberian refugees with suitable support for relocation after the closure of the Oru camp by the Nigerian government in 2012. Respondents reported that the stipends that UNHCR agreed to pay the residual refugees were subsequently slashed and that the inadequate financial support exposed them to chronic vulnerability:

I am 44 years old. All those who chose local integration received N75,000 without housing. What we desired did not happen. We hoped for a better life after the camp was shut down. I acquired a knowledge of textile and batik designs. I attempted to do something with the fund but I did not achieve anything. I fell ill and spent the money on treatment.

Following UNHCR's failure to fulfil its duty to locally integrate residual Liberian refugees with the host community members and the Ogun state, Liberian refugees were evicted by the host community members from the main Oru refugee site to a nearby uninhabitable bushland area. Despite pleas by the residual Liberian refugees, the host community members refused their demands to continue using the former refugee campsite as a place of shelter after its closure by the Nigerian government.

During the interviews, participants revealed that they nonetheless worked to transform the uninhabitable bushland into a 'home'. As explained by Elizabeth:

We were homeless and began to look out for another home where we can find a better living ... Home means comfort, freedom and control over our own lives.

Participants described 'home' as a site of lived reality and personal memory which plays an active role in facilitating identity formation, socialisation, economic activity, and cultural linkages. This perception evoked their resilience strategies to re-imagine a meaningful home – despite the challenges of their present-day situation– and contest the socio-economic and political space in Oru town. One of their main resilience strategies was to preserve their cultural identity, which served to both reinforce their link to their homeland of Liberia and influence the people of Oru town. Through songs and dances composed by the Oru refugee church choir comprising the elderly who spoke in various indigenous languages including Bassa, Krahn, and Mandingo, the Liberian youths and host community members learned the dialect, history and values inscribed in different Liberian tribes. Participants believe that home is central to their subjective consciousness and that the preservation of their culture and language in songs is important to sustaining the longevity of the exile community in the diaspora.

*Transformative Agency: Contestation of Socio-cultural, Economic and Political Space of Oru*

During focus group discussions, participants revealed that Liberian residuals have not only kept their identity intact for over three decades, but they also share their cultural practices with the host Oru community at festivals and cultural activities. This is captured by Aminata, a 45-year-old woman:

We interact with all the cultures in the town when the King tells us to come for Ojude Oba festival in the town. We have a cultural group that performs all our dances. Since we have different ethnic groups in Liberia, the cultural group learn and perform a mixture of everything. When we perform at Ojude Oba in Oru, other people love our costume and dance and they ask us how we do it. We also learn how they do their dance, songs and costume.

Through the annual celebration of the Liberia Independence Day and Flag Day with other cultural groups, Liberian residuals expose the host community members to their culture and history. Their industrious spirit and the distinct culture displayed during the Liberia Independence Day and Flag Day have gained them recognition in local festivals, particularly Ojude Oba where they display their artistry and music in front of the King. These cultural events and celebrations have become a venue for cultural contact, social relations and friendships, and have drawn Liberians and other nationals including the Oru host into a cohesive community. The quest for recognition as a resilient cultural community in the face of marginality has seen residual Liberian refugees continue to promote their culture and identity with the host community even after the closure of the refugee camp in 2012. In this context, they can enact their cultural identity to assert themselves in the cultural space of the host community.



Liberian residuals have also deployed their economic resourcefulness to secure increasing influence in the areas of food security. They have transformed the new settlement (previously bushy location) into a hub of diverse economic activity—farming, entrepreneurship, trade, transportation, and food business. By gaining economic power, Liberian residuals are able to maintain their distinctive identity and resist assimilation:

There are women with tomato, pepper and vegetable gardens. Men also own farmlands where they plant cassava, corn and sugarcane in this settlement. Some people own large fish ponds and are into animal farming like goat rearing and poultry. We make money from these agricultural businesses. (Sheriff, male, 38 years old)

Participants explain that they transformed the arable land in the new settlement to produce and supply tomatoes, corn, sugarcane, vegetables, potatoes, bananas and cassava products to the local markets. Here, they sought to compete with local farmers by offering their products at a cheaper price, thereby gaining access to more markets, and influencing the economy of neighbouring towns and cities such as Ago- Iwoye, Ijebu-Igbo, Ijebu-Ode and Ibadan in the Southwestern region and Nigeria.

Liberian residuals now possess a small-scale Cassava processing factory, where they employ members of the host community to work and earn wages. The versatility of cassava means that it can be processed into a wide variety of products such as garri, starch, fufu, high-quality flour, tapioca and cassava chips for animal consumption (Kehinde & Aboaba 2016). They also navigate marketing constraints with the support of trans-local and diaspora networks to connect their end products to local markets and consumers in neighbouring towns and cities.

To further penetrate the informal economic sector of Oru town, Liberian residuals deploy their exilic experience and resilience to organise themselves into the transportation sector, particularly *Okada*, a popular motorcycle in Oru, for income and improved socio-economic activities by providing low-cost transport for residents and farm produce to markets (Durodola 2020). The struggle for recognition in the transportation sector is tied to the question of power, which speaks to the privileges and control of resources that the Oru host community previously enjoyed exclusively but is now desired as a form of recognition and power by the residual Liberian refugees:

Many of us belong to political parties and attend political meetings. Here, we vote based on campaign promises, the candidate's capacity and possibility of protecting our interests and demands. (Rebecca, female, 67 years old)

The statement above reflects that by registering to vote, Liberian residuals have assumed powerful agency to make political demands and shape the governance system of Ogun State. The foregoing also begets a political argument on whether it is safe to still refer to them as Liberians since only qualified Nigerian citizens are registered to vote. Nonetheless, rather than passively accept the existing political culture, Liberian residuals have transformed into a politically active community (through voter's registration and membership with political parties) recognised during elections to be counted and empowered to vote in Oru town, Ogun State and Nigeria at large. The foregoing

demonstrates that residual Liberian refugees desire something more concrete and asserting—political power to protect their interest and sustain their gains in Oru town.

This quest for political power also led to the formation of a diaspora association named Organization of Liberian Communities in Nigeria (OLICON), comprising former Liberian refugees who are in academia, civil society and corporate business. OLICON is organised along different types of hierarchical structures that play various roles on behalf of its the thirteen (13) active states (Eastern region: Anambra, Bayelsa, Delta, Enugu, Imo and Rivers States; the Northern region: Abuja, Niger, Kaduna, and Plateau States; and the Western region: Lagos, Ogun and Oyo States) in the country. Following the departure of UNHCR, Liberian residuals rely on OLICON to protect their interests and to provide civic engagement, public diplomacy, and development assistance in Nigeria.

## Conclusion

From participants' narratives, residual Liberian refugees were inclined to attribute their resistance and resilience in the new, de-familiarised host nation of Nigeria to their experiences of war and loss in Liberia and the development of survival strategies and their ability to deal with suffering and pains during their journeys to exile. These narratives, which combine several experiences, have become predominant among the Liberian community in Oru town and have given rise to the construction of a common Liberian identity.

This reflection concludes that the perceived powerlessness of displaced persons is unfounded, as the displaced audaciously enact their memories of exilic journeys and socio-cultural and economic agency which are then mobilised to contest the privileges and control of the indigenous population.

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## The Author

*Tosin Samuel Durodola recently received an M.A in African Studies (Diaspora and Transnational Studies) with distinction from the University of Ibadan, Nigeria. His thesis focused on the exilic journey and post-refugee experience of residual Liberian refugees in Nigeria. Tosin has done extensive collection, analysis, and dissemination of qualitative data on forced migration, diaspora, and refugee camps. He is a Research Fellow of the French Institute for Research in Africa (IFRA-Nigeria). Tosin is contributing a chapter to a forthcoming edited volume 'The Palgrave Handbook of Global Social Change' - Major Reference Work (2021).*

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# ***The Impact of COVID-19 on ex-Gazan Palestinian Refugees in Jerash Camp, Jordan***

CEVDET ACU

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## **Abstract**

Palestinian refugees have been living in Jordan for several decades, but they do not all have the same legal status. Displaced Palestinians originating from the Gaza Strip during the Six-Day War in 1967, known as ex-Gazans, are subjected to additional legal restrictions which limit their rights, unlike other Palestinians in Jordan. Ex-Gazans face barriers reaching basic services, including access to public employment, healthcare services, and financial support due to their legal status in Jordan. While ex-Gazans were already struggling to access basic services, the COVID-19 global health crisis broke out. This pandemic has led to a dramatic loss of human life across the world. COVID-19 also poses a significant threat to individuals' livelihood due to its related measures, including nationwide lockdowns, closure of businesses and social distancing. Based on semi-structured interviews with ex-Gazan Palestinian refugees, this paper examines the impact of COVID-19 and its preventive restrictions on ex-Gazans' livelihood in the Jerash camp in Jordan. The research findings indicate that the vulnerability of ex-Gazans refugees who live in the camp increased significantly during the COVID-19 crisis due to their pre-existing social and economic vulnerability.

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## **Introduction**

Jordan is home to the largest number of Palestinian refugees in the world. According to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA 2021) data, 2,206,736 registered Palestinians reside in the country; approximately 39% of all registered Palestinian refugees as of August 2021. There have been two mass displacements of Palestinians to the country. The first group of Palestinians arrived in Jordan after the *Nakba* ('catastrophe' in Arabic) of the 1948 Arab-Israeli war (Morris 2008). UNRWA (2021) defines people displaced in these events as refugees, and they and their descendants have since been given Jordanian citizenship. The second mass displacement occurred in the Gaza Strip following the 1967 Six-Day War (Segev 2007). These Palestinians (ex-Gazans) have not received Jordanian citizenship; the Jordanian government recognizes them as foreign residents (Pérez 2021; Bastaki 2020). In addition, ex-Gazans are not allowed to apply for naturalisation even though they have lived in Jordan for more than five decades. Therefore, ex-Gazans received temporary passports valid for two or five years while most other Palestinian refugees were naturalised in Jordan (see Feldman 2012; Pérez 2018; Hammad 2018).

This lack of citizenship leads to significant additional barriers for ex-Gazans. Unlike Palestinian citizens of Jordan, ex-Gazan refugees face restrictions in setting up businesses, enrolling in state schools, accessing public sector jobs and healthcare services (Kvittingen et al. 2019). Moreover, ex-Gazan refugees cannot work in nineteen different professions such as engineering, accounting, medicine, nursing, journalism, and law (UNHCR 2017). They are also not allowed to join professional associations/unions due to restrictions on their legal status. Therefore, ex-Gazan Palestinians are excluded from rights and services; they are burdened by not being given the same rights as other displaced Palestinians in Jordan. Their legal vulnerability creates fragile working and living conditions as ex-Gazans are consistently poorer than other Palestinian refugees in Jordan (Pérez 2021; El-Abed 2006). For instance, research conducted with 976 ex-Gazan households in the Jerash refugee camp indicates that more than two-thirds of the participants did not have sufficient income to meet their daily life expenses (Abdo et al. 2020). In addition, the unemployment rate in the Jerash camp was 39%, while the average among Palestinians in Jordan was only 14% before the COVID-19 crisis (Hammad 2018). While they were already living in these precarious conditions, the COVID-19 pandemic broke out.

Jordan has implemented some of the world's strictest measures, including nationwide curfews and closure of business, to stop the spread of COVID-19. This has led to social and economic disruptions across Jordan (World Bank 2020). Several studies point out that refugees who live in communal facilities such as camps and camp-like settings have faced additional challenges during the COVID-19 crisis (Islam et al. 2020; Mutambara et al. 2021; Subbaraman 2020). The ex-Gazans in Jordan are a minority group of Palestinian refugees that rarely feature in academic literature, and little is known about the impact of the COVID-19 crisis on this minority group. Therefore, this paper aims to contribute to the literature by exploring how the COVID-19 outbreak has affected ex-Gazan refugees' living and working conditions in the Jerash camp by relying on semi-structured interviews with the camp residents.

The main question of the research is: how have preventive COVID-19 measures impacted ex-Gazans' living and working conditions in the Jerash refugee camp in Jordan? This case study selection enables a better understanding of the challenges faced by the marginalised population, ex-Gazans, as there are limited studies about the living and working conditions of this minority group.

This paper contains four sections. The first section of the article explains how the Jerash refugee camp has transformed from a transient settlement to an underdeveloped city in Jordan. It also states the contextual details about ex-Gazan Palestinians' living conditions in the camp. In the second section, the research methodology and data collection are explained. The third section explores the impact of COVID-19 and related restrictions on ex-Gazan refugees based on semi-structured interviews with ex-Gazans in the Jerash camp. Finally, the last section concludes with what can be done to reduce the negative impact of the global health crisis for ex-Gazans in Jordan.

## A City within a City: Jerash Refugee Camp

Refugee camps are typically an immediate response to humanitarian emergencies, including internal or external conflict, war, and natural disasters (Aburamadan et al. 2020; Turner 2016). They are often designed to be transient shelters for displaced people. However, ex-Gazan refugees have been living in the Jerash camp for more than five decades. The camp was established in 1968 for 11,500 Palestinian refugees who fled from the Gaza Strip, but in 2021 it continues to host tens of thousands of Palestinians (UNRWA 2021a). The camp began as a collection of tents to provide shelters to displaced people, but they were replaced with homes and shops made of concrete blocks over time (see Images 1 and 2). It no longer resembles a typical refugee camp - there are no walls or fences around it, and one does not need official permission to enter.

Jerash camp is unique as almost all its residents are originally from the Gaza Strip; it is locally known as the Gaza camp. UNICEF (2020) data indicates that around 90% of the registered camp residents are ex-Gazans who have no citizenship. Instead, they hold two or five-year temporary Jordanian passports, which serve as an identification and travel document that allows them to leave and re-enter the country. These passports must be renewed regularly, but many research participants complained that they could not afford to renew their passports. Rodeen<sup>14</sup>, one of the camp residents who has a college degree, stated:

We need to pay 100 Jordanian Dinar [approximately £100, as of May 2021] to renew the passport for two years and 200 Jordanian Dinar for five years. Not all people renew it regularly because many people cannot afford it. For instance, until now, I do not have a passport. I need 200 Jordanian Dinar to have one for two years because it is the first time I am applying for it. (12 January 2021)

Abdo et al.'s (2020) found that 81.4% of the employed participants in the Jerash refugee camp live under the national poverty line of 814 Jordanian Dinar per year. In addition, Jerash camp was one of the last refugee camps without an underground sewage system; Tiltne and Zhang (2013) found that more than 98% of households in Jerash camp were not connected to sewage systems. Household greywater and other kinds of domestic wastewater used to flow through open channels along almost every road in Jerash camp until 2017 (SDC 2021). Furthermore, accommodations in the camp are very close to each other. It is the fifth-most densely populated refugee camp in Jordan, housing around 32,000 registered Palestinian refugees in an area of only 0.75 square kilometres (UNRWA 2021b). It is nearly impossible to follow COVID-19 preventive measures such as self-isolation and social distancing in such environments. As a result, thousands of ex-Gazan refugees in the Jerash camp are at increased risk of COVID-19 due to poor living and overcrowded issues. Mohammed, a 43-year-old camp resident, reported:

I was born in this camp... The camp infrastructure has almost remained unchanged in the last ten years, even though the number of residents

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<sup>14</sup> All names in this article are pseudonymous used to protect participants' identities.

increased significantly because nobody [policymakers] cares about it. (23 July 2020).

Mohammad's statement suggests the lack of financial investment in the camp infrastructure. Houses are often run-down with poor living conditions. More than 65% of roofs contain rusted asbestos, which has not been renovated since its construction (Hammad 2018).



*Image 1: A street of Jerash camp, taken by the author, August 2020*

The Jerash refugee camp has transformed from an emergency response to a permanent shelter under the Jerash governorate in Jordan. Almost all research participants (18 out of 20) complained about the lack of investment regarding the camp infrastructure and living conditions, which provide a fragile environment for residents during the COVID-19 crisis. Even though UNRWA provides a wide range of services such as healthcare, education, and financial assistance, Jerash camp is the poorest Palestinian refugee camp in Jordan (Abdo et al. 2020; Pérez 2018). Therefore, ex-Gazans' vulnerability is more likely to increase during the COVID-19 crisis due to their pre-existing social and economic vulnerability.

## **Research Methodology**

The methodological approach was a qualitative case study, relying on data generated through twenty semi-structured in-depth interviews conducted between May 2020 and January 2021 with ex-Gazan refugees who live in the Jerash refugee camp in Jordan. To prepare for the interviews, I made some connections with local and international non-governmental organisation (NGOs) staff who work in Jordan. I contacted them by email and



with the help of several researchers who did similar fieldwork in Jordan previously. They facilitated my contact with three Palestinian refugees who live in Jerash camp. These research participants put me in touch with further interviewees. The rest of the interviews were arranged by snowball sampling (Geddes et al. 2018). The sample contains 8 women, 12 men. I had an opportunity to conduct five interviews face-to-face in the Jerash refugee camp in August and September 2020. Four interviews were completed via mobile phone, while the other eleven interviews were conducted via Zoom and Skype due to the nationwide lockdowns and travel restrictions during the COVID-19 crisis in Jordan.

At the time of the interviews, all research participants were ex-Gazan refugees registered with UNRWA. Seventeen research participants were born and raised in Jerash camp, while the remaining three were born in the Gaza Strip and displaced to Jordan after the 1967 Arab-Israeli war. The interviewees were aged from 20 to 67 at the time of the interviews. Six respondents graduated from a college (two-year undergraduate degree). Nine participants held a high school degree, and the remaining five had completed primary education.

Interviews were conducted in both English and Arabic. If the research participants spoke English, the interviews were held in English. If English was not applicable for interviews, I employed a professional translator, who translated during the interview from English to Arabic and vice versa. The translator was not allowed to take any notes or make any recordings during the interviews for ethical reasons. Before the interview commenced, each participant gave oral consent and was guaranteed anonymity. Moreover, all the participants were informed about their right to refuse participation and withdraw from the study at any time. They were also informed that the data would be used only by the researcher for scientific purposes. The interviews took between twenty-one minutes to one and a half hours. Finally, all names have been changed to protect participants' identities and for their security.

