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Editorial

Dear Reader

Welcome to the ninth issue of the Oxford Monitor of Forced Migration. This edition—complete with seven articles written by graduate students, young researchers, and an individual who was resettled to the US as a refugee—has been produced by a new editorial board comprised of students who finished their Master's degrees in Forced Migration and Migration Studies in 2014. We crafted this issue in the midst of energetic, often chaotic, developments relating to migration and asylum in the Global North. The articles contained herein reflect this atmosphere.

For the past several months our newsfeeds have been saturated with stories of Europe's 'migration crisis'—an unfolding yet familiar narrative that is framed by policymakers and the media as a complex problem that needs to be 'solved.' Recently, Oxford academic and advocate, Bridget Anderson, pointed out the absurdity of media enquiries that she has received which ask for suggestions on how to resolve the challenges in Calais in just 50 words. Anderson does acquiesce—albeit, in 53 words—offering an intentionally longwinded master plan that would 'finance local government and groups to facilitate integration alongside investing in UK people and public services, and changing foreign policy.' This exchange reflects a perennial difficulty in the field of migration studies: that of producing scholastic material and engaging both effectively and ethically with media and policy circles. This interface is a matter of continued concern for (young) researchers that has been explored since the inception of OxMo (see, for instance, Tom Barrat's 2011 article, 'Sales over Substance: Pandering to Populism on the Right and the Left').

In this issue of OxMo, the Editors of each section have independently selected an array of articles that touch upon the tensions underlying the compulsion to solve 'refugee crises.' We observe that the articles in this issue fall relatively neatly into one of two camps.

One set of articles focuses on ways in which states and policymakers attempt to govern human mobility. In the academic section, Sebastian Lundby considers immigration detention from the perspective of Europe as a whole, exposing the ways in which individual states have exploited the elevated status of law to legitimate systematic acts of immorality—through increasing occurrences of detaining migrants—rather than to guarantee protection for the individual. Moving from detention to deportation, Caroline Parker considers how the spectacle of deportation is a mode of statecraft that affects the public's moral emotions and leads to the creation of distinctions between a racialised and gendered deserving and un-deserving 'other.' In the law monitor, Bernice Carrick explores the expanding role of the Australian border (both literally and rhetorically) in Australian politics, explaining how the shifting boundaries of that state have been justified as a means to secure the survival of Australian democracy, economy, freedom, and culture. Lastly, in a contribution to the policy monitor, Damian Rosset and Tone Maia Liodden discuss how the perceived neutrality of Country of Origin Information (COI) can be used to legitimise restrictions in a state's asylum adjudication process. They use the example of COI on Eritrea that was produced by the Danish Immigration Service to suggest potential repercussions that one country's practices can have on other asylum regimes.

Countering these pieces on increasingly restrictive state practices are narratives that focus on the resistance, resolve, and agency of individuals. In the first hand section, Manar Al shares his story of self-discovery and perseverance as he escaped perilous circumstances in Baghdad and confronted bureaucratic barriers in UNHCR Lebanon before securing physical safety and mental security in the United States as a resettled refugee. Georgina Ramsay draws upon ethnographic fieldwork with refugees who have received third country resettlement in Australia to consider the role that return visits to their previous country of exile play in shaping their identities. Her unique perspective, which splices airport scenes of transit with reflections on the social nature of displacement, highlights the particular pressures that are faced by resettled refugees to support their networks in former countries of residence. Finally, Reva Dhingra traces the increasing provision of psychosocial support programmes in humanitarian situations, leveraging quotations and anecdotes from Syrian refugees in Jordan to argue that a more holistic approach to enable refugees' well being must consider integrative, community-driven efforts to address the plurality of difficulties caused by traumas they have endured both in conflict and in protracted displacement.

Cumulatively, these articles create ample space to reflect on the relationship between ostensibly liberal democratic states and the restricted mobilities of migrants. We invite you to explore these concepts and other salient themes that you come across in this issue. Your comments, questions, and continued interest in these matters are encouraged and we invite you to please be in touch.

Sincerely

Andonis Marden & Angelica Neville
Editors in Chief
August 2015

The next volume of OxMo will be published in late 2015. Please see the Call for Papers at the end of this issue for submission details.

Academic Articles

On the European system of immigration detention

SEBASTIAN LUNDBY

Over the last few decades immigration detention has become a widespread and normalised practice in Europe. Accompanying this sudden growth is the emergence of a progressively more interconnected immigration and asylum policy in the European Economic Area. What has not followed is a consideration of these detention practices from a more holistic perspective, despite a need for cross-national research. This paper addresses this deficit in two ways. First, I explore the features of the European migration regime by reviewing the relevant asylum and immigration policies common to EU member states, and then attempt to establish an aggregate estimation of the number of detention sites and migrant detainees in the EU. Secondly, I consider the unintended effects that a methodological nationalism in research and public discourse has on the way detention practices are perceived and understood. In particular, I consider the contradiction between European detention practices and its progressive identity as a stronghold of human rights.

Introduction

The widespread detention of asylum seekers and unwanted migrants is a relatively new, yet increasingly normalised practice in contemporary Europe. Immigration detention is part of a broader effort of European states to formulate a common asylum and immigration policy to regulate desirable and undesirable movement into and within its borders (European Council, 1999). The sum of these efforts has been referred to as the European (or EU) migration regime (Cross 2009). Its roots can be traced back to the Dublin Convention in 1990 where the desire to codify a comprehensive framework to regulate immigration was first articulated (Cross 2009:172–173). This framework was further consolidated at the European summit in Tampere in 1999. Today that project has materialised, as evidenced by the growing body of legal instruments that administers movement within the EU and EEA.

The detention of non-EU (and non-EEA) national migrants plays an increasingly central role in achieving the goals of the European migration regime, though it has yet to be recognised as such. Hundreds of thousands of migrants across the continent are detained annually, often confined to facilities that barely meet their most basic needs (Mainwaring 2015:50). The exponential increase in the reliance on this practice creates a need for critical evaluation (Wong 2015:29).