Interviewees began by introducing themselves. The first questions dealt with individual characteristics, including age, education, year of arrival in Jordan, marital status, and foreign language ability. Next, all participants were asked about the main challenges they faced as a result of COVID-19 and its preventive restrictions. Finally, they were asked about their opinions on mitigating problems arising from precarious living conditions in the camp.

### **Ex-Gazan Palestinian Refugees in Limbo during the COVID-19 Crisis**

In response to the rapid global spread of COVID-19, the Jordanian government announced the sudden closure of its borders, educational institutions (nurseries, kindergartens, schools, and universities) and almost all non-essential businesses following the first reported cases in March 2020. In addition, the government declared a state of emergency as a part of a series of restrictions to control COVID-19 on 17 March 2020 (HRW 2020). After four days of total lockdown, restrictions were somewhat eased, allowing access to grocery stores and bakeries. However, a curfew persisted from 6 pm to 10 am from mid-March to early May 2020. Finally, the Jordanian government started to allow people to reopen their businesses. However, all borders and airports remained closed until mid-August 2020. In

the first week of October 2020, more than 10,000 COVID-19 cases were registered in Jordan, nearly double the total number of cases since the pandemic began in the country (MoH 2021). Following this significant increase in COVID-19 cases, the Jordanian government decided to implement a one-day nationwide curfew every Friday until the end of 2020 (Jordan Times 2020). These restrictions brought additional social and economic hardship for ex-Gazans as they were already living in poor conditions before the COVID-19 crisis.

### *Precarious Employment and Living Conditions*

Due to restrictions on their legal status, ex-Gazan refugees were mainly working in seasonal and irregular jobs without any social and economic protection before the COVID-19 crisis in Jordan (Kvittingen et al. 2019; Pérez 2018). Moreover, almost all research participants report that ex-Gazans are mostly employed in daily paid work due to a lack of stable jobs inside and outside the camp. Arab Renaissance for Democracy and Development (2020), a civil society organisation in Amman, found that more than 80% of ex-Gazans in the Jerash refugee camp work as day labourers. Thus, many ex-Gazans lost their primary source of employment income due to COVID-19 and the accompanying preventative measures. Ibrahim, a 57-year-old camp resident who became unemployed due to COVID-19 measures, said:

I was working in a restaurant before the corona crisis. The government closed all sectors [from mid-March to the first week of May 2020], and I lost my job during that time. The restaurant owner told me that they do not need me during this crisis. I don't know how I will find a new job now. It seems that we [Palestinian refugees in Jerash] will die from hunger before this virus kills us. (29 June 2020).

Ibrahim's statement suggests that the unemployment rate of ex-Gazans in the Jerash refugee camp are likely to increase given the disruption of businesses and movement restrictions during the COVID-19 crisis. Most research participants share Ibrahim's concern due to decreased or loss of income during the COVID-19 crisis. In addition, those who work in the Jerash refugee camp typically do not have a formal employment contract, which means they are subject to insecure working conditions. For instance, Abdallah, a 32-year-old camp resident, explained this challenge:

Many people in the camp work in manual labour jobs, and most people earn small amounts of money to meet only basic needs. They do not have any savings; they do not have any social security either... Many people could not pay their rent during these coronavirus restrictions, as they did not have any financial support from any organisation. (17 July 2020).

Abdullah's statement indicates that many ex-Gazans are struggling to meet their basic needs such as food and shelter as they do not have sufficient income to meet their daily living expenses during the global health crisis in Jordan. Moreover, the research findings suggest that preventive COVID-19 restrictions have affected women's already

disadvantaged position in the labour market more than that of their male counterparts. Among my own interviewees, 60% of women reported they had lost their job, while only 25% of men had. Although this sample is too small to allow for generalisations, these findings are consistent with a UNRWA (2020a) report showing that almost half (49.6%) of Palestinians indicated that their work was disrupted by COVID-19, with a significant difference between women (75%) and men (37%).



Image 2: City centre of Jerash camp, taken by the author, September 2020.

### *The Deterioration of Ex-Gazan's Well-Being and Mental Health*

Ex-Gazans also face challenges in accessing health care services in Jordan. 88% of ex-Gazans in the Jerash camp have no health insurance; this is the highest ratio among Palestinian refugees in Jordan (UNRWA 2021a). There are only two health centres for nearly 32,000 people in the camp. One of them is provided by the UNRWA and is free for camp residents. A private agency operates the other health centre, and camp residents have to pay for its services. The clinics which provide healthcare services in the camp mostly do not have the required medical staff. Due to the uncertainties of the COVID-19 crisis, several camp residents (5) explained that they suffer from mental health problems, such as depression and anxiety. However, none of them visited these clinics to receive treatment due to a lack of medical staff. To illustrate, Aisha, 28, who was born and raised in the camp, said:

I have never used the health centres' facilities in the camp. Honestly, during this corona issue, I was planning to go there to get some psychological support to overcome my anxiety, but I have not gone. It would be just wasting

time to go there because I know that they do not have enough expert doctors in the camp. (17 September 2020).

Furthermore, studies indicate that people who have severe chronic health problems are at a relatively high risk of developing dangerous symptoms of COVID-19 (Clark et al. 2020; Emami et al. 2020). Kyittingen et al. (2019) report that 66% of ex-Gazans over 50 years old had a chronic health problem before the global health crisis. They are therefore more likely to require hospitalisation and admission to an intensive care unit as a result of COVID-19. This may lead to serious problems given that the number of health clinics and medical staff are relatively poor in Jerash camp.

Rates of new COVID-19 cases in Jordan rose to among the highest in the world in November 2020 (Safi 2020). This unprecedented increase challenged refugees' mental health, as several research participants (5) mentioned that COVID-19 and its measures impacted their well-being. Fadel, 59, explained:

I lost my job when the Jordanian government announced the curfew in March [2020]. I have been looking for a new job for a long time, but I have not found it yet... No one is helping my family and me. I sometimes feel that we are left alone during this corona crisis. This desperation reminds me of the day when we were forced to leave our homeland. (5 December 2020).

The uncertainty of the COVID-19 crisis and the lack of healthcare services are likely to deteriorate ex-Gazans' well-being unless the Jordanian government and related humanitarian organisations provide additional social and financial assistance for the camp residents.

### *Financial Challenges and Structural Inequality*

Another negative impact of the COVID-19 crisis on ex-Gazans has been on the availability of funding to implement development projects. Two of the research participants mentioned that they worked on projects to empower fellow refugees to support themselves financially. One of the projects was about providing social and economic assistance for older adults in Jerash camp. The project founder, Zaynab, 48, explained:

Many older adults do not have regular income in the camp. I just thought I could arrange events to provide some cash assistance for older people, but I could not find any financial support. Donors mainly fund the projects if they are related to the corona crisis these days. I do not know how I will find funds for my project. (30 August 2020).

Zaynab's project was in the early phase, and she could not start to implement it due to a lack of funding. Another project concerned hydroponic farming, a method of growing plants in water containers with little soil. This project is continuing but lacks financial support. Omar, one of the camp residents and the project manager, explained:

I am the founder of a project which helps people grow vegetables in their homes. I aim to empower our people [ex-Gazans] economically because they

mostly rely on others... I have been trying to increase the number of people who work on this project by looking for new financial support. Our current fund will finish in September 2020. Because of the coronavirus crisis, I could not find the new funds yet to continue to employ additional people for our project. This makes me very sad. (27 May 2020).

There has been little economic support from the Jordanian government agencies for ex-Gazans during this global health crisis (Jordan Times 2020a). UNRWA provided a one-time cash payment of 100 Jordanian Dinar per family (approximately £100) to support ex-Gazans to reduce the burden left by the COVID-19 crisis (UNRWA 2020). Zaynab explained her concern about the lack of financial support during the global health crisis:

I have never felt that I am part of society in Jordan. We [Palestinians] are lonely people in this camp and this country as there is no organisation to provide us with financial support. I only pray to Allah to end this corona crisis. There is nothing else I can do right now. (30 August 2020).

The lack of social and economic support made ex-Gazans more isolated from the rest of the population during the global health crisis, as several research participants explained that they do not feel part of Jordanian society. In addition, almost all research participants (18) explained that existing problems, such as the lack of employment opportunities, insufficient healthcare services, and lack of financial support, have worsened during the COVID-19 crisis in the Jerash refugee camp. The precarious working and living conditions of Ex-Gazans make coping with the unintended consequences of preventive COVID-19 measures even more challenging. Moreover, they were left to fend for themselves during the global health crisis in Jordan.

The COVID-19 crisis has brought much attention to the existing inequalities among individuals and communities, despite the 'we are all in this together' sentiment used by some non-government organisations (NGOs) and politicians since the beginning of the pandemic to emphasise that this new virus and its consequences threaten everyone (WHO 2020; UNHCR 2020; Conway 2020). For instance, Oxfam's (2021) report indicates that between the 18th of March and the 31st of December 2020, the ten wealthiest people in the world increased their fortunes by \$540 billion, while hundreds of thousands of people, including refugees, lost their jobs as a result of the COVID-19 crisis. These two contrasting examples show that the global health crisis has not impacted everyone negatively. It may be true that the crisis affects many people across the world, but people experience this crisis and its outcomes in different ways (Sobande 2020).

## Conclusion

The research findings indicate that COVID-19 and its preventive measures, including nationwide lockdowns, closure of business and social distancing, increased ex-Gazans' vulnerability as they were already living in poor conditions before the global health crisis in Jordan. The findings provide an understanding of the common needs of ex-Gazan refugees during the global health crisis and beyond.

The COVID-19 crisis continues to pose a substantial threat to thousands of ex-Gazans' lives and to the working conditions of those residing in the camp, as this crisis has not ended yet as of August 2021. New variants of the virus have continued to emerge across the globe (Rondinone et al. 2021). The Jordanian government may impose additional preventive measures to deal with the new variants of the virus in the future, which may increase ex-Gazans' vulnerability.

The Jordanian government should reform its refugee policy to allow ex-Gazan refugees greater access to the labour market, healthcare, and social protection to promote their welfare and well-being. Universal human rights should be provided to all people, regardless of citizenship status, and this is more important than ever during the COVID-19 crisis. Therefore, ex-Gazan Palestinian refugees who have been living in Jordan for more than five decades should be treated equally as the citizens of the country.

The Jordanian government and related humanitarian organisations should provide financial support for those who struggle to meet their basic needs such as food, shelter, and healthcare during the global health crisis. Moreover, Jordan should not be left alone in fighting against the COVID-19 crisis, as it is impossible to deal with all the consequences of this crisis without global financial support. As a result, unless the steps recommended above are taken, the impact of the COVID-19 crisis may continue to fall most severely on those who are least able to defend themselves against it, including ex-Gazan refugees in Jordan.

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### The Author

*Cevdet Acu is a PhD candidate at the University of Exeter. He is interested in refugee economies, labour market integration of refugees, and economic development. He investigates the impact of Syrian refugees on the labour market in the developing country context.*

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# ***The Asylum Trap: The Authors of Asif's Story***

SINEAD WALSH

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## **Abstract**

This article seeks to explore an anthropological inquiry into the conditions which create and proliferate inhumane reception systems within the global asylum paradigm. In particular, through the author's first-hand experience of working within an Irish regulative reception framework, considered reflections are made to uncover both the tangible and intangible complexities of the public discourse which can offer an explanation as to why inhumane reception systems exist globally. Furthermore, the role of the actors involved in reception systems in contributing to these social factors and capitalising from the misconceived public discourse is criticised. Following this, the need for systemic change is identified: from short-sighted reception mechanisms to better informed pursual of wide-spread normative change.

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## **Introduction**

*I feel as though my problems are building and building. Like a glass of water that has begun to overflow. I have not seen my daughter in 8 years.* (Asylum seeker in consultation with Author, identity protected, 2018).

I could see tears of sorrow and anxiety welling in Asif<sup>15</sup>'s eyes from where he sat across from me in the small walk-in clinic of the Irish NGO I was working in. They escaped down his cheeks as he continued to list his mounting worries to me. I quietly placed down my pen and glanced at the other legal officer sitting next to me, looking for a suggestion on how to proceed with this consultation.

Like nearly every other applicant for international protection that I sat with, it was quickly apparent that the primary cause of Asif's issues was his experience of the Irish emergency reception accommodation system as opposed to the details of his application for asylum. I observed this perturbing trend repeat itself in consultation after consultation. The more time our clients were forced to wait for an answer to their application, the more the central issues of their cases became overshadowed by the struggles they faced in their daily lives in reception centres.

'This is the tenth reception centre I have been transferred to in Ireland and I don't know why I keep being moved. This time they gave me ten minutes notice.' 'I cannot protect my child from seeing the violent sexual incidents in our room.' 'My family shares a crowded room with three other families.' 'There are bed-bugs in our beds.' 'The food centre is a great distance from

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<sup>15</sup> Pseudonymous to protect anonymity.

my room, and I must carry my baby in the rain to reach it.' 'I am worried that my children are becoming malnourished.' 'I cannot sleep at night.' (Various Asylum seekers in consultation with Author, identities protected, 2018).

Rather than providing legal advice on asylum cases, I became increasingly compelled to advise asylum seekers on accommodation complaint procedures, social assistance appeals and even referrals to domestic violence NGOs. Even more frequent were the letters after letters of requests for case updates that I drafted in a desperate resort to the Department of Justice of the Irish Government. Facing a system that seemed fundamentally corrupt, the purpose and procedures of the legal framework of refugee protection had faded into the background.

Asif's case, and indeed the many others like his, evoke the question of how Irish reception systems supposedly designed as instruments of aid end up being the cause of pain and suffering for asylum seekers. Why do migrants retaliate against the structures designed to help them—a notable example being the recent fire in Moria refugee camp which, it is suspected, was started by its inhabitants themselves, desperate for a reason to escape? To answer these questions, this article argues that it is necessary to explore the paradoxes and ambivalence of the broader discourse on migrants. Furthermore, this article argues that this discourse is exploited by various actors to facilitate inhumane internal pragmatisms of specific reception systems.

### **The Wider Discourse on Reception and Migrants: Vulnerability as a Consequence of Ambiguous and Erroneous Definitions**

The emergency reception centres that Asif, and many others like him, become stuck in are paradoxical insofar as they render aid that is purported to be 'temporary' into a more permanent character in reality. In order to understand how this has become normalised and accepted within the public discourse, one must first understand how temporality is produced by the 'social imaginary'. As Craig Calhoun (2013) explains in his lecture, the socially imagined idea of an 'emergency' generates new perceptions of migrants/refugees within the humanitarian sector. This socially imagined 'emergency' gives rise to the collective sense of capacity to respond to migrants' needs and intervene into lives that might otherwise be viewed as tragic narratives governed by fate (Taylor 2003). Furthermore, the process of declaring an 'emergency' produces a sense of urgency which often operates at the expense of long-term considerations, as emergencies are set apart from ordinary processes of normal societies. Hence, in countries such as Ireland, refugees and migrants are only believed to be entitled to the provision of 'basic needs,' even if these are often deeply inadequate. Therefore, the social imaginary is a powerful agent in shaping the shared perception that reception systems do not need to prioritise liveability because they are temporary and exceptional structures.

However, the public discourse simultaneously produces a powerful understanding of reception systems as necessarily permanent and inevitable. This sense of inevitability is formed through the narrow portrayal of refugee situations as the product of faraway disasters as opposed to intertwined global political conflicts that involve local, national, and

transnational structural factors (Farmer 1996). Yet, in the public discourse these factors are often dismissed and unacknowledged. In Ireland, for example, migrants' countries of origin are often reductively labelled as 'dangerous' without sufficient consideration for the structural factors that produce situations of persecution. As Abouyoub (2012) contends, even where the most visible causative factors of persecution are acknowledged by developed countries, they are often over-simplified and do not account for multiple causes that can contribute to them, as is the case in the Sudanese conflict.

The public discourse of refugee situations as permanent also arises from the repetition of linear patterns of migration in broadcasted narratives of migrants. Calhoun (2013) asserts that the media is particularly influential in propagating these patterns by repeatedly presenting forcibly displaced persons as a series of anonymous individuals without identification marks. By denying them their subjectivity, the media depicts all persons who are forcibly displaced with a sense of shared identity which transcends location and time. In this sense, they sustain the belief of a permanent imagined 'community' of migrants despite the disparities between different migrant populations. For example, within Europe the term 'refugee' has been applied to both post-World War II displaced Europeans and individuals fleeing present-day complex crises outside of Europe, grouping them together despite there clearly being few common characteristics or experiences between these two groups of people (Baumann 1996). Additionally, it is important to recognise that actors involved in reception systems contribute to this creation of a unified migrant/refugee identity. Since reception centres purporting to aid migrants are rooted in the western perception that the world is divided into nation states where one must or must not belong, they reinforce the public discourse that portrays the defining characteristic of migrants as their position of never-belonging (Malkki 1995; Gomez-Temesio 2018). Moreover, response mechanisms such as the Irish reception centres reproduce and rely on the problematic western understanding of their mandate as 'life-saving.' The idea of 'life' in this context is restricted to the western notion of personhood and therefore neglects the preservation of the social and political lives of the people they assist. Consequently, Irish reception centres fail to recognise target beneficiaries as individuals with dignity, autonomy and capacity to act for themselves.

Notably, Farmer also highlights how the unequal distribution of local, national and transnational power across societies contributes to sustaining the permanence of reception centres. In Europe, for example, the ongoing politics of marginality and exclusion of migrants persistently reduces the capacity of migrants to be recognised as equals capable of progressing away from reception systems. Cabot (2015) shows how the 'Dublin III' Regulations create 'prison borders' for migrants, thus allowing more powerful European states, such as Ireland, to maintain their political and economic power by externalising their reception control policies. Due to their political interest in maintaining their status as an EU member state, less powerful EU states abide by this unequal burden and operate reception systems that are increasingly overpopulated and inhumane. As the mainstream public discourse of border externalisation fails to hold powerful EU states accountable for these arrangements, it can be held complicit for furthering the illusion that refugee situations and poor-quality reception systems are inevitable.

The prolonged confinement of asylum seekers in Irish reception centres can also be linked to the contradictory abstraction of migrants being both victims and threats at once. This discourse is particularly evident in the politics of the border and reception operations, where liberal advances of promoting human rights operate in tandem with preventative security measures which seek deterrence and control of migration (Andersson 2017). As Andersson (2017) argues, although these objectives appear to be in opposition, they are actually interlinked and work together to proliferate prisonlike borders conditions. Similarly, in Irish reception accommodation centres, initiatives of care operate to provide further grounds for reinforcing measures of control. For example, in 2018 the Irish government passed a law that claimed to advance asylum seekers' human rights by allowing them a right to employment. However, the Irish government also imposed restrictions on accessing this right by limiting it to asylum seekers who have lived in reception centres for a minimum period of nine months. Moreover, it also imposed restrictions on the type of work and the amount of income asylum seekers can obtain. In addition, once asylum seekers begin to obtain an income, their claims for social welfare can be rejected and they are compelled to contribute financially towards their confinement in reception centres. Therefore, this ostensibly human rights-based initiative instead primarily operates as a policy which legitimises the Irish government's desire to expedite case processing times. Additionally, it also reinforces the marginalisation of asylum seekers as a lower class in society, giving more grounds for discriminatory notions of asylum seekers as threats that are necessary to control.

This analysis demonstrates that in order to understand why migrants like Asif become trapped in reception systems, it is not enough to simply accept that asylum cases take extensive time to process. Rather, it is necessary to recognise the interaction of individual migrants with the broader discourse of the reception state(s), actors and the public at large as an ever-changing process which encompasses explicit political interests in maintaining and prolonging reception mechanisms. The ambivalence of depicting migrants like Asif as both a victim and a threat has led to the proliferation of simultaneously temporary and permanent reception facilities through which contrasting political agendas can be advanced. Consequently, the endless frustration of Asif with his reception centre and the attacks on the camp in Moira should come as no surprise. However, it is insufficient to only explain the inadequacy of reception systems as a product of a paradoxical public discourse, as over time various actors have begun to obtain more tangible benefits from the asylum reception system.

### **Individual Interests and Reception Systems: The Profiteers of the Cycle of Asylum**

As the wider discourse on migration has reinforced the necessity of establishing permanent refugee emergency response mechanisms, it follows that individual actors have sought to profit from their existence. As reception systems are incorporated more and more into mainstream business models, the number of actors with vested interests in keeping individuals like Asif locked in reception systems has increased more than ever before. This is particularly salient in Ireland, as most of the Irish reception centres which Asif was placed into are run by for-profit businesses. In fact, of the eighty reception centres that operated

in Ireland in 2020, only seven were owned by the state. These businesses earn a profit by being paid by the state to house asylum seekers like Asif (Heskin 2020). Notably, although such business practices are consistently downplayed in the public eye, the limited data that is available showed that one of the largest for-profit companies, Millstreet Equestrian Services, who run six direct provision centres, recorded a profit of €2.36 million in 2018 (RTE 2020). This clearly demonstrates the high level of dependency on the continuation of reception centres that such businesses have developed. In some instances, further interests in maintaining reception centres have arisen from relationships of reciprocity between these businesses and the state which has proven to be lucrative for both parties. For example, Mosney Holiday PLC is the biggest earner of profit obtained directly from providing reception accommodation and in 2017 its owners donated €6,500 of its €139,577,808 profit to the conservative Irish political party, Fianna Fáil (Moore and Hosford 2020).

However, even if the provision and operation of Ireland's reception centres were run by non-profit NGOs and the Irish state in accordance with established humanitarian frameworks, reservations would still need to be made to safeguard against the reoccurrence of the same problematic outcomes. Though humanitarians portray themselves as neutral and altruistic, they have become more and more interlaced with capitalist interests. Calhoun (2013) provides the example of the existence of trade fairs in Dubai which are purposely built to produce and sell products needed for humanitarian emergency response projects. Such practices reflect the humanitarian sector's misguided prioritisation on improving the quality and efficiency of resources for response projects as opposed to directly addressing the needs of the beneficiaries and the structural causes of emergencies. Moreover, the increasing professionalization of humanitarian work has failed to effectuate positive long-term changes in resolving the structural causes of forced displacement. Although it is evident that the 2013 Za'atari camps in Jordan are managed much more professionally in terms of the services, structure and coordination of the actors present than the 1994 camps in the DRC for Rwandan refugees, these improvements have done little to address the structural forces that entrench people like Asif in reception systems. Humanitarians must be more aware and responsive to the paradoxes of the existing public discourse in order to successfully achieve long-term normative change through advocacy. If not, they will be complicit in perpetuating adopting flawed strategies which focus exclusively on improving the immediate conditions of reception centre residents at the expense of achieving genuine long-term solutions.

Additionally, should the reception centres provided to Asif become interlinked with private, smaller-scale humanitarian projects, safeguards against the same outcomes would also need to be implemented. Private, smaller-scale approaches to humanitarian projects have become increasingly popular in refugee crises response and can allow for operations to be more remote from the political motivations manifested in global response efforts. However, they also reinforce the same contradictory double bind of care and control that pervades the wider public discourse. For example, while it may seem that the market approach adopted by a solar company in Goudebou refugee camp in northern Burkina Faso exhibits care for refugees by interacting with them as ordinary consumers, in reality these

interactions are much more controlling in reality as they exploit refugees' vulnerability and confinement which prevent them from having the same choices as ordinary consumers.

## Conclusion

Asif's story, like many others, is one in which his suffering under the reception centre system overshadows his previous persecution which forms the basis for his asylum claim. However, as I dejectedly suggested the limited administrative procedures available to him for registering his complaints, it became clear that these would never be enough. As I watched him leave the consultation office, disheartened but thankful, I began



to ascertain that there was more to his story than met the eye. How could I explain to Asif that his suffering in Ireland was fundamentally linked to the ill-founded public discourse on the issue of reception centres and the resulting inhumanity of the system? Moreover, how could I relay to him that this deeply entrenched link was unlikely to change as it currently stands?

The interaction of victims like Asif with the broader discourse of the reception state(s), actors and the wider public has revealed socially created paradoxes which erroneously define the narratives of asylum seekers like him. This discourse has facilitated space for misconstrued perceptions to be manipulated in order to serve a multitude of interests of various actors in Ireland. Without awareness and normative change in discourse, Asif's story is likely to be repeated.

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## The Author

*Sinead Walsh is a master's student of International Humanitarian Action (NOHA) and holds a bachelor's degree in Law. She has extensive experience in the area of refugee reception systems and asylum law at the various levels of national NGO, state-appointed legal aid and international regulatory mechanisms. She is currently engaged with several humanitarian assistance projects provided for asylum-seekers in Hal Far Open Centre, Malta.*

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## ***The Crises Behind Crises: Reformulating Humanitarianism to Address Why People Flee***

SINEAD WALSH

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*To Ripon Molla*

### **Abstract**

This article considers the capacity of the humanitarian sector to respond to the modern-day crises that are the root causes of forced migration. It seeks to fill the lacuna in contemporary migration discourse, which often solely focuses on the effectiveness of response mechanisms to forced migration after it has occurred and is therefore characterized by its reactive and ad-hoc nature. In order to eradicate this trend, a broader focus on the root causes of forced migration needs to be considered. Through considering both the theoretical bases and tangible structures of the sector, set against the history and locations of the situations where crises take place, this article demonstrates how the sector's approaches have become outdated. This article argues that reform will be needed at a normative level to create a system of preventative action that is multi-principled beyond the classical humanitarian principles of humanity, impartiality, independence, and neutrality. To mitigate operational concerns, additional principles focusing more pragmatically on protection, localisation and individual human rights should be given more weight in the sector. Such normative changes would also set the foundation for better coordination through inclusivity, more sustainable funding agreements and more effective research. This article will further analyse how particular changes are needed to reform humanitarian principles and to reorganise humanitarian actors and institutions. These necessary changes will be explored through the case of climate change as an example of a contemporary root cause of displacement.

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### **Introduction: The Changing Context of Humanitarianism**

The humanitarian system can broadly be defined as encompassing all actors, from local to national and transnational, who operate under the mandate of providing aid to ameliorate crises of human suffering wherever they occur. Academics have argued that the humanitarian system's inability to respond to the root causes of migration crises can be explained by its historically-situated creation (Davey et al. 2013). Modern humanitarian approaches were largely developed in the context of colonial inter-state relations where the distinction between aid initiatives and colonial agendas seeking to maintain power and control of weaker states was often blurred (Davey et al. 2013). The need to respond to the aftermath of both World Wars also continued to shape the institutional nature of the sector over time. For example, under the Treaty of Versailles, the League of Nations established UNHCR. Additionally, the first transnational NGO, Save the Children Fund, was created in

response to WWII (Davey et al. 2013). Historical shifts in geopolitics also influenced the evolution of features which are notable today (Davey et al. 2013). Indeed, contemporary calls for 'development' originating from a heightened focus on the 'third-world' during the Cold War, as leaders asserted the equality of their needs and the 'second-world', was off-limits to Western organisations (Davey et al. 2013).

However, following the fall of the Iron Curtain to the present, unprecedented 'complex emergencies' have emerged, in which humanitarian needs arise from a multitude of crises occurring at once. These complex emergencies often form many contemporary patterns of migration. For example, individuals can become displaced as a result of intersecting factors such as climate change, conflict-based persecution, economic destitution, and even state failure. As a result, an estimated 79.5 million individuals have been forcibly displaced globally, the largest figure to date (UNHCR 2020).

Unlike in the past, the exact causes of such emergencies are not readily identifiable, creating difficulties for humanitarians to pinpoint early indicators. The intensifying risks inherent in interventions also pose an obstacle to prevention, as observed in the reluctance of humanitarian engagement in the 1990s and as exemplified by the withdrawal of US troops from Somalia and UN mission labelled 'self-protection force' in Yugoslavia (Davey et al. 2013).

This article argues that the continued application of outdated frameworks to these contemporary challenges are ineffective and significant reforms across the entire sector are needed. In particular, this article will analyse the need for reform with respect to the principles, actors, contexts and sectors/activities within the humanitarian paradigm.

## **Principles of Humanitarianism**

It has been argued that an effective humanitarian response to contemporary complex crises is less easily reconciled with the ideas of Henry Dunant, who is noted as the first proponent of the humanitarian system (see for example, Alexander 2015). Following the human suffering he had witnessed during the Battle of Solferino in WWII, Dunant conceived of the International Red Cross and Red Crescent Movement (ICRC) as the first neutral, international humanitarian network that would operate solely for the purposes of delivering humanitarian aid to human suffering wherever it was found (Hillhorst 2018).

The 'Dunantist spirit' formed the basis of the framework later developed during the 1993 World Conference on Human Rights in Vienna, which conceptualised humanitarian action in terms of four key principles: humanity, impartiality, independence, and neutrality. Firstly, the humanity principle entails that humanitarian actors protect lives and alleviate human suffering wherever it is found. Secondly, the impartiality principle regulates the delivery of humanitarian aid based solely on need without discrimination. Thirdly, the independence principle necessitates that aid is kept separate from instruments of government policy. Last, neutrality demands that humanitarian actors refrain from taking sides in conflicts or controversies. These founding principles can come into conflict with certain humanitarian practices today, such as the automatic application of UN sanctions that target specific state

governments in order to safeguard certain populations from harm, which arguably undermines the commitment to neutrality (Giumelli 2020). Systematic overhaul is therefore needed in order to navigate traditional idealisations of these principles and harmonise them with the necessary operation of modern humanitarian practices.

However, the formulation of new humanitarian principles can still be conducive to bring about effective responses while maintaining an appropriate guiding framework for the humanitarian system. For example, the UNHCR and others have recognised that protection principles are needed to minimize the risks involved in delivering aid in the dangerous context of crises leading to forced displacement (Haider 2013). Specifically, the UN Global Protection Cluster was designed to mainstream the interests of protection in all humanitarian endeavours. This initiative recognised the need to expand the humanitarian framework beyond the four founding principles to include 'Safety and Dignity', 'Meaningful Access', 'Accountability' and 'Participation and Empowerment' as universally applicable principles. Additionally, Spiegel (2017) endorses the operationalization of protection principles to modernise the system and maintains that the Inter-Agency Standing Committee (IASC) definition needs to be interpreted inclusively, pragmatically, and non-intrusively.

Another example stems from the growing awareness of 'localization' as an increasingly pertinent element for ensuring effective contemporary responses and one which should arguably be reflected in the core humanitarian principles (Donini 2020). To ensure that local actors are granted legitimacy as essential actors that form part of the international humanitarian system in their own right, Slim (2020) asserts that departing from the principle of neutrality is necessary. Neutrality is not operationally feasible for many relief organisations as it can entail using extensive resources to engage across a conflict in order to serve all parties involved. Similarly, the principle of independence should not be imposed on all actors as some may depend on government support to operate. Alternatively, prioritizing other principles from the ICRC—for example, empowerment and dignity—could enable the required response for aid to more effectively reach displaced populations (ICRC 1994).

Although the humanitarian framework initially purposefully adapted a principles-based approach rooted in humanity, impartiality, independence, and neutrality, they are proving outdated. Modern responses could benefit from the creation of an alternative, rights-based approach. This would empower civilian populations forced to flee and help to create relationships with greater accountability between affected persons, their governments, and humanitarian actors (Haider 2013). In order to make this framework a reality, a relaxation of the traditional view of the traditional principles of humanitarianism are required.

## **Actors and Institutions**

Systematic competence has also been hindered by the inability of humanitarian actors to unite around a single model for responding to present-day crises. This is not to say that none exist. The Sphere initiative created a set of codified humanitarian standards now widely used by humanitarian actors. Sphere standards apply to all situations of

humanitarian need, where there is an emergency demand for water supply, sanitation and hygiene promotion, food security and/or nutrition, as it sets the minimum quantifiable standards to be met in such situations (Sphere 2018). However, its fundamental flaw is that its authority is not binding (Stroup 2012).

Various migration crises have sparked an increase in the number and types of NGOs in operation. In recent years, there has been an increase in the number of humanitarian organisations working in the field to approximately 6,000, with 95% of them being NGOs (Egger and Schopper, forthcoming). However, the specific cultural contexts of NGOs can also hamper their efforts to create a coordinated global response. For example, existing research remains biased towards western NGOs, a product of the intense NGO creation following WWII (Egger and Schopper, forthcoming). Stroup (2012) provides numerous instances of this. CARE USA, for example, is reluctant to engage in extensive advocacy campaigns for fear of being too political because they rely on government funding. CARE France, by contrast, is seen as being 'outspoken,' something indigenous to French NGO culture (Stroup 2012). Considering that national origins can define an NGO's approach to key issues such as fundraising, professionalization, advocacy, and government interaction, the lack of data on this element of NGOs restricts effective coordination between humanitarian actors in the wider system, and those in need of relief (Stroup 2012).

At the domestic level, contemporary rejections of multilateralism in favour of state sovereignty weaken the capacity to coordinate. A notable example is the US withdrawal from WHO in 2020. At the inter-governmental level, a succession of institutional rearrangements has remained largely unsuccessful. Notably, the UN was not designed to respond to complex crises; its predecessor, the League of Nations, considered this to be the role of the ICRC and national governments, and the UN itself was initially only concerned with development (Crisp 2018). The trajectory of its evolution demonstrates insufficient attempts to centralise coordinated responses. The criticism and revocation of the UNDRO and OECA, and the response to the Gulf crises and creation of the Department of Humanitarian Affairs (DHA) under UN Resolution 46/182 are pertinent examples of this.

Moreover, despite intractable crises and the inadequacy of IASC's former 'collaborative approach' to help IDPs in Darfur, the UNHCR maintains that major reform is not required (Crisp 2018). Instead, it implemented the 'cluster approach,' which requires UN agencies to agree to a division of labour, with a specific agency assigned to oversee certain tasks in any humanitarian response. However, much evidence of disconnected and duplicative UN planning remains (Zamore 2019). Moreover, it is likely that competition among agencies and resistance to centralized control will continue (Crisp 2018). Instead of rearranging the existing system which has led to the aforementioned failures, a systematic overhaul is needed. Upholding practices of UN centralisation and bureaucracy must not be prioritised over efficiently responding to crises

### **A Case Study in Context: Climate Change**

The complexity of contemporary crises is further compounded by global challenges such as climate change and pandemics. However, the humanitarian system often is ill-equipped

to handle these emergent problems, which are increasing in urgency. This section focuses on the relationship between the humanitarian system and climate change (NASA 2020), given the increasing number and scale of natural disasters (EM-DAT 2020). These phenomena have fostered some recognition of the imperative to consider how environmental issues may affect armed conflicts, such as at the 1998 World Conference on the Changing Atmosphere: Implications for Security in Toronto.

Notably, climate change alleviation has also been inextricably linked to development (IPCC 2018). It has been established that resource scarcity owing to adverse environmental conditions can lead to negative social effects, decreased economic productivity and the expulsion of migrants. These conditions in turn give rise to weakened states with increased susceptibility to ethnic conflicts, *coups d'état*, and material deprivation (Homer-Dixon 1994). Numerous IPCC reports warn that more regions across the globe will become environmentally inhospitable and economically stressed (IPCC 2018).

In Darfur, statistics illustrate that, historically, conflicts between tribal groups can be attributed to deforestation from drought. Drought triggered ecological migration towards southern Darfur, where resources became scarcer, and tensions ensued (Abouyoub 2012). It also created more nomads in Darfur and forced them to try and settle in areas of the land owned by the 'fur,' the ethnic group comprising the settled population in Darfur. Over time, more nomads preferred sedentary life, exacerbating competition. Although the UN has accepted climate change as the root cause of the conflict, its discussion almost invariably only focuses on the regional military and politics (Ki-moon 2007). The mainstream western media and the warring parties themselves have painted the conflict as being caused by racial and ethnic issues, simplifying it into a binary of Arabs versus African natives, overlooking the fact that Arabs are as native to Sudan as Africans (Abouyoub 2012).

Similarly, across the Sahel, violence between pastoralists and farmers has escalated, driven by socio-economic factors, and competition for land, water, and political power (International Crises Group 2020). Nevertheless, this has generated less attention than other security challenges such as the presence of Boko Haram, which is responsible for less regional deaths than Nigerian climate conflicts.

Perturbingly, the future consequences of climate change will likely go beyond the extent of our knowledge of the issue at present and is, thus, inherently difficult to predict and prepare for. Therefore, the effects of climate change need to be seriously engaged in international debates and should not be solely limited to a cost-benefits discourse. Climate change needs to be recognised as a cause of conflict from the outset.