While there is a growing literature on immigrant detention from the perspective of particular case study countries, scarcely any academic literature considers immigration detention from the perspective of Europe as a whole. Not even Eurostat, the European Union's statistical office, has attempted to compile any comprehensive data in the form of published reports. The overwhelming focus on isolated country case studies may be partially explained by what Wimmer and Glick Schiller (2002:302) term methodological nationalism, or 'the assumption that the nation/state/society is the natural social and political form of the modern world.' One

of the major implications of this assumption is that the 'social sciences have become obsessed with describing processes within nation-state boundaries as contrasted with those outside, and have correspondingly lost sight of the connections between such nationally defined territories' (Wimmer and Glick Schiller 2002:307). It is precisely these connections that appear to have been lost in the research on immigration detention in Europe.

While immigration detention is an increasingly global phenomenon, the European Union provides a particularly interesting case to explore—because of its transnational collective identity, the freedom of movement within its borders, and its growing reliance on detention practices that are fundamentally at odds with Europe's perceived cultural identity as a stronghold of human rights (Wilsher 2007:395). By scrutinising the treatment of migrants in detention in individual countries alone or in contrast to others, the complicity of all participating states in the shortcomings of the European system of immigration detention is obscured. Of course, variations exist and are manifested in national law, but the fact remains that these countries are united through a shared transnational legal framework. Nation-states, particularly those comprising the European Union, are institutions enmeshed in a paradigm of transnational processes of which migration is an fundamental aspect, and through which migration ought to be understood and discussed (Glick Schiller 2010:109).

This paper attempts to counter the methodological nationalism that today characterises the study of immigration detention in Europe by offering a more holistic take on the phenomenon. I do this in three ways. First, I describe the interconnected European migration regime with an emphasis on the materialisation of a broad system of immigration detention. Second, I ground policy considerations in empirical data compiled from various sources in an attempt to establish some idea of how extensive immigration detention in Europe really is. I consider the main limitations of the data currently available, and the challenges to obtaining sufficiently comprehensive or accurate numbers. The final section explores the moral and normative implications of methodological nationalism and liberal misconceptions of law in the study and discourse around immigration detention in Europe. Law has come to assume an elevated status in modern society, which can obscure its role in legitimating (systematic) acts of immorality and deflecting responsibility (Dossa 1999:73). Similarly, there is a historic tendency to view European atrocities as exceptions to the otherwise morally pure and progressive identity of Europe or the 'West'. Europe's moral power is produced and sustained in a manner that actively externalises negative connotations to the collective unit. One implication of the geographical arrangement of the European Union is that its southern and eastern frontiers are bearing the brunt of the common asylum and immigration policy. Consequently, they also bear the brunt of the blame for any exposed inadequacies in relation to the welfare of migrants. However, I argue that those states taking part in the system of immigration detention are legally and morally complicit in the system's shortcomings, particularly regarding migrant welfare.

The European migration regime

Due to the perceived problems associated with immigration, detention is an increasingly popular tool for EU members and related countries to limit irregular migration (Wong 2015:28). In a very short space of time the practice has not only been institutionalised and normalised; it has, in fact, become 'an inherent part of a policy package that has as its main aims to deter future migrants and to remove those already on national territory as rapidly and as effectively as possible' (Cornelisse 2010:2). The European migration regime is a large body of directives and regulations directly or indirectly involving the vast majority of the continent's states and is aimed at creating a common asylum and immigration policy. These

policies include the so-called 'Return Directive' (2008/115/EC), the Council Directive known as the Reception Conditions Directive (2003/9/EC) and its recast (2013/33/EU), the Dublin III Regulation (No 604/2013), the Asylum Procedures Directive (2005/85/EC) and its recast Directive (2013/32/EU), the Schengen Borders Code (Regulation 562/2006), and the Trafficking Directive (2011/36/ EU). Of these policies, the first four contain explicit provisions on the detention of third-country nationals (EMN, 2014:12).

The 'Return Directive' concerns the detention of irregular migrants awaiting return. It authorises the use of detention in order to carry out the removal process and applies from the point of preparation to the point of departure, whether it be voluntary or involuntary. Avoiding the risk of absconding and other potential obstructions were key motivations behind its implementation. The policy is common to all EU states including Norway, Iceland, Liechtenstein, and Switzerland. It contains more safeguards for the individual than any of the other policies above (EMN 2014:12–14). However, in her analysis of the directive, Cornelisse (2010:270–271) found that it simultaneously allows for said safeguards to be disregarded in certain—relatively ambiguous—situations. It also authorises an exceedingly long maximum duration of detention (12 months).

The policy commonly referred to as the Reception Conditions Directive relates only to applicants for international protection and sets out minimum standards for the reception of asylum seekers. Although at first glance it appears to encourage free movement for the asylum seeker, a closer look at the provisions to restrict movement and detain them reveals that the directive does little more than authorise the use of detention within a codified framework (Cornelisse 2010:269). A little less widespread than the former, it does not apply to Ireland, Denmark, or the EU associated countries that are bound by the Return Directive. Moreover, the UK chose not to opt in to the recast directive, but remains tied to the previous version. Still, it is in force in all the other 25 or so EU member states (EMN 2014:14).

The Asylum Procedures Directive exists to determine whether refugee status is to be granted or withdrawn and outlines the minimum standards for such procedures. As Cornelisse (2010:269) explains, the directive provides remarkably few safeguards for the individual. Its only premise for detention is that there must be more reasons beyond the fact that the person in question is an asylum applicant (Council Directive 2003/9/EC: Art. 18). The states sharing this legal instrument reflect those participating in the Reception Conditions Directive, the only exception being that Ireland, like the UK, chose to only opt in the original directive.

The above directives and regulations constitute some of the primary legal instruments that make up the 'policy package' regulating the detention of migrants in Europe (EMN 2014:12–14). Another crucial legal instrument deserving attention is the EU law commonly known as the Dublin Regulation—or the Dublin III Regulation, as it has now been recast a second time. It is the cornerstone of the broader Dublin System and is intended as a form of burden-sharing of asylum applications. In short, its aim is to 'determine rapidly the Member State responsible [for an asylum claim],' typically the participating state through which a migrant first enters (Regulation (EU) No 604/2013:Art. 5). The regulations emphasise that the purpose is to speed up the process of deciding whether or not international protection will be granted (Regulation (EU) No 604/2013). However, in reality, this policy puts the external border countries in the south and east at a serious disadvantage, as most asylum seekers first enter the European Union through these countries (Hurwitz 2009:123). Furthermore, as the last section will show, a 'Dublin transfer'—the movement of an asylum seeker in one European country to the responsible member state—often means long-term detention in poor

conditions for those subjected to them (Cornelisse 2010:11–22). All EU member states (including Denmark under special arrangements) as well as Norway, Iceland, Liechtenstein, and Switzerland have committed to the latest recast of the Regulation and so are engaged in an elaborate distribution system. By taking part in the Dublin Regulation, these states have committed to regulating the flow of asylum seekers at the expense of human welfare. In the process, moral responsibility too is regulated and even diluted as accountability becomes harder to determine.