### **Intersection of Humanitarian Paradigms**

Intersectional needs arise from complex and protracted humanitarian crises (Hövelmann 2020). Indeed, this is highly pertinent for ensuring aid provision to forcibly displaced populations and addressing longer-term needs, such as rebuilding societies and/or the resettling migrants externally. The Triple Nexus, derived from the UN's 'New Way of Working' (NWoW), seeks to address fundamental challenges experienced by its

predecessors in forming consistent and dependable transitions between humanitarianism and development. The old models included: a bifurcated aid structure, separated donor funding, and disparate *modus operandi* and mandates. Novel features of the Triple Nexus include avoiding the compartmentalisation of needs and considering ongoing structural shifts when operationalizing and establishing 'collective outcomes.'

Certain case studies show evidence of the Triple Nexus successfully influencing reinforced local systems/solution and strengthening humanitarian-development-peace coordination (Zamore 2019). However, the following challenges indicate that Triple Nexus remains unfit for its stated purpose.

Firstly, equivocation surrounds what the Triple Nexus entails pragmatically. Considering it was formulated within UN frameworks, policy debates are perceived as very broad and 'UN-driven,' limiting diversity in the dialogue. This has obstructed implementation, as evidenced by limited engagement in the Triple Nexus by other humanitarian organisations and actors. In particular, some have reservations about its compatibility with the classic humanitarian principles, for example where the risks of compromising independence and neutrality emerge due to the requirement to promote peace in their mandates. Moreover, such risk of indirectly politicising actors or using state-led frameworks could create access and security issues, as aid agencies could be perceived as having political agendas or as supporters of one side in a conflict or controversy.

Furthermore, it remains an open question as to whether the Triple Nexus entails adopting a triple mandate, where all humanitarian actors would be required to change their purpose to include humanitarianism, development, and peace as their *raison d'être*. This is concerning for organisations such as MSF, whose ethos focuses on instantaneous delivery, sometimes operating at the expense of longer-term, wider objectives. Rewriting classical and short-term oriented humanitarianism into a more resilient, rights-based humanitarianism is necessary to overcome such issues, but a variety of stakeholders need to be included in reforms.

Secondly, most local governments remain unable to incorporate affected populations into public systems. Governments that do have the requisite resources or capacity pay the price politically. Often, they are forced to reduce the benefits extended towards their citizens to meet the needs of non-citizen populations on their territory instead (Zamore 2019). While Spiegel (2017) contends that integrating affected persons can resolve inequality that puts refugees and IDPs at particular and long-term risk, it remains impractical for some contexts and therefore falls short of being a universal solution. Moreover, perceptions of the Triple Nexus vary considerably amongst different states. For example, Sudan integrates mandates of humanitarian action with development and peace. On the contrary, Mali decouples humanitarian action from other objectives to remain neutral in its humanitarian delivery. Outside of states' efforts, donors and aid agencies continue to resist the idea of channeling support through country systems' local NGOs. It is unclear how state governments can be held responsible for populations on their territory, and Triple Nexus does not provide any clear strategies for this problem.

Thirdly, the peace paradigm within the Triple Nexus is a contemporary addition to the pre-existing Dual Nexus but it remains unclear in theory and in practice. The World Bank (2018)

endorsed its inclusion as a response to increasing violence. However, no common definition, nor indication of how peace should be operationalized exists, creating uncertainty around the possibility of material change. Moreover, civil society actors tend to understand peace narrowly as community-level reconciliation, whereas states tend to interpret peace broadly as involving security, counterterrorism, and stabilisation (Hövelmann 2020). It is ambiguous which interpretation the Triple Nexus endorses, leading to divergence between discursive progresses within peace agreements and discourses in the broader field. For example, the Colombian Peace Agreement focuses on eliminating violence without any explicit references to the concepts of indirect attacks, structural violence, or a 'culture of violence' commonly considered imperative in peace studies (Valenzuela 2019).

Finally, considering that the financial requirements to meet the needs of the Triple Nexus have doubled since 2010--owing to the increasing complexity and prevalence of crises globally--it is highly likely that funding issues predating the Triple Nexus will continue. Moreover, the bifurcation of funding streams for humanitarian action and development obstructs complementary interventions. Where actors obtain single-funding instruments that, for example, provide funds for one specific humanitarian action intervention, it remains unclear if they are able to adapt to multi-year, reframing purposes that are geared at ensuring development.



## Conclusion

This article has argued that the humanitarian system is no longer capable of responding effectively to the root causes of migration in today's world. Simply altering mandates is not enough. Rather, normative humanitarian mindsets must be remodelled to promote the requisite operational changes. This overhaul would lead to a new system where, firstly, Western powers and international central bodies such as the UN would recognise their role as supporting, rather than controlling, state and local actors in the provision of aid in complex crises. This would allow beneficiaries to have a voice in how they receive humanitarian aid. Secondly, donors would support actors' incentives for long-term cooperation over short-term competition for resources/visibility. Thirdly, all humanitarian actors would be able to enter developmental or solidarist spheres without compromising their identities and humanitarian principles (Overseas Development Institute 2016). This reformulation is necessary to prevent the proliferation of humanitarian aid that is solely reactive and ad-hoc in application and does not provide long-term solutions.

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## The Author

*Sinead Walsh is a master's student of International Humanitarian Action (NOHA) and holds a bachelor's degree in law. She has extensive experience in the area of refugee reception systems and asylum law at the various levels of national NGO, state-appointed legal aid and international regulatory mechanisms. She is currently engaged with several humanitarian assistance projects provided for asylum-seekers in Hal Far Open Centre, Malta.*

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## ***POLICY SECTION***

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# ***Dreamers vs. Immigrants: The Impact of Framing on Dreamers and Irregular Migrants***

EMMA LABOVITZ

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## **Abstract**

In the summer of 2012, President Obama announced an executive order titled Deferred Action for Childhood Arrivals (DACA). This legislation offered irregular migrants brought to the US as children a way to stay in the country legally, albeit not permanently. Five years later, the Trump Administration rescinded the program. As the framing of target groups is a central part of policy making and resource allocation (Schneider and Ingram 1993), this paper sought to understand this policy and its subsequent shift through an exploration of the framing of DACA by each administration. While previous studies have explored framing of DACA recipients under the Obama Administration (Barbero 2019; Keyes 2013; Lauby 2016), no study has explored the discrepancy in frames between the Obama and Trump Administrations. To fill this gap, this study conducted a content analysis of policy documents from both administrations. Consistent with existing research, this study found that the Obama Administration countered the existing citizenship regime by asserting a subgroup of irregular migrants, Dreamers, were deserving of (liminal) legality because of their hard-working nature, innocence and Americanness (Barbero 2019; Chacón et al. 2018; Pallares 2014). However, this study found that the Trump Administration diverged from this rhetoric, rarely focusing on Dreamers' deservingness, but rather focusing on the policy itself, obscuring the benefactors. Trump's dehumanising frames allowed him to rescind DACA, threatening Dreamers' physical and psychological well being. However, the risk of displacement extends beyond Dreamers to irregular migrants more generally. This is a result of each administration's decision to frame Dreamers as separate from other irregular migrants, further marginalising those excluded from the exceptionalism of DACA. As President Biden embarks on a new administration filled with the promise of immigration overhaul, it is imperative to understand how frames are used within the policy process to ensure all migrants, not just those deemed 'good', are included.

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## **Introduction**

Standing in the rose garden backed by the façade of the White House, President Obama enacted the Deferred Action for Childhood Arrivals (DACA), providing temporary relief from deportation and work authorisation for eligible irregular immigrants who were brought to the US as children. In his announcement he proclaimed:

These are young people who study in our schools, they play in our neighbourhoods, they're friends with our kids, they pledge allegiance to our

flag. They are Americans in their heart, in their minds, in every single way but on paper (Obama 2012).

His speech emphasised the inherent 'Americanness' of DACA recipients, a group also commonly referred to as Dreamers. This framing was intentional, a pervasive rhetorical strategy in Obama's presidency and the broader Dreamer movement.

Honig (2001) stated immigrants in the US exist within a binary of the good immigrant who gives (back) and the bad immigrant who takes. Historically, in the US, irregular migrants have been framed as 'bad'; however, Dreamers' palatable attributes (youthfulness and cultural assimilation) produced a strong enough counternarrative to assert Dreamers' deservingness (Nicholls et al. 2016). This differentiation was no accident, but the result of a 'niche opening,' or an opportunity for Dreamers to assert deservingness of legalisation because of their possession of the 'right' cultural (assimilation), economic (hardworking) and legal characteristics (Nicholls 2013). From this, the notion of the 'perfect Dreamer' was espoused (Lauby 2016).

The 'perfect Dreamer's' deservingness is based upon their 'Americanness' and shared culture, their innocence as they were brought to the US as children, and their hardworking nature (Abrams 2016; dae la Torre and Germano 2014; Keyes 2013; Nicholls 2014; Nicholls et al. 2016; Pallares 2014). These attributes resonate well with American values (Lauby 2016) and easily fit within neoliberal expectations of Dreamers as boosting the global competitiveness of the US (Pallares 2014).

This framing was a central element to the Obama Administration's initiation and defence of DACA (Barbaro 2019; Chacón et al. 2018; Pallares 2014). Obama emphasised:

DACA, the program that we put in place for young people who are brought here who otherwise are good citizens, are studying, working, joining our military... they're Americans in their heart even if they don't have the right piece of paper (Obama 2014).

However, even though President Obama pushed against the hegemonic discourse that all irregular migrants are threats and burdens (Chavez 2013), the Administration's decision to focus on Dreamers' palatable attributes improved Dreamers' image at the expense of those excluded (Nicholls 2013; Yukich 2013). This dichotomy reinforced the notion that many noncitizens outside the boundaries of 'good' migrants remain undeserving.

While the framing of DACA recipients under the Obama Administration has been readily assessed (Barbero 2019; Keyes 2013; Lauby 2016; Nicholls 2013; Yukich 2013), studies have not explored the framing of DACA recipients under the Trump Administration. As the framing of target groups is a central part of policy making and resource allocation (Schneider and Ingram 1993), examining the framing of DACA under each administration will help shed light on the subsequent shifts in policy and the implications this could have for migrants' wellbeing.



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## The Trump Administration's Framing of DACA

The campaign and election of Donald Trump ruptured the dominant narrative around Dreamers. At a campaign rally, he promised to immediately terminate DACA, emphasising Dreamers' 'illegality' rather than 'Americanness' (Rose 2017). However, once he entered office, he seemed to change his mind, promising recipients that he would, 'work something out' (Kim 2016), a promise he recanted that year with the rescinding of DACA.

To understand this differing rhetoric, I used Atlas.ti and Excel to manually conduct a content analysis of relevant policy documents from the White House, the Department of Homeland Security (DHS), and the US Immigration and Citizenship Services (USCIS) for the Obama and Trump presidencies. These organisations were selected as they are the departments responsible for creating and enforcing DACA. Relevant articles were identified through searching each department's website and archives using policy-specific keywords (\*DACA, \*Deferred Action for Childhood Arrivals).

The initial collection of documents from the Obama and Trump era began with the White House archives. The Obama archives revealed 139 documents (\*DACA) and 102 documents (\*Deferred Action for Childhood Arrivals) and, within the Trump archives, 131 (\*DACA) and 14 documents (\*Deferred Action for Childhood Arrivals). On USCIS website, 374 documents (\*DACA) and 291 (\*Deferred Action for Childhood Arrivals) were found. DHS produced 12 documents from the Obama Administration and 13 from the Trump Administration. Once false positives, duplicates, and documents which did not have concrete discussions regarding DACA were removed, the search produced 51 articles from the Obama Administration and 94 articles from the Trump Administration. Documents included were blogs, fact sheets, speeches, policy documents, press briefings, memorandums, and speeches from cabinet members. The wide range of documents were used to understand the policy and the conversations that each White House produced around DACA.

The content analysis was guided by Newton's (2005; 2008) target group construction of immigrants, which built upon Schneider and Ingram's (1993) work. Newton looked at the frames of specific migrant communities and how politicians tend to frame migrants as either deserving or undeserving. Further informing the coding were studies which detailed the political framing of DACA recipients, such as Lauby's (2016) 'perfect Dreamer,' Keyes' (2013) allusion to the worthiness and blamelessness of Dreamers and Barbero's (2019) emphasis on the good versus bad migrant binary. In accordance with this dichotomy, coding was initially broken into deserving and undeserving categories, while sub-themes were identified through an inductive approach (Appendix A). While coding the Trump era documents, another category was added, which found the frames did not focus on whether DACA recipients were deserving or not, but rather on DACA as a policy.

Unlike President Obama, who repeatedly asserted DACA recipients' deservingness, Trump only emphasised this in 9% of his Administration's statements. Conversely, 38% of articles used an explicitly negative framing of the security threats or the economic burden DACA recipients posed, a major shift from the Obama Administration which avoided this entirely.

However, the most notable distinction is that while the Obama Administration repeatedly addressed those impacted by the policy, emphasising the humanity of the beneficiaries,

85% of the documents from the Trump Administration focused on DACA as a policy rather than a collection of individuals. Dreamers were no longer a friend of your child or a student at the local college, but a policy component of Trump's immigration overhaul. "Any legislation on DACA must secure the border with a wall .... give our immigration officers the resources they need to stop illegal immigration .... [and] end chain migration" (Trump 2018). Within Trump's rhetoric, the Dreamers themselves became abstract ideas, a political bargaining piece for the Trump Administration. Instead of pursuing DACA legislation independently because they were deserving of beneficial policies, the existence of DACA was conditional to Trump's demands for a wall and visa reform.

### **Implications of Framing on DACA and Dreamers' Wellbeing**

This framing has consequences for policy and for migrants. Newton (2005; 2008) demonstrated the importance of counter-narratives that emphasise irregular migrants' humanity and positive economic impact to challenge existing citizenship regimes and norms in the policymaking process. For DACA recipients, this was generally the rule under President Obama, facilitating a shift in the citizenship paradigm and the creation of DACA. However, under President Trump these attributes were consistently omitted, and his policy-focused framing of DACA diluted the individual recipient's humanity. This engendered a return to the previous citizenship regime and the subsequent rescinding of DACA.

The repercussions of this go beyond policy. The rescinding of DACA and lack of a permanent solution places Dreamers in political limbo, threatening their legal belonging in a country that, for many, is the only home they know. This othering is exacerbated by the larger racialised immigration debate in the US that leaves immigrants of colour and Americans who look Latino/a largely excluded (Flores-Gonzales 2017). And while the Trump Administration fed into the physical and psychological displacement of DACA recipients, both Administrations' decisions to focus on Dreamers as exceptional and divergent from 'normal illegal immigrants' pits sons and daughters against their mothers and fathers and further marginalises irregular migrants of colour.

As the US embarks on a new presidency, much remains to be seen about the Biden Administration's immigration policies. At the start of his term, President Biden submitted a legislative proposal that creates a pathway to citizenship for all undocumented residents currently in the US (White House 2021), a departure from the exclusionary rhetoric and policies of his predecessors. With cautious optimism, this more inclusive rhetoric could challenge the existing citizenship regime, allowing for the passage of legislation that protects not only the 'exceptional', but also all who have come to the US.

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### **The Author**

*Emma Labovitz is in her first year at UNC-Chapel Hill, in North Carolina, pursuing an MA/PhD in Sociology. This past year, through Fulbright, she completed her MPA at Erasmus University Rotterdam (EUR) with a focus in the Governance of Migration and Diversity. At*



*EUR, her thesis examined how shifts in the framing of DACA recipients under the Obama and Trump administrations impacted recipients' perception of themselves and belonging. Within her PhD, she plans to continue to build upon her interest in migration, by focusing on how those who do not migrate are impacted by the migration cycle in Nepal.*

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## Appendix A

Category		
Frames	Deserving: Newton (2005, 2008); Lauby (2016); Barbero (2019)	<ul style="list-style-type: none"> <li>- Patriotic (Lauby, 2016) – abide by American principles (ie. hardworking/educated); are Americans except for on paper</li> <li>- Innocent (Lauby, 2016) – emphasis on youth; it was their parents, not Dreamers, who broke the law</li> <li>- Humanization (Newton, 2005;2008) – sharing of Dreamers’ narratives; humanizing Dreamers</li> <li>- Logic (Newton, 2005;2008) – economic advantage of migration</li> <li>- Binary (Good vs. Bad) (Barbero, 2019) – DACA recipients are good (because of prior attributes listed) other immigrants are bad</li> </ul>
	Undeserving: Newton (2005, 2008)	<ul style="list-style-type: none"> <li>- Illegality – use of term ‘illegal immigrant/alien’; encourages illegal behavior; threat to public safety; security threat</li> <li>- Unamerican (harms Americans) – displaces Americans; economic burden of migration; merit-based migration; Rule of Law; America first; DACA recipients are lazy</li> </ul>
	Legislation (framing of policy rather than DACA)	<ul style="list-style-type: none"> <li>- Obama – overstepped; DACA unlawful use of executive power</li> <li>- Trump – focus on policy position; critique of Trump</li> <li>- Political bargaining piece – politicization of DACA, dehumanization of DACA recipients</li> <li>- Need for comprehensive immigration reform</li> <li>- Partisan Attack</li> <li>- Critique of courts</li> </ul>

# ***Under the Hong Kong's National Security Law: How Can Western Democratic Countries Support Politically Persecuted, Exiled Anti-Beijing Dissidents?***

JASON HUNG

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## **Abstract**

Since Beijing has implemented the National Security Law (NSL) in Hong Kong, ample pro-democracy activists, rioters and demonstrators who had participated in mass socio-political movements have been arrested or sentenced to imprisonment. In order to flee from Beijing's political persecution, Hongkongers engaging in civil disobedience have been lodging asylum in western democratic countries including – but not limited to – the UK and Australia. In this article, the author is focusing on the UK, but the discussion must be placed in a broader geographical context of other developed social democracies like Australia and New Zealand who receive Hongkonger asylum seekers. The article's attention to certain immigration policies and barriers that Hongkongers experience in the UK may well prove instructive on this wider scale. By assessing forms of humanitarian assistance offered to politically persecuted Hong Kong citizens by the UK, the author argues that an emphasis on both linguistic and mental health support is particularly urgent. These two kinds of support are exclusively addressed due to political asylum seekers' need of satisfactory English proficiency to pass the immigration screening interview and the Hong Kong population's experience of heightened mental health crises under their exposure to recent socio-political and public health challenges. The author further argues maximising support for these issues to as many political asylum seekers from Hong Kong as possible would signal the host countries' intolerance of the Chinese Communist Party (CCP)'s unhumanitarian practices. To expound these arguments, the essay first analyses the major linguistic and mental health challenges faced by political asylum seekers from Hong Kong, before assessing how host countries may deliver relevant support to those seeking political asylum.

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## **Genesis of the Hong Kong's National Security Law and Exiled Dissidents**

The Hong Kong government proposed the extradition bill, formally known as the *Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019*, in February 2019, a proposal designed to arrange the transfer of fugitives from Hong Kong to mainland China. The proposed bill inflamed Hong Kong citizens, resulting in the outbreak of the socio-political unrest in Hong Kong primarily from mid-2019 to mid-2020 (Reuters 2020). In response to the then ever-escalating rioting within the city where rioters expressively fighting for their democratic rights sparked wider international attention, Beijing implemented the National Security Law (NSL) in Hong Kong on 30 June 2020. This

legislation would result in the imposition of penalties of up to life in prison for offences such as secession, subversion, terrorism and foreign collusion (Mahtani 2020). Under the contemporary socio-political and socio-legal climate in Hong Kong, an increasing number of dissidents have been exiling to flee from Beijing's political persecution.



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One example is that of Nathan Law Kwun-chung, the then youngest lawmaker in Hong Kong and named one of the 100 most influential figures in the world by *TIME Magazine* in 2020, fled from Hong Kong to London prior to the implementation of the NSL to avoid political persecution (Mok 2020). He has applied for political asylum in the UK (Ng 2020). In addition, Simon Cheng Man-kit, a former British consulate staff in Hong Kong, best-known for being tortured by Chinese authorities after a business trip in mainland China, was granted political asylum in the UK. Cheng has co-founded Haven Assistance, an initiative that has helped no fewer than 150 exiled, politically persecuted Hong Kong citizens relocate to the UK (Wong 2020). Activists in exile, including Simon Cheng, Ray Wong, Brian Leung and Lam Wing-kee, have launched Haven Assistance (Twitter: @AssistanceHaven) – an information-sharing and free consulting platform – in June 2020 to help Hongkongers who have also been facing political prosecution and seeking asylum. This essay partly draws on experiences recounted from Haven Assistance to understand how asylum seekers from Hong Kong can be better supported in the UK. A growing number of Hong Kong citizens participating in the 2019-20 socio-political unrest, along with other pro-democracy demonstrations and assemblies, have been seeking asylum in western democratic countries. In the wake of the increased police violence it is plausible that we will see larger waves of politicised forced migration. The following sections address the major urgent humanitarian assistance host countries should offer to politically persecuted Hong Kong citizens.

## Linguistic Support

Hong Kong political asylum seekers have been encountering a range of linguistically-relevant difficulties when resettling in the UK. Some of the political asylum seekers Haven Assistance are supporting do not speak English at all (Mahtani 2020). For those who can speak English, they have been facing linguistic barriers, especially due to their lack of familiarity with the local English accent and the process of familiarising themselves with the different cultural environments of western host countries (ibid). Although Hong Kong is labelled as Asia's international city, very rarely do local Hong Kong Chinese people enjoy the opportunity to study, work or live with native English speakers (Tsui 2007; Kuen 2012). They do not necessarily understand slang or accents widely used by native English speakers, as well as strong regional accents that they may never have encountered before (ibid).

Despite these clear and complex difficulties faced by political asylum seekers, the response of the UK Government has thus far been ineffective. It is therefore essential for the UK to financially assist humanitarian groups like Haven Assistance to hire staff who are familiar with Chinese, English and/or other European languages. This will assist those of Hong Kong origins throughout the complicated political asylum claiming application process. Assistance includes the introduction of the asylum screening procedures to Hongkongers and arrangement of workshops for them to prepare for the asylum interviews. Thus far, the UK Government has failed to actively support exiled dissidents from Hong Kong. One of the few, little efforts carried out by the UK Government was that the Home Office conducted public consultation on asylum policy by 6 May 2021 where Hong Kong citizens were welcomed to express their personal opinions. Public consultation is a regulatory process by which the public's input on matters affecting them is sought. The primary goal is to improve the efficiency, transparency and public involvement in large-scale projects or laws and policies (Hongkongers in Britain 2020). Existing literature argues that refugees in the UK face substantial barriers to employment, in part, due to their language proficiency and lack of knowledge about the UK labour market (Archer et al. 2005). Hong Kong political asylum seekers that are confronted with inadequate levels of linguistic support, prompting the lack of occupational competence and familiarity of job applications, may end up living under destitution or significant economic difficulties, even when they are granted refugee status. Moreover, between 1 April and 30 September 2018, in the UK, 100 asylum seekers were undergoing the screening interview. A total of 17 of them were interviewed without an interpreter, where 11 identified English as their non-native language. Astonishingly, the Home Office staff could only use alternative means of translation like Google Translate, if an interpreter was not available (Bolt 2020: 59).

Due to financial shortages faced by these humanitarian groups, the UK should subsidise, partially or in full, the operational costs of these groups. This would enable the Home Office to employ sufficient bilingual or multilingual translators to translate relevant documents needed for asylum applications from English or other European languages to Chinese, and, part-time or full-time, teachers to conduct English-learning workshops on a regular basis.

## Mental Health Support

Experiencing socio-political unrest for over a year, confronting police brutality, being stripped of their entitlement to civil liberties, encountering political persecution and lodging an asylum in foreign, unfamiliar countries are significant stressors that can lead to the development of mental health problems ("What Experts Say" 2020; Virupaksha et al. 2014). Additional literature argues Hongkongers experience a mental health emergency, where their stress, anxiety and depression levels have increased significantly amid the COVID-19 pandemic (Zhao et al. 2020). Some political asylum seekers Haven Assistance is helping have been suffering from trauma caused by the socio-political unrest (Wong 2020). Broader research conducted within Hong Kong reveals the mental health impacts of the socio-political unrest on its residents: during 2019 alone 22 percent of Hong Kong residents aged 18 or above experienced major depression or suspected post-traumatic stress disorder (PTSD) (Lancet Press Office 2020). It is in this context that political asylum seekers are arriving from Hong Kong to host countries, suggesting attention and support for their mental health is a much-needed component of the integration process.

It is necessary for host countries to subsidise relevant humanitarian organisations to hire psychologists who can screen for the mental wellbeing of political asylum seekers from Hong Kong. The Home Office has been delivering significantly limited funding to humanitarian organisations which primarily provide services to forced migrants, a disposition that needs to be addressed in order to ensure the minimum standards of satisfactory mental wellbeing of Hong Kong forced migrants. For example, the Home Office only granted the European Union's Asylum, Migration and Integration Fund (AMIF) worth £2.6 million to support 3,500 refugees in urgent needs for vital services, followed by withdrawing millions of pounds of funding in the event of a no-deal Brexit (Refugee Council 2019). In the UK, only a limited number of humanitarian organisations offer mental health support to refugees and asylum seekers. Refugee Council provides one-to-one counselling and health and wellbeing workshops to forced migrants (Refugee Council n.d.). Family Refugee Support Project arranges weekly family counselling sessions hosted by specialist counsellors for refugee families (University of East London n.d.). Both these types of counselling sessions could be applied to the individuals and families arriving to the UK from Hong Kong (Bloomberg 2021; Cheshire 2021). It is needed for individuals fleeing from Hong Kong to gain access to mental health support in order to maintain their wellbeing to a satisfactory degree, especially when they face the additional linguistic barriers already discussed (Unterreiner 2015).

As many political asylum seekers have left Hong Kong hastily, they were unable to secure any work or investment visas prior to their departures (Mahtani 2020). Also, many of them cut ties with their Hong Kong-based families to ensure the political safety of their beloved (Lam and Lau 2020). These political asylum seekers are therefore lacking financial reserves and resources to receive mental health services. The host countries should issue healthcare vouchers to relevant humanitarian groups, enabling the latter to distribute those vouchers to political asylum seekers from Hong Kong. This approach has already been used with success in Germany, where forced migrants are given healthcare vouchers in case they need to receive any forms of necessary healthcare support within the country (Wenner et al. 2019). Such a suggested policy can assist more political asylum seekers who may be

suffering from forms of trauma due to their experience of political persecution but also lack the financial means to secure the necessary support. This support holds the potential to ease their stress levels and help them navigate the trauma of their past as well as the new and unfamiliar surroundings they currently find themselves in.

## Conclusions

The perilous fight of Hong Kong citizens for democratic rights aligns with the values of western democracies. These countries should therefore do more to provide humanitarian support for these asylum seekers, in effect signalling their intolerance for the CCP's unhumanitarian practices. There are of course broader external dynamics affecting the UK government's approach to asylum seekers. In the midst of the public health uncertainty caused by the COVID-19 pandemic many western countries may be discouraged from allowing the influx of Hong Kong political asylum seekers, especially when numerous mutated variants of COVID-19 have recently been found in the city. Moreover, in the UK, the Home Secretary's New Plan for Immigration, announced on 24 March 2021, has curtailed the amount of opportunities for persecuted individuals to seek asylum in the UK for the purpose of minimising illegal routes to asylum and discouraging criminal smuggling within the country (The Secretary of State for the Home Department 2021). However, due to the urgency faced by Hongkongers seeking political asylum, these dynamics should not prevent the UK government, and other host western countries from taking action. They should continue welcoming politically persecuted, exiled Hong Kong dissidents while applying strict COVID-19 and asylum application screenings.

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## The Author

*Jason Hung is a PhD candidate in Sociology at the University of Cambridge. He pens his columns at Hong Kong-based 'South China Morning Post' and Washington D.C.-based 'The Diplomat'. He held research attachments at Stanford University (2019), King's College London (2018-19) and University of California, Berkeley (2018).*

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# **Business and Human Rights: The Case of Japan**

KIMIKO KUGA

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## **Abstract**

Over the last three decades, civil society groups and the international community have criticised Japan's Technical Internship and Training Programme (TITP) as a backdoor to invite cheap migrant labourers as interns, arguing that these interns are at risk of modern slavery. Media coverage has been highlighting the maltreatment of these interns, especially Vietnamese ones, who have been in a miserable plight under the COVID-19 pandemic. In response, the government introduced some remedies such as loosening restrictions on TITP interns and setting up a grant fund for them. However, these remedies for solving the fundamental problems in the internship programme are questionable. In this brief article, I argue for the need to establish and strengthen the policy idea of immigrant inclusion because the government's indifference to achieving immigrant inclusion has caused labour exploitation and discrimination against migrant labourers.

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## **Article**

The COVID-19 pandemic has starkly revealed how much our lives have relied on (inter)national supply chains, their logistics and their labourers. These labourers, especially immigrants, are now exposed to additional risks caused by the pandemic. The case of Japan, where the immigration flow is tightly controlled and the use of the term *imin* (immigrants) is regarded as taboo (Roberts 2018), highlights the need to strengthen support measures of inclusion for those labourers who come from Southeast Asian countries to work in Japanese Small and Medium-sized Enterprises (SMEs).

Japan's Technical Internship and Training Programme (TITP) began in 1993 as an 'international contribution' by inviting unskilled Asian labourers to work as interns in Japan in order to provide them with vocational training within its development policy based on bilateral agreements with Southeast Asian countries. Around 99.7 percent of Japanese industries consist of SMEs, which gives an impression of how important these workers are to Japan's economy, especially given the country's aging society (Ministry of Economy, Trade and Industry 2019). These interns are now critical workforces in SMEs but are not permitted to change their jobs. While upholding the standpoint of TITP as an international contribution, but not as an immigration channel, the government further revised the Immigration Control and Refugee Recognition Act in December 2018 to establish a new channel called the Special Skilled Workers (*Tokutei Gino*) programme. In this programme, TITP interns in 14 industrial sectors, such as construction and elderly care, can apply for this visa after they complete a maximum five-year internship. If the post-interns complete the first Special Skilled Workers (*Tokutei Gino No.1*) programme, they can then upgrade their visas (*Tokutei Gino No.2*) and are finally permitted to invite their family to live in Japan

(Immigration Services Agency of Japan 2021). However, only those who work for construction and shipbuilding industries with *Tokutei Gino No.1* are currently permitted to upgrade to *Tokutei Gino No.2*. This visa sets no limit on the period of stay; if they renew their *Tokutei Gino No.2* visas occasionally, these visa holders can permanently stay and work in Japan. As of the beginning of 2020, the number of foreign interns has exceeded 410,000, half of whom are Vietnamese (Horigome 2020). These revisions will facilitate *de facto* long-term immigration and settlement to occur, which has attracted public interest in immigrant inclusion.

The Japanese government's measures of inviting cheap labourers have, however, failed in many ways, one of which being the maltreatment of these interns. These interns are supposed to take language lessons as part of their vocational training, but some of them never received such education. Some of their private lives are also restricted, for example, by imposing a curfew and banning any relationship with Japanese citizens. They must live in the accommodation provided by their employers, regardless of whether they are mentally and physically abused by them. Such maltreatment of these interns has been criticised over the last three decades as a type of modern slavery by international and domestic civil society groups (US Department of State 2007-2020; UN Office of the High Commissioner for Human Rights 2014).

In response to these criticisms, the government introduced the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees, which came into effect in November 2017 (Ministry of Health, Labour and Welfare 2016), but the employers of these interns often do not inform them of their rights and privileges under this Japanese labour law. In fact, the exploitative situations described in these criticisms have also been exacerbated by the pandemic, as the combination of business closures, employers' inability to employ foreign labourers, and the travel ban have left some of these labourers in limbo when they became unemployed in Japan (The Japan Times 2020). Even though they would like to return to their home countries, the pandemic has made it difficult for them to do so (Hirayama 2020). As a consequence of the combination of inflexibility in changing jobs and difficulties in returning home, the number of interns who went missing drastically increased over the last five years (Immigration Services Agency of Japan 2019) –the data for 2020 is not yet available, but it might reveal an even greater increase, given the pandemic's exacerbation of these difficulties. Indeed, the pandemic has exposed a critical weakness in the government's structure of supporting migrant labourers.

To amend such situations, the government has introduced a couple of remedies. First, in April 2020, it officially announced that it would allow the interns to change their employers and even to work in different industries. To do so, those interns who would like to work in different industrial sectors to survive under the pandemic should apply for a visa category called Designated Stay (*Tokutei Katsudo*) (Immigration Services Agency of Japan 2020a). By using this remedy, some of the interns who became unemployed can still work in Japan while being stuck there. Second, the government also introduced a grant fund to support these interns who became unemployed due to the pandemic. Third, while revising domestic policies to help these interns, the government also established a National Action Plan in October 2020 to implement the UN Guiding Principles on Business and Human

Rights (Inter-Ministerial Committee 2020) as a response to international criticisms against TITP.



*A rainwater-tank for foreign interns next to their accommodation. They have only access to water from this tank. Photo taken by author, Tokushima prefecture, Japan.*

However, such remedies are ineffective in closing the existing gaps between reality and desirable policy outcomes. First of all, although it was an exceptional solution, the local immigration bureau had already permitted interns to change their employers within the same industrial sectors if they face exploitative situations (Solidarity Network with Migrants Japan 2016). Hence, this remedy for these interns is nothing new. Second, applying for a Designated Stay visa is also problematic because these interns need to find new employers who will support their visa applications. If the new employers will not support their applications, they cannot apply for this visa. There is a support centre for those who are having trouble in their application, but it is difficult to avail of this service partially because of the language barriers. Third, for a similar reason, the government's grant payment policy to deal with the COVID-19-related recession has also not reached all the interns (Tran 2020). Regarding the establishment of the National Action Plan, more time is needed to carefully evaluate its outcome. However, this could end up as being a mere gesture to respond to the latest Human Trafficking Report published by the US State Department (2020), which ranked Japan as Tier 1 in 2019 but Tier 2 in 2020 owing to the government's neglect of these interns' maltreatment (The Inter-Ministerial Committee 2020).



*Interns working in a rural garment factory. Photo taken by author, Tokushima Prefecture, Japan.*

To close these gaps, the government needs a clearer vision of immigrant inclusion of these TITP labourers and their future family reunions. As mentioned earlier, the government has expanded this programme as a stepping stone to accept more blue-collar workers and their families through the latest Special Skilled Workers programme. Even so, however, the government and labour-starved industries still see these interns as disposable labour, rather than members of communities and precious human resources. As a starting point to rectify the problems detailed so far, the government should establish an inclusion policy framework of foreign residents to strengthen the initiatives of family reunions and support. The idea and framework of immigrant inclusion would be used to guide further concrete policies that would address the problems identified in this article. In this regard, the newly revised intercultural cohesion (*tabunka kyosei*) plan of September 2020 emphasises that foreign residents should participate more actively in local communities (Ministry of Internal Affairs and Communications 2020), but much more needs to be done. The implementation of this plan is dependent on local authorities and economic sectors, and the lack of a national oversight body prevents coherence across different prefectures and cities (Yamawaki and White 2020). Needless to say, language education for all foreign residents, including the future interns' families, is essential for these new residents to be fully integrated into local communities. As one step further, it is also important to educate Japanese employers and local communities to have them treat labourers as decent economic contributors who can also enjoy their rights and welfare in ways similar to other Japanese workers. Without such a nationwide inclusion policy, 'disposable labour' cannot become sustainable workforces who are fundamental for SMEs' business continuity.

In short, the COVID-19 pandemic has revealed the plight of TITP interns in Japan who have been seen as modern slaves or forced labour for a long time. Their sad plight was partially caused by the failure of Japan's immigration policy that has avoided admitting TITP interns as labourers and setting a clear vision of their inclusion. Rather than introducing some remedies such as loosening some restrictions on TITP or providing a grant fund under the pandemic, much broader discussions on shaping a clear policy framework of immigrant inclusion are needed if Japan is serious about accepting more migrant labourers and their families in the near future.