Statistical overview

Though the legal instruments governing immigrant detention in Europe are clear, there is far less clarity about the numbers of immigrants affected by them. Considerable variations exist in the numbers recorded by various authors, academic and non-academic alike, on the prevalence of immigration detention in Europe. This section will look at the narrow body of research that has commented on immigration detention in Europe from a holistic standpoint, either directly or indirectly, and try to establish some numerical overview of the extent of these practices.

Despite a dearth of literature on this topic, there are a few significant works that attempt to provide a broader perspective on the state of immigrant detention in Europe. These include Cornelisse (2010), Wong (2015), and the European Migration Network (EMN) (2014), established in 2008 by the Council of the European Union (2008/381/EC). Whereas Cornelisse discusses immigration detention and human rights in Europe extensively and in depth, she refrains from presenting any concrete numbers on the prevalence of these practices, instead emphasising how difficult it is to 'obtain reliable figures' (Cornelisse 2010:7). The focus of Wong's book is similar, but it centres more on answering why states pursue increasingly contentious immigration policies. In contrast to Cornelisse, Wong (2015:130) lists some statistics to provide the reader with a sense of the immensity of what he calls 'the machinery of immigration control.' In fairness to Cornelisse, she is right to stress the lack of available data. The fact that not even Eurostat, the European Union's statistical office, has produced any reports of this kind has caused a reliance on independent organisations such as the Global Detention Project and Migreurop. The former is a non-profit research centre based in Geneva, and the latter constitutes an international network of NGOs, researchers and activists. In terms of numbers, these two are crucial. Indeed, many authors, including Wong (2015:130), have relied on statistics provided by precisely these organisations. Together with the report published by the EMN in November 2014, these make up the three main sources of statistics on immigration detention in Europe discussed here.

There are significant challenges to obtaining accurate and comprehensive statistics on immigrant detention in Europe. This may be explained in part by variations in scope and definitions. For example, as Migreurop (2005) explains, they use 'an extended definition of "camps,"' which is justified on the basis that more narrow definitions mask the fact that migrants held in (often remote or isolated) open centres have little more agency in terms of movement than migrants confined to closed centres (Migreurop 2005). Variations can also be explained by a lack of transparency or even by the use of flawed data. For example, the EMN has produced the most thorough and reliable statistics on the topic, but their findings are incomplete as some relevant countries chose not to participate in their study. Moreover, it appears that they included some incorrect figures while compiling an overview of the total number of migrants in detention in a year (EMN 2014:Annex 4). Presumably, they made the mistake of using the UK Home Office's data for the number of migrants in detention at any

one time. The total number in a year appears to be about eight to fifteen times higher than what they state (Silverman and Hajela 2015:2). What follows is an attempt to establish high and low aggregate estimates of the numbers of detainees and detention sites in the EU using the above and a few other sources. Where necessary, disaggregate sources are used to fill in the gaps if they are available.

The best attempt at an aggregate number of detention centres in the EU is also the most recent. Wong (2015:130) identifies 218 sites, but this number excludes more than 20 European countries, of which seven are EU member states. After borrowing statistics from the EMN (2014:Annex 3) and Ceccorulli and Labanca (2014:139) the total number amounts to 228. Note that adding these disaggregate figures does not exaggerate the total number of detention sites as their estimates are much more conservative than Wong's. In their study, the EMN identified just 128 facilities spread across 24 countries. Even if we were to borrow statistics for the remaining member states using the same figures as Wong and, again, Ceccorulli and Labanca, to fill in the gaps, it would amount to little more than 158 sites. Therefore, the aggregate number of detention facilities within the EU can range from about 158 to about 228, depending on the definition of choice. Of course, the full extent of European immigration detention practices is not limited to the EU's geographic territory. Migreurop, in fact, mapped out the full reach of the European detention system beyond its borders. Spanning the entirety of Europe and the countries bordering the Mediterranean and the Black Sea (excluding Russia), they found that the total amount of detention sites consistently increased from 324 in 2000 to 473 in 2012 (Migreurop 2012).

Variations in scope and definition are even more influential when trying to establish an aggregate estimate of migrants in detention. Narrowing the criteria of what counts as a site of detention automatically narrows the total number of detainees substantially. For example, Gill (2011:151) mentions in passing that there were 'half a million or so illegal immigrants detained across Europe' in 2008 and that most of them were held in Greece. This corresponds roughly to Migreurop's (2014) findings which suggest that 'close to 600,000 migrants are deprived of their liberty on the European Union's territory' every year. However, while being deprived of one's liberty is prohibited by the European Convention on Human Rights (ECHR1950)—except in certain circumstances—it is not necessarily synonymous with immigration detention. In other words, the above estimates may include forms of liberty deprivation other than detention as it is discussed here.

More conservative estimates presented by the EMN (2014:9) suggest the total number of detainees combined in 2013 was 92,575. Crucially, the EMN's statistics (2014) exclude EU nationals. As Migreurop (2014) points out, Romanians continue to face detention despite becoming EU citizens in 2007. Having accounted for statistical flaws and unrepresented countries by using disaggregate sources like Silverman and Hajela (2015:2) and Povoledo (2013), the total aggregate number of migrants in detention in the EU in 2013 amounts to just over 125,000. It is then safe to say that the yearly aggregate number of migrants detained in Europe is at least in the hundreds of thousands and at most 600,000 or so. Again, this depends on scope and definitions. Note, however, that it proved impossible to find any reliable figures for Romania, Cyprus, and Greece, but the available data seem to suggest that the numbers for the latter two are high (Gill 2011:151; Mainwaring 2015:50–57).

Norm or exception?