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### The Author

*Dr. Kimiko Kuga earned a D.Phil in Politics at the Department of Politics and International Relations, University of Oxford. She currently works as a civic education assistant for UNDP. The opinions expressed in this article are those of the author and do not necessarily reflect those of UNDP and my role there.*

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# ***Palestinian Refugees and COVID-19: Navigating through Lebanon's Multi-layered Crisis***

JASMIN LILIAN DIAB

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## **Background**

Humanitarian aid organizations working in the Middle East have often had to navigate fragility and conflict to uphold their operations. In times of COVID-19 particularly, these operations have struggled to maintain their impact in the face of increasing financial constraints, restrictions on mobility, political developments and the endangerment of the wellbeing of aid workers and affected populations. For the 5.7 million registered Palestinian refugees residing in the region (UNRWA 2021a) life before the pandemic was already challenging due to dire living conditions in camps, the influx of additional Palestinian Refugees from Syria, as well as the economic burdens associated with being restricted to only specific working options in many host countries (Diab 2021).

In Lebanon the situation is further compounded by the 4<sup>th</sup> July explosion in its capital and a major economic crisis. Close to 500,000 Palestinian refugees in Lebanon are registered with the United Nations Relief and Works Agency (UNRWA 2021a)<sup>16</sup>. In this essay I hope to shed light on Palestinian refugees as they navigate this multilayered crisis in Lebanon.

## **The Lebanese Context**

For years now, there has been a demonstrated lack of comprehensive refugee policy from the Lebanese government, exhibited by a *laissez-faire* and post-hoc approach to both Palestinian and Syrian refugees residing in the country. To justify the manner through which Lebanon manages its two largest populations of refugees, Lebanon often alludes to the fact it is not a signatory to the 1951 Refugee Convention and insists it is meeting standards in International Law by ensuring that the *non-refoulement* principle is upheld (Human Rights Watch 2017). While it remains difficult to determine the exact figure, close to 500,000 Palestinian refugees in Lebanon are registered with the United Nations Relief and Works Agency (UNRWA 2021b),

The majority of Palestinians in Lebanon do not receive regular financial assistance from UNRWA (UNRWA 2021c). Exceptionally, an estimated 62,000 individuals who are designated as 'extremely vulnerable' (namely Palestinian Refugees who fled the Syrian Conflict and are now twice displaced) receive the equivalent of USD 130 per year (Kherfi et al. 2018). Additionally, 30,000 Palestinians who fled Syria's war also receive support in the form of cash transfers (UNRWA 2014). In Lebanon, the effect of COVID-19, coupled with the

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<sup>16</sup> Lebanon's refusal to develop and adopt a comprehensive refugee policy is mainly a result of the Palestinian refugee crisis; as most Palestinians remain in Lebanon indefinitely and have established camps across the country that largely operate autonomously without allowing for government intervention in their internal affairs (International Crisis Group 2009).

country's economic downfall and its political unrest, has led to major reductions in donor funding and limitations in capacity within the health system to meet the needs of Palestinian refugee populations (Azhari 2021). While these obstacles have been temporarily overcome and managed by the informal health sector and non-governmental organisations, the need for governmental agencies and international stakeholders to assist in these areas, specifically in response to COVID-19, remains critical (LIHF 2020)<sup>17</sup>.

Moreover, because the majority of Palestinian refugees in Lebanon are legally restricted from working in all sectors, and because they tend to depend on daily work/hourly payments received at the end of each day to secure an income (rather than receiving a monthly salary at the end of the month), they are more vulnerable to shocks. The triple-fold crisis in Lebanon (political, economic and health crises) has additionally restricted their ability to attain a 'steady' income. Despite the high hopes built around the August 2010 legal amendments towards improving the conditions of Palestinian refugees, no observable impact has so far been seen from those amendments on their working status (ILO et al. 2012).

Lebanon's Caretaker Health Minister, Dr. Hamad Hassan, has insisted that the needs of the Palestinian refugees remains the 'shared responsibility' of both Lebanon and international stakeholders responding to the pandemic, though the role of Lebanon has never been defined in this regard beyond its maintenance of the non-refoulement principle, and its acceptance to provide Palestinians in Lebanon with passports, known as '*wathikas*', to facilitate their movement and travel (Home Office 2018). Lebanon continues to depend heavily on the support of international UN agencies when it comes to supporting refugee communities in its territories during and beyond the COVID-19 pandemic (Human Rights Watch 2020).

As Lebanon grapples through a pandemic, recovers from an explosion in its capital that took the lives of more than 200 people (Human Rights Watch 2021), and endures the worst economic crisis the country has seen since the Civil War (Sanders 2020), Palestinian refugees' needs in Lebanon have not constituted a state priority. They have instead always relied on UNRWA's hospitals and medical centres for healthcare, as hospitals across the country continue to prioritise the needs of citizens with minor exceptions (UNRWA 2021c).

## **COVID-19 Realities for Palestinian Refugees in Lebanon**

Residents of informal camps and settlements in Lebanon have been obliged to remain in their homes (Diab 2020), while only one person per camp (typically the individual nominated by other refugees to act as the settlement's negotiator and decision-maker) is

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<sup>17</sup> As foreigners, the Palestinian refugees are subject to the Ministerial Decree 17561/64 that organizes the participation of foreigners in the Lebanese labour market. This Ministerial Decree contains three rules that restrict the employment of Palestinians: the requirement to obtain a work permit prior to employment, the national preference, and the principle of reciprocity of treatment in Lebanon, a condition impossible to meet for Palestinians given the inexistence of a Palestinian State in the legal sense. The legal amendment approved by the Lebanese Parliament (Article 59 of the Labour Law and Article 9 of the Social Security Law dated 17 August 2010) excludes the Palestinian refugees born in Lebanon and officially registered in the records of the Ministry of Interior from the prohibitions of working in manual and clerical jobs, while maintaining the requirement to obtain a work permit.

authorized to go out to collect supplies for the camp's inhabitants. Exceptions are indeed made for humanitarian staff of UN Agencies and other NGOs only when deemed necessary (UNRWA 2021c). Aware of the dangers involved in leaving their homes, the Palestinian refugee community has been ready to respect confinement as much as necessary, out of fear of the new Coronavirus and concern for their health and that of others. However, they are also stressing that they need access to aid, food and other health services, which would allow them to survive and further avoid contamination. The majority of refugees do not have regular access to basic water, sanitation, hygiene services or infrastructure (Fouad et al. 2021). This increases refugees' risk of exposure to infectious and preventable diseases, as well as other health issues. These vulnerabilities are further exacerbated by their inability to socially distance within settlements, their inability to work amid mobility restrictions, and their children's inability to receive adequate schooling during lockdowns (Fouad et al. 2021).



*Open access image retrieved from Pexels (Creative common license for non-commercial use).*

When it comes to refugee rights in Lebanon, emerging concerns amid COVID-19 primarily revolve around access to the Coronavirus vaccine. By mid-February, 540,000 individuals had registered for vaccines in the whole of Lebanon, of whom just 6,200 were Palestinians, as per government data (Azhari 2021). *Al-Shifaa* Association for Medical and Human Services, which manages seven dispensaries catering to the Palestinian refugee camps in the north and south of Lebanon, has expressed concern over the increase in the number of

infected individuals in Palestinian camps, particularly south of the country (Abdallah 2021). As of February, 2021, the cumulative number of cases among Palestinian refugees was estimated at 5,872 (including 1,059 active cases, 133 hospitalized cases and 195 fatalities) with a 3.3% fatality rate that is much higher than the 1% fatality rate among Lebanese citizens (Abdallah 2021). Although Palestinians are reportedly being vaccinated through cooperation and coordination between UNRWA and the Lebanese Ministry of Public Health (UNRWA 2021d), Human Rights Watch (HRW) reports that refugees and migrants are left out of the country's vaccine rollout. In April 2021, HRW reported that 'only 3,638 Palestinians and 1,159 Syrians have been vaccinated, though 19,962 Palestinian refugees and health workers and 6,701 Syrian refugees are eligible in the first phase of the vaccine rollout'. Precautionary measures and social distancing remains an ongoing obstacle while the entire refugee community waits for their turn to get vaccinated (Diab 2020). According to Al-Shifaa Association, vaccination of medical staff and individuals above the age of seventy-five has begun in south Lebanon at the Saida Governmental Hospital (Abdallah 2021), but additional cases of COVID-19 have been recorded among aid workers in the Ain al-Hilweh camp (Abdallah 2021).

## Recommendations

As hospitals across Lebanon reach their maximum capacity, it is now more important than ever to administer the vaccine at a steady pace to curb the spread of new cases. Grassroots organisations continue to work to support UNRWA's work by supplying oxygen to the houses of patients with mild and moderate coronavirus infections (Abdallah 2021). Since the Beirut Blast on August 4, 2020, hospitals in Ain al-Hilweh camp have additionally worked closely with the Green Crescent and the Palestinian Civil Defense to offer necessary health care and medical services to COVID-19 patients – a matter that complements UNRWA's work on the ground strongly (MERIP 2020).

In Lebanon, the fate of Palestinian refugees throughout the pandemic must remain a priority for both UNRWA and the UN system as a whole. Throughout the course of this pandemic, UNRWA must proceed with issuing emergency appeals to address this community's immediate needs as well as emergency relief projects to ensure the provision of Palestinian refugees' basic needs – particularly those suffering from these complex crises. UNRWA needs to persist with insisting that donors include Palestinian refugees in national emergency response plans for Lebanon. In addition to these short-term solutions, economic and social safety nets must be created in coordination with designated UN agencies and the Lebanese government. While the possibility of the Lebanese government adopting a responsible and transparent policy towards Palestinian refugees remains uncertain, Lebanon must at least ensure that refugees are included in the urgent humanitarian aid that Lebanon has been receiving (largely since the Beirut Blast) in close coordination with UNRWA, international organisations and other UN agencies operating on the ground without discrimination.

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## The Author

*Jasmin is a Canadian-Lebanese researcher, writer, editor, reviewer, instructor and consultant in the areas of Migration, Gender and Conflict Studies. She is an Assistant Professor of Migration Studies at the Lebanese American University, a Senior Consultant on Refugee and Gender Studies at Cambridge Consulting Services, a Research Affiliate at the Centre for Refugee Studies at York University, and a Junior Fellow and Program Lead at the 'War, Conflict and Global Migration' Think Tank of the Global Research Network.*

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# ***La Nouvelle Politique Migratoire au Maroc en Faveur des Subsahariens entre Succès et Échecs***

SOUMIA BOUHDOUN

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## **Résumé**

Le Maroc représente un carrefour migratoire pour les subsahariens venus d'Afrique Centrale et des pays de l'Ouest et du Sahel, vu sa position géostratégique qui se situe à l'extrémité de l'occident. Ce dernier est réputé d'avoir réconforté sa politique de l'immigration et de l'asile au Moyen-Orient et en Afrique du Nord (MENA). Par conséquent, le royaume a mis en œuvre Plusieurs partenariats et coopérations avec ses voisins européens et africains en faveur d'admission des migrants sur son territoire, devenant ainsi un pays d'accueil pour les migrants subsahariens forcés.

Ainsi, le Maroc a adopté une nouvelle politique migratoire qui favorise la régularisation de la situation des migrants. Plusieurs stratégies et programmes ont été mis en place, afin de réussir la gestion et le contrôle du phénomène migratoire, accroître l'intégration des migrants, leur permettant d'acquérir tous leurs droits humains, sociaux et juridiques.

Cette étude a pour but de mettre au point les succès et échecs de la nouvelle politique migratoire, en se rapprochant de plus près des réalités alarmantes des conditions de vie des migrants subsahariens sur le territoire marocain.

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## **Introduction**

En 2020, les pays Nord africains ont accueilli environ 7,6 millions de migrants fuyants les guerres, les conflits politiques, le changement climatique, la pauvreté... (UN DESA, 2020). Cependant, le Maroc reste le point d'attraction principal de transit, puisqu'il est limitrophe de l'Europe.

Certes, l'Europe a établi des politiques de restriction drastiques envers la migration clandestine. En 2017, le nombre des migrants a passé de 22 414, à 58 525 en 2018, et a reculé jusqu'à 25 731 en 2019 (OIM, 2019). De ce fait, l'installation de ces derniers sur le territoire marocain devient inévitablement durable, en changeant son rôle graduellement, d'un lieu de transit à un pays d'accueil.

A savoir que la majorité de ces candidats sont des jeunes hommes et femmes en âge d'activité (Fouzi et al., 2016), et leur nombre ne cesse de s'accroître suite à l'accélération des flux migratoires ces dernières années. De ce fait, le royaume marocain a mis en place une nouvelle politique migratoire qui se balance entre admission et expulsion.

## **Une Politique Astucieuse pour le Respect de l'Humanité**

La question migratoire est devenue un enjeu emblématique des relations euro-méditerranéennes, où les partenariats établis favorisent une gestion collective rationnelle de la migration, dans le respect des droits de l'homme. Dans cette logique, le royaume a mis en exécution des lois juridiques qui assouplissent l'accueil des migrants, comme la *loi n°02-03* établie en 2003 qui prend en charge la sécurité pour régir l'entrée et la présence des étrangers sur le sol marocain, et la *loi n°57-11* qui autorise la participation des migrants réguliers aux élections communales.

En effet, le Maroc a été le premier pays méditerranéen qui a signé un partenariat pour la mobilité migratoire avec l'Union Européenne en 2013. A cet égard, une aide financière lui a été fournie pour la gestion des frontières et la promotion d'une '*approche globale de la migration et de la mobilité*' (Commission Européenne, 2014).

Dans la même année, la Stratégie Nationale d'Immigration et d'Asile (SNIA) élaborée par le Roi Mohammed VI a été considérée comme une nouvelle démarche qui traite la problématique migratoire dans une approche humaniste et globale, permettant de cibler les objectifs du développement durable.

En 2014, la nouvelle politique migratoire a été mise en œuvre en sa première phase. Plus de 23 096 migrants, pour la plupart originaires d'Afrique subsaharienne, mais aussi de la Syrie en situation irrégulière ont obtenu leur statut juridique (MDCMREAM, 2017). Ces derniers avaient bénéficié du droit au travail, et de l'accès aux services sociaux. Une deuxième phase a été lancée en 2017, en accordant des permis de séjour à 24 367 personnes (MDCMREAM, 2017). Les enregistrements des migrants clandestins ont été suspendus au début de la crise sanitaire de Covid-19, mais ont été repris à partir du 31 août 2020 par l'UNHCR. De plus, l'OIM a établi le cadre de gouvernance des migrations (MIGOF) qui vise à réussir '*une politique de migration bien gérée*' dans les domaines clés des politiques publiques (IOM, 2017).

Au cours de la même année, le Maroc a signé un accord de Coopération Sud-Sud avec les pays africains dans plusieurs domaines, en se focalisant sur la problématique migratoire afin de faire de la migration un choix et non une nécessité.

En 2018, le pacte de Marrakech, organisé par la coordination des Nations Unies a été considéré comme un '*Pacte mondial pour des migrations sûres, ordonnées et régulières*'. Ce dernier a renforcé la coopération et les partenariats mondiaux, dans un esprit de solidarité entre les pays d'origine, de transit et de destination. Son objectif est d'accélérer l'élaboration du programme de développement durable à l'horizon 2030, lutter contre les réseaux des passeurs et la traite des êtres humains, ainsi qu'à la protection internationale des réfugiés.

### **La Nouvelle Politique Migratoire: Inclusion ou Exclusion?**

Assurer une bonne gouvernance de la nouvelle politique migratoire au niveau régional, mais aussi accroître l'intégration globale des migrants et réfugiés au Maroc, nécessite une forte implication de l'UNHCR et l'OIM dans l'ensemble des programmes de la SNIA, en collaboration avec de multiples partenaires locaux et internationaux : organisations non

gouvernementales, associations, société civile, etc. L'appui desdits acteurs a été consacré aux services de base tels que l'accès aux soins, l'éducation, la formation, l'hébergement d'urgence et de protection, l'assistance psychosociale, l'aide au retour volontaire et à la réintégration socio-économique.

Par exemple, les enfants migrants, quel que soit leurs situations ont le droit d'accès au système d'éducation nationale. Dans le domaine de la santé, les immigrés réguliers sont intégrés dans le programme de couverture médicale pour les plus démunis (RAMED) au même titre que les marocains, tandis que 4755 de migrants ont profité des services de santé entre janvier et août 2020 (UNHCR). Pour ce qui est de l'insertion professionnelle, au moins 200 migrants régularisés se sont accompagnés dans leurs processus de formation professionnelle, l'accès à l'emploi salarié ou à l'auto-emploi en 2017 (eeas.europa.eu, 1018). Par ailleurs, l'application de la *loi n°112-12* sur les coopératives, a offert aux migrants et réfugiés l'opportunité d'avoir le statut d'auto-entrepreneur.

Mais il y a lieu de signaler que ces aides humanitaires sont minimales, si l'on considère que le nombre des subsahariens résidants au Maroc a atteint 80 000 personnes selon les estimations, dont 30 000 en situation clandestine (Rboub, 2018). A noter que les migrants continuent toujours à s'orienter vers le Maroc, risquent leurs vies dans un voyage périlleux à la recherche d'une nouvelle vie plus confortable. Mais lorsqu'ils atteignent le territoire marocain, la plupart des subsahariens se retrouvent sans emploi, ni abri. Ils sont menacés par la précarité, la vulnérabilité et l'exclusion.

Selon une enquête réalisée auprès des migrants installés dans la ville de Kénitra, qui est proche de la capitale Rabat où se regroupe la majorité des organisations de l'aide humanitaire, la plupart des migrants ont officialisé leurs statuts de demandeurs d'asile à cette dernière, mais sont toujours confrontés au chômage<sup>18</sup>.

En absence même du travail informel sans contrat, offert soit aux immigrés réguliers ou irréguliers (gardiens de voitures, serveurs aux cafés, maçons, femmes de ménages...), ces derniers s'adressent à la mendicité comme source de revenu. A noter que les subsahariens partagent des petits appartements dans des quartiers vulnérables, où les bailleurs refusent de leur octroyer le contrat de bail, chose qui aggrave leurs conditions de vie sociale et juridique.

En outre, l'année 2018 semble avoir été désenchantée pour un grand nombre d'immigrés, lorsque la procédure de renouvellement des titres de séjour semble être largement compliquée au Maroc. Les nouvelles mesures sont devenues plus exigeantes en matière de la présentation du contrat de travail, de bail, de carte de sécurité sociale, et des relevés bancaires.

Face à ces instructions pénibles, les immigrés réguliers qui travaillent dans le secteur informel ou en tant que petits commerçants, sans couverture sociale deviennent incapables de renouveler leur titre de séjour à cause de la nouvelle procédure rigoureuse. De plus, la crise sanitaire de Covid-19 leur a exposé au chômage et à l'expulsion après la fermeture

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<sup>18</sup> Enquête personnelle en 2021.

des lieux de travail. Ils se retrouvent donc confrontés à la mendicité comme pour leurs homologues clandestins.

En se déplaçant dans les quartiers les plus populaires de la ville de Kénitra, les migrants subsahariens se débrouillent le jour de jour en faisant la manche pour subvenir aux moyens de subsistance. Un migrant camerounais avoue : *'nous avons perdu beaucoup de nos amis dans le désert, et d'autres dans la mer, alors que nous, nous sommes bloqués ici, pas de travail, ni de domicile fixe, on gagne notre pain à travers la mendicité'*<sup>19</sup>.



## Conclusion

Le Maroc représente un pôle d'attraction de la migration clandestine. S'il devient un pays d'accueil, la nouvelle politique migratoire n'arrive pas à assurer une véritable régularisation à cette nouvelle catégorie de population, y compris sa protection et sa sécurité. A savoir que le nombre des migrants ne cesse de s'accroître, par le biais des réseaux sociaux qui permettent la communication entre eux.

<sup>19</sup> Interview personnel avec un migrant subsaharien sans-papiers.

En conséquence, les stratégies et programmes de la SNIA mis en exécution depuis quelques années, ne garantissent pas une intégration globale à tous les migrants subsahariens qui s'installent au Maroc, ne leur permettant pas donc d'acquérir tous leurs droits humains et sociaux. En effet, ce n'est qu'une partie minime qui a eu la chance de profiter des aides et prestations fournies par le gouvernement, les organisations intergouvernementales, les ONG et les associations de solidarité.

Selon les témoignages des enquêtés, les conditions de vie au Maroc ne réalisent pas leurs objectifs (manque d'emploi stable, de logement confortable, de vie saine et descente ...), les migrants subsahariens envisagent ainsi de poursuivre leur périple vers l'Europe.

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### The Author

*Soumia Bouhoud est une doctorante en sociologie sur le thème de la migration internationale à l'Université Mohammed Ben Abdellah de Fès, au Maroc. Son travail actuel s'intitule "Approche sociologique sur la migration subsaharienne sur le territoire marocain entre relations internationales et réalité". Elle est titulaire d'un master en sociologie du développement local, ainsi qu'une licence en sociologie rurale. Elle est active dans les organisations locales travaillant avec les populations migrantes.*

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## ***FIELD SECTION***

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# ***Cyclone Nargis and Displacement: Sensing the Places***

CHUNG-AH BAEK

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## **Abstract**

This paper seeks to map the lived experiences of those displaced by climate change, focusing on the embodiment of landscapes. Places such as land and temporary shelters are the site of embodied memory, creating intersubjective spheres between insiders and outsiders. I take Myanmar's devastating Cyclone Nargis in 2008 as a case study. Drawing on observations from fieldwork in Myanmar, this paper shows that the researcher's and cyclone survivors' perceptions and sensory experiences of landscapes are critical to understanding the survivors' everyday lives and producing knowledge about their experiences of the cyclone.

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## **Introduction**

Displacement and migration induced by climate change have gained increasing attention. In 2019, the Internal Displacement Monitoring Centre (IDMC 2020) recorded the displacement of 24.9 million people associated with natural disasters across 140 countries. South Asia, East Asia and the Pacific were the most affected regions. Despite the growing literature on climate change, displacement and migration, we know little about how people experience and narrate natural disasters and displacement over a longer period of time.

Cyclone Nargis, the worst natural disaster in Asia since 1991 (UNEP 2009: 4), struck Myanmar in early May 2008, resulting in nearly 140,000 lives lost (UNDRR 2009) and approximately 2.4 million people affected (Lateef 2009). While millions of people obtained shelter in monasteries, churches and schools, others remained without shelter (Suwanvanichkij et al. 2009). Much of the research, including NGO reports and newspaper articles, focused on the immediate circumstances of those displaced by the cyclone and on the official response. Yet, there is limited understanding of those with lived experiences of the cyclone. I analyse the disaster and its impact, including displacement as a long-term process. I argue that we can gain a new perspective on the present through landscapes that reflect past events, including how displaced people experience landscapes and how insiders and outsiders engage with landscapes.

In August 2019, I visited Talokekone village, one of the villages that was severely damaged by Cyclone Nargis. There, I conducted interviews with the villagers who experienced the cyclone. I found that survivors' narratives were often initiated by their perceptions of places. This paper thus sheds light on the meaning of places when recounting the experience of the cyclone and displacement. It aims to show the interplay between the interviewees and the researcher through these places.



*Photo taken by the author from a boat on the way to go to Talokekone village.*

### **Landscapes: A Bridge to the Present and the Researcher**

Drawing on Lefebvre's (1991) concept of space, landscapes can be seen as a social product that incorporates the aspects of physical, ideal and experiential. We can phenomenologically observe, perceive and sense landscapes through our bodies and therefore they have a significant influence on our thoughts (Tilley 2010: 26). Here, landscapes are something more than just a physical form. People interpret their world and express their values through landscapes that form part of their lives (Tilley and Cameron-Daum 2017). Landscapes provide individual and social practices that inform the construction of lives and identities (Tilley 2010), and the experience of landscapes can also create narratives and stories.

Cyclone Nargis had a devastating impact on homes, infrastructure, agricultural lands and fishing grounds. Survivors' perceptions of such landscapes play an essential role in creating the narratives of post-cyclone experiences. Survivors' houses had existed, trees had existed and animals had existed. Recognising physical loss enables them to perceive the disaster. However, physical landscapes do not stand alone. Physical lands, for example, affect culture and culture, in turn, influences the perception and meaning of the lands.

Many people in the Ayeyarwady Region, where the damage was the most severe, engage in agriculture. In particular, in Talokekone village, farming and fishing cultures flourished.

To the villagers, land and water are valuable. Their values play an important role in the villagers' everyday lives and contribute to a sense of identity and well-being. However, the cyclone has changed the land and water, leading to soil salinity, and therefore it has also changed their culture, livelihoods and identities. Those who used to farm or fish for their livelihoods have difficulty planting and fishing due to salty water. Indeed, the smell and taste of the land and water have been different since the cyclone. The salty land and water are connected to the memory of the disaster, and it has materially changed their lives.

Landscapes are sites of embodied memory, and they offer existential grounds for experiences of the cyclone. As a researcher, my cultural background and general knowledge limit my understanding of the landscape and the cyclone. Yet, the physicality and materiality of landscapes act as grounds for comprehending the experience of the cyclone and displacement. When I visited Talokekone village, I was able to fathom the severity of the cyclone and comprehend the hardship and pain of the villagers. I grasped the difficulty of sustaining farming and fishing as their primary livelihoods considering how wet and muddy the land is. Soil salinity due to Cyclone Nargis continues and it has affected the villagers' main livelihood activities prior to the cyclone. Their lives and stories are embedded in the wet, muddy land. This very real terrain enables outsiders to grasp the effects of the cyclone, appreciating the fragmentation of the villagers' everyday lives. Seeing most of their wooden houses had collapsed, walking on the muddy land, feeling the damp and smelling the salt in the air helped me picture the situation during the cyclone and consider how their lives are still affected. It was extraordinary given that 11 years had passed.

Places such as shelters also have the potential to explicate the physical, embodied and sensory dimensions of the cyclone and displacement experience. During my fieldwork, some of the interviews took place in the church where the survivors stayed for around 20 days because their houses were destroyed. I found that the church holds meaning for them. Not only was it a haven during the cyclone, but it was a place that created solidarity when they were displaced. Waiting in the darkness of the church, where nothing could be seen, heard or done, strengthened the survivors' bonds. Speaking with the villagers in the church helped me imagine the situation and interpret their stories. While recounting the first day of the cyclone, one interviewee said coconut trees fell onto the roof of the church, making holes in it. Inside the church, the repaired roof is a legacy of the cyclone that continues to remind the survivors of it even today.

The sight, smell and sound of the landscape is associated with memories, and survivors' memories revolve around their narratives. The church and impoverished soil recorded the impact of the cyclone in the past, and in the present, they influence the survivors' lives and continue to recreate the stories of the past. Not only the physical and material features of the land and the church, but also their sensorial qualities—how they are perceived and sensed through the body (Tilley and Cameron-Daum 2017)—enabled me to enter imaginatively into the story of the cyclone and displacement. That is, the landscapes can create a bridge between the past and the present, and between the insiders and outsiders through their mutual interaction occurring within and around the landscapes.

My experience of Talokekone village was subjective, beyond the generalisation of survivors' experiences. I encourage readers to think of the stories in a specific place, at a specific time.

In towns such as Labutta, which was also severely affected, many houses were rebuilt and the ground was not entirely muddy. Experiences vary according to places and the places alter through time. The way we understand places depends on how we engage with them. For instance, the routes taken to reach a place and its surroundings construct our perceptual experiences (Tilley 2010: 27), and these elements affect the narratives shared. Survivors' stories are intimately connected to the landscape itself. They emphasise the importance of perceiving and sensing places and highlight the cyclone's extraordinariness.

As a researcher, walking through the lands, touching them and smelling them, and sitting inside the church, provided a deeper insight into the stories of the cyclone and displacement. Admittedly, we received information from the media and reports, including the intensity of the cyclone, such as the number of the displaced and dead, or images and videos of damage. However, this information creates a sense of distance since such views are often sensorily deprived. Looking at how the cyclone was perceived and experienced by survivors, and focusing on how survivors remember it through their perceptions, fosters understanding of their lived experiences of the cyclone and displacement.

## Conclusion

Landscapes are an important part of remembering and recounting the cyclone. They offer the researcher valuable opportunities to engage with participants and reach a more nuanced understanding of the experience of the cyclone, connecting to survivors' daily lives. In the field, I learned not only about the practice of using the land and church as a place to meet and chat with others about elemental aspects of their everyday lives, but also about their experiences with this extraordinary event and their displacement. My findings demonstrate that the focus on physical and material as well as sensory aspects of places can reveal a range of environmental, social and cultural perspectives. Landscapes can provide useful context through which to better understand insiders' and outsiders' experiences and their interactions. Participants' and the researcher's perceptions of landscapes may be different, but their engagement with landscapes provides a richer understanding of lived experiences and meanings associated with a particular place and event. As landscapes increasingly respond to climate change and affect livelihoods, the approach to landscapes is key to protecting vulnerable populations and building resilience.

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## The Author

*Chung-Ah Baek is a PhD candidate in Politics and International Studies at the University of Warwick. Her research focuses on climate-induced displacement, migration and resilience in Myanmar, in terms of everydayness through the lens of gender. Previously, she worked on international trade, corporate social responsibility and sustainability.*

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# ***The Islanders and the Outlanders: The Case of Lesbos***

MARILENA ANASTASOPOULOU

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## **Abstract**

This work arises from my doctoral research entitled 'Coming to Terms with Forced Migration: An Intergenerational Study of Asia Minor Refugee Memory in Greece', which involves extensive empirical research through the lens of oral history in order to understand the intergenerational transmission of memories and identities of forced displacement and the way people with these memories and identities think about subsequent migrations. This paper addresses two fundamental research questions: how do memory and identity inform and construct each other? How do people with memories and identities of displacement think about subsequent migration? In answering these questions, I will unpack diverse attitudes towards contemporary migration in light of the interchanging idea of the 'established' and the 'outsider' through selected oral history interviews. In my case, the established groups compose the category of the islanders, while the non-established ethnic minority groups (I will call them outgroups thereafter) comprise the outlanders category. These interviews are derived from my fieldwork on the island of Lesbos in 2019.

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## **Methodology**

This research unpacks histories of subjectivities and the fluid relationship between memory and identity through in-depth interviewing. It focusses on the case of Lesbos drawing upon a subsample of six interviews out of 70 oral testimonies that were conducted in September and October 2019. It should be noted that interviews are not pseudonymised and thus interviewees' real names appear, in accordance with their written consent and relevant ethics confederations. The community of the island of Lesbos is composed of the native population (outside the scope of this study) and old settlement group (Asia Minor) at its core, two recent settlement groups (Albanians and Romanians), and the contemporary ethnic outgroups (unfolding migration and refugee flows). My main analytical category is descendants of Asia Minor refugees (1922-24) and migration flows from Albania and Romania (1990s). My sampling strategy was based on lists of Asia Minor refugee associations, snowball sampling, and random sampling. My interviewing technique combined both individual and group interviews. In the context of semi-structured interviews, respondents gave broad chronological and personal accounts. An oral history approach enabled me to trace voices 'from below' that otherwise would have been lost, providing nuanced and diversified stories. This paper is focused on the borderland island of Lesbos, which became the focus of world attention due to the arrival of large numbers of displaced people in 2015. Following selection criteria such as the island's exposure to past and contemporary migration and refugee arrivals, its complex population composition, and its position as an irregular migration route due to its proximity to Turkey, I chose to focus



my research on Lesbos, an island with many historical, geographic, and identity particularities.



*Moria refugee camp, Lesbos, 2019, taken by the author.*

### **The Island's Mosaic**

Given its proximity both to Turkey and to the mainland, Lesbos has a long migration and refugee history. The first, and most well-integrated, wave of migration traces back to the island's refugee history of the 1922-23 events and specifically to the compulsory exchange of populations between Turkey and Greece, during which around 47,000 Greek Orthodox Turkish nationals living in Turkish territory landed on the island just in April 1923 (Hirschon 2007). In addition, in the context of the collapse of the Soviet Union and the 1989 geopolitical changes mainly undocumented migrants and an important flow from Albania composed the second and more moderate wave of migration. In spite of the rise of the xenophobic sentiment over a long period after their arrival, these people are gradually integrated into the host society, mostly working in the agriculture and the construction sectors. Most significant, however, was the fact that in 2015 Lesbos became the focus of world attention, experiencing the arrival of about 436,000 migrants and refugees. During my stay on Lesbos, a Greek border island in the north-eastern Aegean Sea, sea arrivals increased significantly with more than 4,700 people landing on the island in September

2019 (UNHCR 2019). These new arrivals, coupled with incidents such as the death of a five-year-old Afghan boy in an accident and deadly fires at overcrowded Moria refugee camp, were sad reminders of the 2015-16 'migration crisis' on the island. In short, Lesbos is an island with a long history of migration and a complex mosaic of populations, constituting an entry port, a transit point, and a place of settlement for significant contemporary, in addition to past, migration and refugee flows.

## **Histories and Identities**

This section presents three family stories, in order to explore the ways in which history, memory, and identity construct and reconstruct each other, reawakening or diluting ethnic and refugee identities, and ultimately informing the interaction among diverse outgroups that co-exist on the island of Lesbos.

Born in Romania in 1974, Mariana, a mother of four children, came alone by bus to Greece 15 years ago. As she described, she decided to come to Greece in order to work 'I had no work in Romania, I had a very difficult time'. She moved to Mytilene, Lesbos' capital, 5 years ago in order to be close to her brother and his family, after spending 10 years in Molaoi, a town in the Peloponnese, where she was harvesting olives and working at local taverns. By the time she arrived, the island was faced with the arrival of massive numbers of migrants and refugees. Born in 1997, her oldest son, Fernando, arrived in Greece at the age of five and recalled that for the first years he and his siblings stayed locked in a house in a big field because their mother had to work. Fernando was raised and educated in Greece, he has many Greek friends, and he recently became a father, while married to a Greek.

In her attempt to describe her identity, in terms of nationality, Mariana, a first-generation migrant, underlined that her homeland is Romania and that she wishes to return there. On the other hand, Fernando said 'If I go back to Romania, it will be like going to a foreign country' and then he added that although he feels Greek he could never say that he is Greek because his understanding is that 'Greek means that you are born here and your parents are Greek. For my newborn, I can say that he is Greek'.

Andreas Voglis, born in Albania in 1970, arrived in a small village in 1991 called Skala Loutron, which was formed by Asia Minor refugees in 1922-23 and whose present population is, to a large extent, comprised of descendants of these people. As he said 'we took the road for a better life. We left due to economic problems'. His wife Angeliki, with whom he has three children, came to the island a decade later. Andreas, who now works for a fishery, attributed his integration to the hospitality of the local community. He recalled how welcoming people in the village were from the very first day 'They gave me home, work, hugs. We are going everywhere together. They taught me how to walk, how life is here...It was like I was their child. I did not feel foreign. They protected me from the very start in order to not feel a foreigner'. To provide an example of this protection from the local community, Andreas described a serious fight in 2001 between the native residents of a village nearby and some Albanians, he said 'Here everybody protected me. Then I felt not only love but also obligation. I came to a foreign country and they protected me'. Describing his identity and his attachment to different countries and places, Andreas



mentioned 'From the beginning I did not feel foreign. [I prioritize] Skala Loutron, but I am of Albanian descent, but I feel native'.

Also in Skala Loutron, in 1952 Dimitris Papachrisos, a second generation Asia Minor refugee and one of the founders of the 'Museum of refugee memory 1922' described his family history. His father was born in Alacati in Turkey, from where he was forcibly displaced at the age of 5 in 1914 and arrived unaccompanied on the island of Chios by boat. His wife, Anthoula, is also an Asia Minor refugee descendant. Both her father and her grandfather from her mother's side were born in Turkey in Phocaea and Smyrna respectively and they were forcibly displaced in 1922 due to the great fire of Smyrna and the so-called Smyrna Catastrophe. Although Dimitris and Anthoula described the difficult years of their ancestors in Greece, the tense relations with the local Greeks, and the characterisations that stigmatized refugees for years, they are both fully integrated and inseparable from the native population. They both feel like locals and, as they explained, their identity is shaped by Greece, Lesvos, and Asia Minor.

Identities of belonging are volatile when they intersect with other memories and identities. The next section examines how these people with different migration and refugee backgrounds form and reform their memories and identities in relation to contemporary migration.