Of the hundreds of thousands subjected to immigration detention each year, many are made to suffer in poor conditions and often for extended periods of time. While durations and

conditions certainly vary from state to state, these practices are, as explained earlier, very much interlinked (Cornelisse 2010:11). Regarding duration specifically, the recast Reception Conditions Directive authorises a maximum detention of six months. However, this can easily be extended by a further twelve months in cases where returnees do not cooperate, or if there are delays in the process of obtaining documents from the country of origin (EU Directive 2013/33/EU). That being said, in some countries the average duration is relatively low. For instance, in Finland the average is 11.8 days. In countries typically on the receiving end of 'Dublin transfers,' however, the average time migrants spend in detention is substantially higher. To take just one example, the average duration in Malta is 180 days (EMN 2014:5–10). The conditions in detention centres on Malta have been condemned as 'appalling' and 'untenable in Europe which claims to be the home of human rights' (Cornelisse 2010:11). Malta is not alone in facing criticism. All over the continent, but particularly in the south, states are being criticised for inadequate treatment of migrants in detention. In Greece, for example, detention conditions are so poor that some participants of the Dublin Regulation have begun limiting the transfer of asylum seekers there (Troller 2008:98).

The problem with these criticisms is that they are almost always directed at individual countries alone or at the unfairness of burden-sharing, not at the collective body of states and legislation that make up the detention system as a whole. By ignoring the wider picture, the failures of any given country are effectively treated as exceptions to the rule. This feeds into the production of European identity and how its moral power is sustained. As postcolonial thinkers have observed, Europe (or the West) is routinely and unconditionally associated with 'political tolerance, democracy, and social and scientific progress' (Grovogui 2006:36). This metaphysical representation of European collective *unity* is only made possible by a regularly evoked process of European *disunity*, externalising morally unjustifiable events as exceptions. As Grovogui (2006:36) argues, 'imperial Spain may be blamed for bringing death onto the New World, Germany for Nazism and the Holocaust, and Italy for Fascism; but few would assimilate enslavement, totalitarianism, Nazism and Fascism with the West as essential features.' A similar line of thinking applies to injustices surrounding immigration detention practices today. Perpetuating methodological nationalism contributes to the whitewashing of Europe's perceived identity, and by extension, the nature of the EU's migration regulation. The effects of this academic tendency is observable in the scrutiny of 'Dublin transfers,' a key feature in the migration regime, where it can have the effect of masking the complicity of sending countries to the inhumane conditions that often await migrants in receiving countries. Consequently, many European countries are now successfully outsourcing human rights violations and the moral responsibility that comes with it to other European countries. The same can be said about the unaccountable practices funded by the EU and carried out directly or indirectly by its border agency, FRONTEX, to regulate movement of non-Europeans beyond the external borders of Europe (Andersson 2014).

The inadvertent whitewashing carried out by researchers is further exacerbated by a liberal naïveté regarding law. In a similar manner to what has been discussed so far, failures to protect the individual, in this case the migrant, are often characterised as legal exceptions. Common to all the legal instruments discussed in the first section is a representation that they exist to protect the individual, but they do not so much offer any further protection beyond what is already guaranteed elsewhere. If safeguards were really central concerns there would be a stronger emphasis on enforcing transparency, which there is not (Cornelisse 2010:272). Interestingly, the European Convention on Human Rights (ECHR) is rare among

international treaties in that it contains provisions that explicitly authorise the detention of migrants (ECHR Art. 5 (1) (f)). The idealistic status that law holds in Western society means that it is rarely perceived as the cause of injustice. Rather, injustices are attributed to abuse or disregard of law, or simply the absence of (sufficient) law. In this way, the responsibility for mistreatment of migrants is decentralised to individual detention sites and to the people who work in them. Thus, the problem is often framed as such: either people are to blame for not following the instructions of the law, or there is not a sufficiently strong presence of law on the detention site. In the case of the latter, sites of detention are often branded 'legal voids' or 'legal black holes,' thereby sanitising the law that legitimates detention and authorises disregard of safeguards (Johns 2005:613–635). Such misconceptions disguise the fact that the Dublin Regulation, for example, is incentivising detention as states increasingly rely on the practice and the law that legitimates it to maintain the flow of Dublin transfers. In other words, by codifying interdependency of a practice that relies on the use of detention to function smoothly, the states involved are essentially encouraged to detain and discouraged from developing alternatives to detention (Cornelisse 2010:13–14).

In the European migration regime, these two 'exception' phenomena—of law and European identity—work in tandem, distracting the observer from its dark side and preserving the moral currency of Europe. As this section has attempted to highlight, the shortcomings of the migration regime are in no way exceptions to the normal state of affairs. They *are* the normal state of affairs. They are not cultural or behavioural exceptions, nor are they legal exceptions as the liberal naïveté might suggest. Far from being legal voids, detention centres and the treatment of the migrants within them are legitimated by a plethora of law that constitutes the European system of immigration detention (Hussain 2007:1–19).

Conclusion

In relatively few years immigration detention has become a widespread and normalised practice in Europe. Accompanying this sudden growth is the emergence of a progressively more interconnected immigration and asylum policy in the EU and associated countries. What has not followed is a consideration of these practices from a more holistic perspective. Indeed, there is an observable deficit in academic literature on immigration detention in Europe as a whole. This paper has attempted to highlight and address that deficit in part by establishing an aggregate estimation of the number of detention sites and of migrant detainees in the EU. It has also emphasised the unintended effects that conventional approaches to immigration studies have on the way detention practices are perceived and understood. In doing so, the paper has brought attention to a system of immigration detention on which the European migration regime increasingly relies. It is grounded in a set of laws that at first glance appear to guarantee protection for the individual. However, a closer inspection soon reveals that they do little more than to create more law that justifies detention. As such, the European system of immigration detention is fundamentally at odds with the perceived cultural identity of Europe. The home of a system that deprives hundreds of thousands of individuals of their liberty every year on the basis of their (intended) movement cannot represent itself as a stronghold of human rights.

Sebastian Lundby is a Norwegian national who is in the final semester of a Masters in the Politics of Conflict, Rights and Justice at the School of Oriental and African Studies (SOAS), University of London, where he is concentrating on the effects of liberal misconceptions of law and the state. In the past he has written about the self-replicating power dynamics inherent in the international state system. He is currently involved with SOAS Detainee Support, a student-led initiative working in solidarity with asylum-seekers and other migrants in detention centres.

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Deportation, territoriality and the governing of public sentiment

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In this paper I analyse deportation through the lens of four principle theorists: William Walters—drawing heavily on Michel Foucault's theorisations of sovereign power, polizei, and governmentality—and also Nicholas De Genova and Ann Laura Stoler. First I examine Walters's argument in the context of Foucault's own writing on modalities of power. I then turn to the 'deportation spectacle,' which has been approached through the analytics of sovereignty and modern territoriality (De Genova 2009). Looking more closely at the theatrical and symbolic dimensions of deportation, I draw on Ann Laura Stoler's work on the role of sentiment in government to analyse the deportation spectacle in terms of the governmental management of public sentiment. Through attending to the productive, moral, and affective dimensions of deportation, I suggest deportation performs an important role in the generation of public categories and in directing the distribution of public sentiment.