### **We - They? In - Out?**

Talking about the current situation, I asked them how they see the migrants and refugees that arrive on the island. Without a second thought, Fernando answered 'Humans. How do we see them? As humans! We are not racists'. Mariana added 'They are like us, the exact same thing. They have been through a lot, just like we have been through'. Due to their frequent contact, mainly with Pakistanis, Afghans, and Africans at work, they both speak very highly of the contemporary migrants, describing their willingness to learn Greek. On the contrary, they seem very negative towards the Albanians, whose arrival coincides with their arrival to Greece. Specifically, Fernando noted 'The Albanians are a little dangerous because they fight very quickly. If they see that you are beautiful they will rape you. They are like mafia members, I am telling the truth'. Mariana underlined that the Albanians are more established in Greece and, confirming her son's sayings, noted 'You can become friends with them. They are more years than us here'. In this case, it seems that empathy is increased towards the newcomers, meaning the current migrants and refugees, while on the other hand prejudice, hostility, and competition is present towards the other very similar outgroup, which is perceived as more established and integrated.

In this battle for dominance between outsiders, the latter outgroup, the Albanians, appears to treat as outsiders the newer settlement groups in order to safeguard its place in the host society. Firstly, Andreas admitted that he does not have any relationship with the other migrants that came to Greece between 1990 and 2000 because, as he said, 'you should not be open when you go to a foreign country with the others [migrants], with the natives yes'. Secondly, he underlined that they have not been in contact with the current flows. His opinion seems to be formed indirectly 'from what I hear', as he repeatedly mentioned, and to be aligned with the local sentiment, based on which there is a differentiation between

the Syrians who flee from war and who are characterised as 'more gentlemen, advanced, and respectful' and 'the others'. When I asked the couple's opinion regarding the incorporation of migrant students into school they both were very negative. Specifically, Angeliki said, 'I don't want them to be with my children. I am not racist but they have to pass the stages we have in order to get integrated', and Andreas added, 'I would not have allowed it for my children. ... I cannot accept it, it is not the time yet. I do not hate them, I do not blame them but they have not gone through the stages we did and we are one with the Greeks'. Finally, Andreas pointed out the differences between them and the current migrants - 'they are very different flows. They are not like us'.

The pattern of comparisons between outgroups also appeared in the members of the oldest established group. Dimitris recalled that in the 1990s, except for some criminals who caused trouble, most of 'the Albanians until today are very hard workers, they never beg, and they are almost fully intergraded...in contrast to the current flows that cause trouble'. Along these lines, Anthoula added that 'the Albanians after the 2015 flows were assessed differently [more positively]'. Indeed, it seems that the Albanians' position in the local community was reassessed in the light of the contemporary 'migration crisis', further stabilizing their establishment. As far as the recent migration flows are concern, she said:

When they arrived in 2015 we helped them and we felt compassion because the Syrians came due to the war, in a violent way...this means that you could not have not compared it by thinking that in a similar way Smyrna was set on fire. We ran in order to cook, collect clothes, and go to the accommodation facilities. I was cooking chicken with rice...everybody in Mytilene [felt compassion] because our memories came to light but now I feel that it is completely different.

Dimitris underlined that although he felt sympathy for the first wave of migration, mainly comprised of Syrians, now, as he said, 'They started coming from all over the world...Lesvos now has 50 different languages, they fight with each other, they set fires, they steal animals...now I see this phenomenon negatively. ... I don't see these young boys willing to work'.

Lastly, when Dimitris was asked to compare his ancestors' flows with the contemporary migration and refugee flows he emphatically explained 'there is no similarity with the current flows because back then [in 1922-23] people spoke the same language, they had the same morals and customs, the same religion and they were able to be integrated'. In this case, tolerance and empathy are increased towards ethnic out-groups that are perceived as members with similar characteristics, such as the Syrian refugees, while competitive victimization, and in some cases hostility, appear towards those considered to be migrants or outsiders.

## **Conclusion**

In the context of the contemporary 'migration crisis', changing patterns are triggered, alternating the perceived as established relations and the positionality of the various outgroups within the host society. I argue that in the context of this complex mosaic of

populations, memory and identity inform and construct each other, revealing the fluid and dynamic nature of the idea of the established and the outsider. In this light, people's collective identities and their position in the host society, are perceived both internally and externally, ultimately informing their interactions as well as their attitudes. The position of an outgroup (i.e. Albanians) in the local community can be reassessed and further stabilised in the light of the arrival of a new minority group (i.e. the unfolding migration and refugee flows). With regards to their attitudes, empathy is increased towards outgroups that are perceived as refugees (i.e. Syrians). In Greece, this term has a very positive connotation because of its connection with the successful integration of the group of Asia Minor refugees. Competitive victimization, prejudice, and hostility appear towards those considered to be migrants or those with whom they have competing claimants (i.e. Albanians VS Romanians). Competition among outgroups appears to be a key element based on which these minority groups try to safeguard their place in the host society. Based on these elements and as memory and identity inform and construct each other, the outsiders (outlanders) become the established (islanders) throughout time and due to the dynamic interactions of the various groups and their coexistence in the host society of Lesbos. Changing perceptions, gradual integration, and arrivals of new outgroups can further stabilise the position of an outgroup altering the positions of the established and the outsiders, which are perceived as fixed but are fluid in reality. The extent to which these dynamic interactions emerge in different transitory places that experience migration needs to be studied in various contexts.

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### **The Author**

*Marilena Anastasopoulou is a Research Associate at the Diaspora Project in the South East European Studies at Oxford (SEESOX), an Onassis Foundation Scholar, a Committee Member in the International Politics of Migration, Refugees, and Diasporas (IPMRD) Working Group at BISA, and a DPhil student in the Faculty of History at the University of Oxford. Her doctoral research focuses on family memories of forced displacement, their intergenerational transmission, and the way people with these family memories think about subsequent migration. She holds a MSc degree in Migration Studies from the University of Oxford and a bachelor's degree in Political Science and Public Administration from the University of Athens, from which she graduated as the valedictorian. She has worked as a researcher at the Centre of Asia Minor Studies, at the Department of Politics and International Relations (DPIR), University of Oxford, at the Hellenic Foundation for European and Foreign Policy (ELIAMEP), and at the Hellenic Ministry of Foreign Affairs. She has teaching experience in Modern History in the Faculty of History at the University of Oxford. Her research and publications focus on issues of political discourse, right-wing extremism, migration policy implementation, forced displacement, and diaspora philanthropy.*

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## **Next Stop: Nowhere**

CLARA DYBBROE VILTOFT

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### **Abstract**

In Denmark, there exists a Departure Centre which is home to a few hundred residents, most of whom are de facto refugees. This is an account of the facility, its conditions, and what it is like to work there as a substitute Nurture Care Worker. Departure Centres represent a manifestation of the legislative paradigm shift that can only be interpreted as a wish to deter refugees from applying for asylum in Denmark and encourage asylum seekers and refugees already here to undertake voluntary repatriation. This facility de facto puts in a state of indefinite departure rejected asylum seekers who refuse to leave, criminally evicted refugees, and refugees without documentation or legal status who cannot return to their country of origin. Locally and internationally, critics have claimed that these Centres create conditions that severely strain the mental health and wellbeing of its residents. The very existence of these kinds of Centres suggests that there has been a shift away from a commitment to human rights. The fact that infinite standby exists in Denmark points to a paradigm shift towards a nation closing in on itself, unwilling to actively protect refugees as per international and regional obligations.

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*It's not a prison*

*But it's in an old prison*

*It's not a detention centre*

*But it is home to people on both sides of the law*

*It's not a deportation centre*

*It's a departure centre, they say*

*But almost no one ever leaves*

Author's poem, April 2020, Denmark.

### **Introduction**

As an on-call Nurture Care Worker contracted through a temporary agency to the Red Cross section at the Departure Centre, I am under obligation to maintain confidentiality. For this reason, it should be noted that this article draws on news, reports and legislation tied

together with my personal experiences of working in this facility and knowledge on the matter.

### **Departure Centre: A Place Designed to Incentivise Voluntary Repatriation**

The Departure Centre is tucked away in the countryside, approximately 7 km from the nearest public transportation station. Although the area is green, tranquil and comely, walking back and forth is not a real option, unless the purpose is the hike itself. Staff drives, whereas most residents need to arrange borrowing a bicycle for errands. Otherwise, they have to rely on staff, family or friends to provide transportation for them. What is now the Departure Centre, administered by Correctional Services, was once a prison. The only entry point requires a biometric key card and is guarded by staff, as the Centre is fenced in. Upon entry, the fencing continues. Together with the different buildings and barrack-like houses, the Centre is split into sections. One area, fenced in and separated from the others, is managed by the Red Cross. This is where I work. This section is called 'care' or 'nurture care'. I am placed with the rejected asylum seekers and refugees with psychosocial and/or psychiatric challenges. My role at the Centre is simple: I am there to ring the alarm if something happens, make sure the residents have coffee and tea, and assist them if they have questions or need help. Although many at the Centre are depressed, struggling with mental health challenges and battling psychosocial and psychiatric diagnoses, this job at the Centre is largely up to oneself, with the exceptions of assisting around mealtimes, assisting those who are bedbound and driving residents to, and from pre-approved destinations. Engaging with residents, who are literally confined to the Centre in a dignified and meaningful way is therefore the first and foremost aim for me.

### **Indefinite Standby: Success Has Many Fathers But Failure is an Orphan**

In 2015, the Danish government decided that the prison should be used as a Departure Centre for foreigners without legal status (Kontoret for Økonomi og Indkvartering 2016). The Centre is home to about 300 men and 30 women; the women live separately, and I rarely see them. The residents are either rejected asylum seekers, who refuse to leave, criminally evicted or refugees who cannot be sent home but do not have a legal permit—all of them are single adults. Only a handful of residents qualify for benefits, a meagre wage, which can barely cover a return ticket to the nearest bigger city. The rest do not receive any benefits, as they are not contributing to their departures nor able to attain protection under the *non-refoulement* principle. Additionally, the Centre serves three meals a day and provides necessities, such as hygiene products and access to health services at the facility. In short, the residents are given food, shelter and medical attention and so, with basic needs covered, the residents should not need money for anything nor need to leave the Centre. As it is not a prison, the residents are allowed to leave the facility. However, they must report to the police in person at the Centre three times a week and they must remain on site during the night, unless they have been cleared for an outside overnight visit (Røde Kors 2021). As explained by one of the residents interviewed by Bahgat (2018):

When we go outside we have to sign to report our attendance three days a week, Monday, Wednesday and Friday ... if I stay outside the whole month they would take out my stuff from my room and send me to court, then to prison.

As documented in a report by Sørensen (2017), in 2016 the government-appointed ombudsman visited the Centre with a team and highlighted three points of contention. The visit took place in the contexts of complaints about inadequate and poor conditions in the facility made by the residents themselves, an immigration sub-department, and various NGOs and civil society actors. First, the report stated that up to four residents lived together in 10-14 m<sup>2</sup> (Sørensen 2017). This has since been changed so that the same rooms can now only hold two to three rejected asylum seekers, although this often causes problems, as the residents lack privacy and culture clashes readily escalate into both non-violent and violent conflicts. In the 'nurture care' section, the residents have single rooms. As the facility houses less than the mandated 600 residents, the report concluded that there is no cause for worry (Sørensen, 2017). This argument may make sense on paper, as the Centre is supposed to be a temporary place of residence. When the Centre opened, it was thought that no one would stay longer than a few weeks and maximum 6 weeks before deportation or voluntary leave. Yet, the majority of the residents have been there for more than a year and up to four years, without the prospect of being able to stay (for example by attaining humanitarian stay or asylum) or the ability or willingness to leave. An additional complaint concerned the location of the Centre and its distance from public transports as well as the fact that it resembles a prison (Sørensen 2017). Sørensen's (2017) report also stated that even though the Centre was once a prison, the non-police staff is uniformed and thus may be perceived as 'prison-like'. Furthermore, the facility still resembles other non-prison institutions run by the Correctional Services. Finally, the report stated that the persons in question are able to leave Denmark and return home safely (Sørensen, 2017).

As mentioned above, this Centre, and the other of its kind in Denmark, were created with the intent for people to reside there for up to 6 weeks until their return had been finalised. Now, years later, most residents are still at the Centre. The majority of those who leave the Centre are caught in a cycle of serving short sentences in prison for crimes committed while at the Centre and then returning to Centre where they live in a state of infinite standby. Since I started working there over a year ago, I have heard of only one person who was afforded humanitarian stay. This means that this type of facility in practice functions as a space to house foreigners separated and far away from the general society, and most of them do not have any real opportunity or hope for change. Housing de facto refugees alongside criminally-evicted or time-serving refugees at an old prison problematically contributes to the narrative of the othering and labelling of refugees as 'undeserving', 'dangerous' criminals who pose a threat to society--a xenophobic trend found in many European countries and overlapping with increasing far-right discrimination and violence.

*But for some the entry can only occur by plane*

*It's not Europe*

*But when it comes to deportations it flies the stars*

*It's not an immigrant nation*

*It's a nation of expected assimilationists*

*But almost no ones manages to pass.*

Editor's replica poem, June 2021, Switzerland.

### **Pandemic at the Departure Centre: The Sound of Silence**

The opportunities to study or work are extremely limited at the Centre, even though some structures are set to create activities for each resident either inside or outside the Centre. The attempts seem genuine and admirable, but given the fact the residents have no legal permits, most cannot expect to be able to study or work, even if fluent in Danish. These kinds of activities are only offered when it is deemed that they 'prepare residents for return'. During the pandemic, activities at the Centre managed either by the administration, NGOs and/or volunteers had to shut down. No fitness centre, no educational undertakings or activities categorised as 'in preparation for departure' could be conducted so as to comply with the COVID-19 regulations. Though I do not know how it was before I began working there, I often heard similar accounts to those referenced in the news articles from the Centre; the dislike of not being able to prepare your own food, living behind fences when you are not a criminal and having to live in indefinite standby. Though perhaps a global phenomenon, it seemed to me that the lack of autonomy and privacy became even more visible throughout the pandemic; the residents were increasingly bored, gloomy and extremely difficult to motivate and support, even when restrictions ceased and some interaction and local travel was allowed. How do you motivate someone to stay positive and hungry for life, when there is literally nothing you or any system can offer to assist towards documentation?

### **Conclusion: Navigating Indefinite Standby as a Nurture Care Worker**

Departure Centres created by the government leave people to live their life in the unknown and without the agency, mobility or opportunity to change the course of action. As such, they are a clear manifestation of inhumane laws and policies, an expression of what I experience as growing apathy and increasing dehumanisation of undocumented people. I am shocked that any Danish government has allowed them to continue on for this long. In my experience, Denmark used to be known for its progressive legislation and liberties in the rest of the world - now, my experience is different. Our humanitarian aid and civil society actors, especially the smaller organisations, fight to survive and run faster than ever. At the same time, my international friends mostly ask me about headlines on scandals, such as the so-called 'Jewellery Law' used to seize assets from refugees (and deemed 'inhumane and



degrading by the UN) (Agerholm 2016) and the 'Danish Ghetto List', which contains low-income neighbourhoods nationwide added based on the following criteria: "higher than average jobless and crime rates, lower than average educational attainment and, controversially, more than half of the population being first or second-generation migrants" (O'Sullivan 2020). The fact that infinite standby exists in Denmark points to a paradigm shift towards a nation closing in on itself, unwilling to actively protect refugees as per international and regional obligations.

Since this article has been written, the Immigration Ministry's new department called 'the travel-home' agency has started its operations (Udlændinge- og Integrationsministeriet 2020). The agency is tasked with securing that rejected asylum seekers travel home. Job ads for the ministry stated that most rejected asylum seekers and undocumented refugees can travel 'home' – not that most are returns to 'their country of origin' or 'third-country-returns'. This choice of wording for the job ads and the name of the new department suggest that rejected refugees can indeed return *home*, that they have a *home* to go to. Furthermore, the branding strategy promotes the process of return with (monetary) incentives to prompt voluntary leave. In a politically charged environment characterised by increasing anti-refugee sentiments, this type of language reinforces a discourse where the concept of 'deserving refugees' is legitimised and those who engage actively and willing with their return are 'awarded'.

Is it fair, humane and, more importantly, realistic to expect positivity and engagement with a process that will put people in danger? Our systems should be capable of practicing compassion and empathy, rather than making hundreds of people live in Departure Centres.

As reported by Bahgat (2018), Professor Martin Lemberg-Pedersen argues that Detention Centres are designed to psychologically coerce people to leave Denmark:

This is a very serious situation, due in part to the very rationale behind such expulsion centres. They are built on a logic that people can be motivated to leave the country. This means that the centre's main function is to impose living conditions so intolerable that people will leave. Consequently, [the centres] are not created in a way that allows for a normal, healthy life.

It is therefore clear that there is an implicit wish to deter refugees from applying for asylum in Denmark and to encourage asylum seekers and refugees already here to voluntarily repatriate. Most staff at the Centre are not trained to work with people with migrant and refugee background, but rather they are trained to deal with inmates and people who have broken the law. Although my experience is that most do what they think is best, as a person who has worked with refugees in the Global North and Global South for almost 10 years in various capacities, I see many opportunities to improve conditions at the Centre. Yet, as a nurture care substitute worker, I find that it is almost impossible to really do anything to contribute to easing the lives of the people at the Centre given its governing structures. As a substitute, responsibility does not really fall on my plate, although this is unavoidable once there. Given that most of the residents in the Centre cannot be assisted into society nor back to their country of origin in the current legal framework, the Centre primarily functions

as a basic needs facility. When people ask me what I do there, I usually say that I am there to 'be human' with the residents.

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### The Author

*Clara has worked and volunteered in the non-profit sector for almost 10 years with various human rights and social justice initiatives besides acquiring a BA in Peace and Conflict Studies with additional International Law courses. While obtaining her Master of Philosophy in Criminology, Law, and Society at University of Cape Town, she engaged with NGOs such as Scalabrini Centre of Cape Town, Lawyers for Human Rights and Cape Mental Health. Besides regularly engaging in academia as a writer, peer reviewer and speaker, she works as a consultant on a variety of projects and tasks related to migrancy, integration, historically marginalised and -oppressed populations, including but not limited to human rights, development and social justice, crime, conflict, and violence.*

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