Introduction

In the last two decades the United States has witnessed an historically unprecedented increase in deportations of all kinds.[1] Between 1997 and 2007, 897,099 non-citizens were deported from the United States, and according to the Department of Homeland Security, 438,421 were removed in 2013 (HRW 2009; DHS 2013). Overwhelmingly, deportees are male and are deported to Mexico, Guatemala, Honduras, and El Salvador (HRW 2009; DHS 2013). In the wake of a ten-year strategic enforcement plan (2003-2012) in which US immigration authorities sought to 'promote national security through ensuring the departure from the United States of all removable aliens,' scholars have begun to examine theoretically what has been termed the 'global regime' of deportation (USGHS-ICE 2003, cited in De Genova and Puetz 2010:4). Its links to global economic-labour regimes, contemporary territoriality, and population cleansing, as well as its moral, productive, and even theatrical elements have drawn the attention of scholars, whose investigations of deportation have raised questions about statecraft, sovereignty, and governing under late liberalism (De Genova and Puetz 2010; Cornelisse 2010; Walters 2010; Michalowski 2013).

In this paper I analyse deportation through the lens of four principle theorists: William Walters—drawing heavily on Michel Foucault's theorisations of sovereign power, *polizei* and governmentality—and also on Nicholas De Genova and Ann Laura Stoler. My overarching aim is to explore the utility and shortcomings of these analytics. Political theorist William Walters (2010) offers a way of analysing deportation in terms of forms of power. Drawing on Michel Foucault's theorisations of liberal and illiberal modes of governing, Walters situates deportation genealogically in terms of a technique of power, positioning deportation within the analytics of governance and rule. For Walters, deportation is located at the intersection of

[1] The legal term for deportation is 'removal', which refers to the removal of non-citizens by a state power from state territory. In the United States there are two forms of removal - 'forced removal' and 'voluntary' removal.

three forms of power that operate under late liberalism: sovereign power, governmentality, and a (re)emergent illiberal form of rule—that of 'police' or *polizei*. In the first part of this essay, I examine Walters's argument in the context of Foucault's own writing on modalities of power. I then turn to what has been called the 'deportation spectacle; (De Genova 2009). Through the lens of Ann Laura Stoler's work on the role of sentiment in government, I analyse the deportation spectacle in terms of statecraft and the management of public sentiment. I suggest that attention to sentiment and affect should to be an important part of any theorisation of deportation. I propose that through attention to the productive, moral, and affective dimensions of the deportation spectacle, this 'frenetic machinery' (De Genova 2009) of deportation may be understood as a 'cultural engine' (Wacquant 2009) and source of social boundaries, public norms, and moral sentiments.

Sovereign power, governmentality, and *polizei*

During his lecture series *Security, Territory, Population* at the College de France (1977-1978), in his readings on the configuration of power relations within Europe during the last half millennia, Michel Foucault (2009) documented and theorised historical shifts or transformations in technologies of power over the past five centuries. Since the 16th century, he argued, there has been a retreat of systems of rule based on sovereign power that operates through laws and rules that prohibit. Where these systems of rule are characterised as obviously coercive and authoritarian, by the mid-18th century, Foucault argued, there had been an emergence of a liberal and less authoritarian systems of governance. In contrast to sovereign systems of rule, Foucault (2009:107–8) posited that liberal governments adhere to a rationality, or governmentality, which identified the population as its target, the welfare and prosperity of the population as its primary concern, the political economy as its major form of knowledge, and apparatuses of security as its primary technical instrument. This liberal form of government prescribed through persuasion—rather than ruling through prohibiting—and operated chiefly through instilling a widespread desire among self-regulating, self-fashioning individuals who conformed to normal ideals through rational means of work and shrift (Foucault 2007:1-130 see lectures 1-5).

This distinction between systems of power based on sovereignty and systems of power based on governmentality are developed in *History of Sexuality* (Foucault 1978). Sovereign power, (or the juridico-institutional power as it is referred to in *Security, Territory, and Population*), may be summarised in terms of the power to kill or to allow to live—or ''to take life or to let live' (Foucault 1978:138). In his historical analysis, the sovereign is imagined to be the monarch, although in contemporary political science, sovereign power is generally conceived of in terms of state power.[2] Foucault argued that although the law represents the sovereign's principal mode of rule, its authority is ultimately grounded in violence and force, with violence remaining as the last resort. 'Law cannot help but be armed and its arm, *par excellence*, is death; to those who transgress it, it replies, at least as a last resort, with absolute menace' (Foucault 1978:144). Alternative readings of sovereign power have built upon this notion of the power to decide over life and death—and the power to wield violence over declared enemies (Hansen and Stepputat 2006). Sovereign power has been theorised in terms of the suspension of order—or the abandonment of normalised rules of conduct. Building on Walter Benjamin's notion of 'states of exception,' and following from Carl Schmitt's (1985) claim: 'Sovereign is he who decides the exception,' sovereign power has been conceived of

[2] For analyses of changes in the nature of sovereign power, in particular, the tension between national and transnational sovereignty, and between state and popular sovereignty, see Étienne Balibar (2004), Aiwha Ong (1999) and Saskia Sassen (1996).

as the power to suspend usual order—whether conceived legally, ethically, or politically (Schmitt 1985; Agamben 1998; Fassin 2012). What all of these readings share, however, is the notion that sovereign power is grounded in violence and is performed to generate fear, loyalty, and to augment the power of the sovereign (Hansen and Stepputat 2006).

A third form of rule, relevant to the present analysis of deportation, can be found in Foucault's theorisation of the 'art of governing' in the early modern period, prior to liberalism. In *The Tanner Lectures on Human Values*, Foucault analysed a third system of rule—that of 'police' or polizei—in 17th and 18th century Europe (2003). In the lecture Foucault argues that in contradistinction to liberal forms of governance that came later, in early Modern Europe, 'police' was an 'art of governing' in which intervention and regulation were embraced. In contrast then to 'later' liberal forms of rule, where, 'The game of liberalism…[is] not interfering,' in this 'earlier' system of governance, the moral wellbeing of population does not emerge through normalisation and self-regulation, but rather is achieved through close supervision and intervention (Foucault 2007:48). Foucault posits that under polizei, order was conceived of not as spontaneous but as the effect of regulation 'That people survive, live, and even do better than just that, is what the police had to ensure' (1981:250). In this respect, police represented a totalising form of government in which order was attained through intervention.

Historicising deportation

These conceptualisations of modalities of power were taken up by political theorist William Walters (2010), whose genealogical analysis of deportation offers a way of interpreting contemporary deportation practices in terms of technologies of power and governmental rationalities. Walters (2010:85) argues that in the United States in 18th century, 'the practice of deportation was still concentrated around the pole of sovereign power'. In the 18th century, the targets of deportation were people who posed a threat to the state—agitators, subversives, and revolutionaries—in other words, people who threatened to undermine the state's sovereign authority. Although political enemies continue to be targets of deportation, by the end of 19th century, deportation had undergone a shift and expansion in its target population, whereby the category of deportable people extended to include various categories of 'socially undesirable persons', including ethnic minorities, the mad, and fugitives (Walters 2010:85). According to Walters, by the 19th century, deportation as a political practice had undergone a reconfiguration, in which it became concentrated around the pole of governmentality; that is to say, it was conceived of as a mechanism to protect the population. Initial targets in the United States were Chinese immigrants in the late 19th century—although since this time the category of undesirable people targeted for removal has greatly expanded.

While there are certainly continuities between current forms of deportation and earlier historical practices of forced removal, such as banishment, exile, and forced mass transportation, it is generally acknowledged that important legal transformations in the 1990s marked a watershed moment in the history of deportation in the United States (Walters 2010:73-83). The adoption of two laws—the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IRRIRA)—is often seen as a milestone in the historical process of convergence between immigration policy and criminal justice, which has not only seen a rise in the numbers of predominantly male non-citizens forcibly removed from the United States and the creation of new 'fast-track' deportation regimes, but also has been characterised by new legal categories of people—such as 'removable aliens' and 'criminal fugitives,' and expanding

categories of 'deportability' (Kanstroom 2012; Kanstroom 2007; De Genova 2002). Prior to 1996, 'non-citizens' with criminal records could request waivers based on their life circumstances, for example on the grounds of their length of residency or their relatives' citizenship status. In 1996, deportation became mandatory for all those with criminal records, regardless of whether they had already served their sentence. Vague categories of crime—including 'moral turpitude,' as well as 'liable to become a public charge' (LCP) offenses have also sufficed as grounds for deportation (De Genova and Peutz 2010:21-23). This is applied retroactively so that criminal records assigned prior to 1996 are a basis for mandatory deportation. While the Department for Homeland Security has been criticised for failing to collect and record data about the deportee population—among those deported between 1997-2007 on the basis of criminal convictions, and for whom there are data, Human Rights Watch (2009) report that 72 per cent of those were deported for non-violent crimes. The most common form of crime serving as grounds for deportation is entering the country illegally (24 per cent), followed by driving under the influence of alcohol (7.2 per cent), assault (5.5 per cent) and immigration crimes such as selling false papers (5.5 per cent) (HRW 2009). Today, deportation is geared overwhelmingly towards the mass expulsion of men of low socioeconomic status and of Mexican and Central American origin. The deportation of Central American men and the deportation of 'criminals' have come to represent a discursively intertwined project, which is open to various interpretations.

Deportation may be conceived of as a technique for the management of populations through the allocation of populations to territorially-defined nation states, and has been described as the 'logical consequence and an almost necessary correlate of a world fully divided into territorial nation states' (Walters 2010:93). As such, Walters argues that deportation must be situated as a 'technology of citizenship,' and part of the wider 'carceral archipelago' of detention centres, camps, and waiting zones that are characteristics of modern territoriality in late liberalism. In its current form, deportation builds heavily upon various schemes of border control, documentation, and identification that proliferated in the post-World War I era (Sassan 1999; Walters 2010). One important respect in which contemporary deportation differs from earlier practices of expulsion and banishment is that it is generally reserved for non-citizens. The routinized forced removal of citizens, such as the mass transportation of convicts from England to New South Wales in the 18th and 19th century, as Walters points out, would today represent an affront to modern notions of citizenship. Nation states in the Global North do not, generally, deport citizens en masse. This transition to the modern territorial state system is therefore partly constitutive of the emergence of a new rationality that sees the allocation of populations to particular territories as not just a critical role of government, but as a sacred sovereign right of nation states, as evidenced in international law.

Liberal governmentality is also concerned with the governmental mechanism itself, reflecting a 'governmentalization of government' (Dean 2010). While deportation is often rationalised in terms of a need to protect the population (e.g., its economy, labour, and its welfare provision), as Walters argues, it is also rationalised in terms of demonstrating the effectiveness of the state or of the government itself, and this is reflected in the political rhetoric around deportation and border control more generally. Powerful tropes include 'maintaining integrity' within immigration and asylum systems themselves. Another logic then comes from a concern with the strength, efficiency, and effectiveness of the border control system. From this perspective, deportation is not just a technique for managing the population, it is also a mechanism through which governments measure and signal their own effectiveness (Walters 2010:11). As De Genova (2002) has shown, notions of impenetrable

borders, strong systems of security, effective policing, and governmental action against threats (whether against terrorism, violent gangs, or drug cartels) are routinely appealed to in official government discourse and provide sustenance and material through which states can publically, as well as internally, demonstrate their effectiveness.

Another dimension of Walters' argument speaks directly to the question of how to rectify interventionist and highly authoritarian practices within liberalism; he asserts that deportation belongs to an 'older practice of rule'—that of 'police' or *polizei* (2010:89). Walters argues that 'Deportation does not belong properly in this regime of liberal practices of rule. It belongs in older form or lineage – that of police' (2010:89). Walters deals with the problem of a highly coercive and authoritarian form of through appealing to the Foucauldian notion of an 'earlier' form of governance.

There are a number of limitations to the governmentality analytic. As many scholars, including Walters, have pointed out, deportation is not merely a technical instrument for the management of the modern territorial state system. Deportation also has a deeply symbolic role. To unpack this further, in the next section I examine what has been called the 'deportation spectacle' (De Genova 2010; De Genova 2013). I discuss recent analyses of the productive and symbolic dimensions of deportation, which have connected the theatrical elements of deportation to sovereign power and modern territoriality (De Genova and Puetz 2010; Cornelisse 2010; Walters 2010). Extending these theorisations, I argue that the theatrical dimensions of deportation enforcement can be understood as a form of governmental management of public sentiment; that these ritualised and theatrical practices—rather than being exercises and performances of sovereign power, serving to augment the power of the sovereign--may be better understood as a 'cultural engine' for the generation of public categories and for the directing of the distribution of public sentiment, which may be contextualised by a consideration of the role of sentiment and affect in government (Hume 1888, 2003; Wacquant 2010).

Spectacle and sentiment

Nicholas De Genova (2002, 2009) has drawn attention to the capacity or tendency of deportation enforcement to be paraded and to produce new and alarmist categories of people. These categories include both racialised and gendered representations (Golash-Boza and Hondagneu-Sotel 2013). Those who are deportable under the new laws become 'illegal aliens' and 'criminal aliens,' and those who have evaded deportation become 'criminal fugitives' and targets for public raids. De Genova's account of an immigration raid on a meatpacking factory in Iowa is illustrative of this enforcement spectacle. He recounts an incident in which several hundred migrant workers were detained, leading 270 people to be prosecuted with federal criminal charges (for the use of fraudulent documents). Rather than facing deportation immediately, these individuals were first incarcerated in the United States before they were deported. The workers, who 'were marched with hands and feet in shackles' were 'paraded' into a 'make-shift courtroom … adorned for the occasion with black curtains.' He recounts:

> *'The proceedings went from 8.00 am until late at night, over several days, with the undocumented workers, who had been threatened with much harsher penalties, pleading guilty in rapid succession and being summarily sentenced to 5-month prison terms. The US attorney for the district who oversaw the spectacle called the whole affair an "astonishing success"' (2009:457)*

For De Genova, these spectacular elements constitute a performative exercise of sovereign power, and deportation may be seen as both a moment 'through which the full force of the sovereign power of the state is wielded against an individual life' (2010:23). It is also important to recognise, however, that as with other highly punitive state practices (such as drug raids), deportation is a deeply symbolic practice that is 'actively involved in making this world' (Walters 2010:11). This was a point made by Karl Marx, who wrote that 'The criminal produces an impression now moral, now tragic, and renders a "service" by arousing the moral and aesthetic sentiments of the public' (1963, cited in Wacquant 2009:29). Deportation is productive of particular narratives, images, and categories of people (De Genova 2002; De Genova 2013), and, importantly, these categories have an ethics. 'Fugitive aliens' and 'criminal aliens' are not only excluded from the rights and entitlements afforded to citizens—they are also targets of public moral condemnation. These theatrical and moral characteristics of deportation may then be interpreted in a number of ways, and have clear parallels with other punitive practices, such as drug raids, policing, and mass incarceration. As the following examples illustrate, highly authoritative and theatricalised political practices such as deportation generate and sustain gendered and racialised social boundaries, stoke moral sentiments, and as such are involved in a breadth of cultural work.

Ann Laura Stoler (2010) has shown in her work on governing in colonial states in 19th century Dutch East Indies that political rationalities of the Dutch colonial authority were grounded in the management of 'states of sentiment.' Stoler suggests that state intervention into public sensibilities and aspirations, and the moulding of particular 'habits of the heart'—were crucial components of the colonial register of governance. As early as the 18th century, David Hume (1739-1740), in his *Treaties on Human Nature*, presented a theory of society in which affective management was perhaps the most significant role of government. For Hume, order and security could only be assured by the orchestration and coordination of public sentiment. More specifically, Hume (2003:339-406) argued that a key role of government was the establishment of conditions for the artificial extension of highly partial sympathy. He saw humans as disposed to care for, or sympathise with, only those in their proximate circle, and that a prerequisite for economy and society was the extension of sympathy—something that required government.

Much like the spectacle of drug raids, the 'capturing' of deportable migrants, or 'criminal fugitives', erects emotional boundaries between those with whom we ought to sympathise and those who do not merit our sympathy. The spectacle of deportation, which for Walters (2010) and Cornelisse (2010) represents a ritualised assertion of the sovereignty's power to controls its borders, has been described as 'a tool by which states violently reproduce the territoriality of the state system' (Cornelisse 2010:118). For De Genova (2010:55), the theatre of deportation sustains 'an absolutist ethics of native entitlement'. Taking this further, he argues that the spectacle of deportation both epitomises and justifies the states claim to determine a certain 'inside' from a certain 'outside,' and that through the spectacle, this sovereign claim to distinguish insiders from outsiders is made to seem 'natural, necessary and urgent' (De Genova 2002:436). A similar point was made by Katie Oliviero (2011:679), who, in her analysis of vigilante policing of the US-Mexico border, conceives of the border not as a physical boundary, but a site of performance for the 'staging [of] national limits and exclusionary citizenship frameworks.'

The spectacle of deportation is therefore both gendered and racialised. Although women are detained, incarcerated, and deported in increasing numbers, and so are not immune to the punitive and violent appendages of the state projects just described, it is the theatrical and

sensationalist representations of men—Latinos in particular—that support and legitimise current removal strategies. At least 85 per cent of all people deported from the United States in recent years have overwhelmingly been men of Central American origin (Golash-Boza and Hondagneu-Sotel 2013:284). In fiscal year 2010, just 2.2 per cent of deportees were from Africa, Asia, Europe, and Oceania (Golash-Boza and Hondagneu-Sotel 2013: 284). This disproportionate targeting of Central American men has led Golash-Boza and Hondagneu-Sotel (2013) to describe mass deportation in the United States as a 'gendered racial removal program,' the legitimacy of which, I argue, is undergirded by the state management of public sentiment.

The racialisation of deportation reflects the persistence of the 'Latino threat narrative' (Chavez 2013), in which 'illegal immigration' is made legible primarily through the spectacle of a racialised (Latino) Other (Hall 2001). In fact, the emphasis on Latinos in debates about immigration, in comparison to other undocumented groups, has led scholars to examine the 'invisibility' of undocumented Asian immigrants (Chan 2013) who are estimated to constitute 12 per cent of the United States' undocumented population (DHS 2012). Alongside this racialisation of illegal immigration, as Dom'nguez-Ruvalcaba and Corona (2010) have noted, there are important differences between the ways in which the 'illegal alien' male and the 'illegal alien' female are represented and collectively imagined. While the alien male exists within a discourse of violence, drug-gangs, and criminality, the trope of the alien female is one of innocence, passivity, and victimhood (Perez 2013; Gorman 2014). This prevailing narrative of the drug-dealing, gang-involved Latino male conflates labour migration with criminal intent, 'thus burying the economic disparities propelling migration under drug and security narratives' (Oliviero 2011:682). This gendered construction of immigrant danger, in which the Latino male is represented as a 'criminal alien' and a 'security threat'—which is perpetuated by media images of 'gangs' and 'drug-smugglers' (see, for example, Fox News 2014)—is vital to the political viability of mass deportation and is harnessed by state actors to legitimise the targeting of Central American men (Perez 2013; Golash-Boza and Hondagneu-Sotel 2013).

Concluding remarks

The targeting of Latino males as victims of deportation demonstrates the spectrum of cultural work done by deportation and illustrates the kinds of questions we might ask about statecraft in late liberalism. Attending to these moral and affective dimensions reveals the spectacle of deportation as a mode of statecraft that is not reducible to ritualised assertions of sovereign power (De Genova and Peutz 2010). I argue that these productive and symbolic dimensions of deportation ought to be central to any theorisation of deportation. As well as territoriality and 'imagined communities,' at stake is also the management of public moral emotions and the creation of distinctions between a racialised and gendered deserving and un-deserving 'other' (Cornelisse 2010; Walters 2010; Anderson 2006).

These narratives open several avenues for further research. Chiefly, we must interrogate these social demarcations and the extent to which deportation is implicated in state projects to create racialised, heteronormative gender, and sexuality constructs. Attending to these emotional logics of the spectacle of deportation complicates what has been perhaps too-clean a conception of the deportation spectacle as an exercise of sovereign power. As I have discussed, although these observations are important, the discursive breadth of deportation as a cultural source of social demarcations is underestimated by the focus in recent scholarship on sovereignty of the contemporary nation state. This suggests that the violent and theatricalised practices of deportation should be analysed as cultural engines that produce

salient social boundaries, public norms, and moral sentiments (Wacquant 2009).

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POLICY MONITOR

The Eritrea report: Symbolic uses of expert information in asylum politics

DAMIAN ROSSET and TONE MAIA LIODDEN

This paper discusses the role of country of origin information (COI) in asylum policies by examining the debate about a controversial Danish report on Eritrea that has been used to attempt to legitimise a restrictive turn in Danish asylum policy. Following substantial criticism, Danish authorities changed their policy interpretation of the report and returned to their former practice when dealing with asylum applications made by Eritreans. Nevertheless, the number of Eritrean applications lodged in Denmark has since dropped sharply and the report has influenced other asylum receiving states in Europe. The Eritrea case suggests that COI may function as a potential means of deterrence and that the boundaries between COI and policy goals blur easily, such that the production of knowledge becomes a site of political negotiation.

On 25th November 2014, the Danish Ministry of Justice issued a press release stating that information gathered in a recent government report would make it more difficult for Eritrean nationals to receive refugee status in Denmark. The Danish government decided that fleeing the national service and/or leaving Eritrea illegally would no longer constitute a 'systematic risk of persecution upon return' (Danish Ministry of Justice 2014). The report (Danish Immigration Service 2014a) was based on two fact-finding missions to Ethiopia and Eritrea in late 2014. The report was produced in the context of heightened political controversy over increasing numbers of Eritrean asylum applications in Denmark. In anticipation of the publication of this report, Denmark suspended refugee status determination for Eritrean asylum seekers.

After its publication, the report came under harsh criticism from several organisations (e.g., AI 2014; HRW 2014; UNHCR 2014), as well as from Professor Gaim Kibreab, the only non-anonymised source mentioned in the paper (Legarth Schmidt 2014). There was also controversy within the government body responsible for the report: Shortly after its publication, two of the three participants from the Danish fact-finding mission went on sick leave due to disagreements with their superiors about the report.[3] One of them later stated that there had been pressure from 'above' to produce certain conclusions (Lange Olsen 2015). The report was also criticised for methodological errors. It presented incomplete and selective quotations and arrived at conclusions that relied primarily on information gathered from anonymised international organisations and Western embassies that were based in Asmara (but did not have access to the field).[4] Danish media picked up the story and elevated it to a headline news story known as the 'Eritrea Case' ('Eritrea-sagen'). In the aftermath of

[3] The two officials first went on sick leave and subsequently agreed to resign in March 2015 in exchange for substantial financial compensation from the Danish Immigration Service.

[4] UNHCR has explicitely stated that it is not the 'UN agency' quoted in the report; UNHCR considered the report's sourcing to be ambiguous (UNHCR 2014).

the scandal, Danish authorities backpedalled on their use of the report, stating that they would revert to former practices when handling asylum applications lodged by Eritrean nationals.

The instrumental and symbolic functions of COI in asylum adjudication

Country of origin information (COI) is considered to be a necessary and increasingly important tool in asylum adjudication. Decision-makers use it as background information when they assess the credibility of asylum claims and when they evaluate the future risk of persecution (Gyulai 2011). Over the past two decades, almost all asylum administrations in Europe have set up units that gather and share COI. The rationale behind COI units is to provide information to decision-makers who do not have the time, skills, or resources to seek information themselves. Since the COI units are usually separated from the asylum procedure, they also contribute to the perception that information is *neutral*, i.e., not biased by asylum policies.

This description of the role of COI in asylum adjudication corresponds to what Christina Boswell (2009) has termed the *instrumental* function of expert knowledge—where decision-makers use knowledge as a tool for rational problem-solving based on facts and sound reasoning.

Boswell also argues that expert knowledge can serve two *symbolic* functions in policy-making. First, expert knowledge can have a *legitimising* function by suggesting that decisions that reference COI are well-informed and rational, thus affirming the legitimacy of policy actors and institutions involved (Boswell 2009). This function is particularly important in the highly sensitive and politicised context of asylum (Thomas 2007).

When expert knowledge is deemed falsified, partial, or incorrect, it can serve a *de-legitimising* function. Such a scenario was revealed when Jens Weise Olesen, one of the members of the Danish fact-finding mission, acknowledged the damaging ramifications of the report for the legitimacy of the Danish Ministry of Justice (DMJ), describing it as a 'torpedo into the work that we have done over the past 20 years to build credibility and transparency' (Lange Olsen 2015).[5]

A second symbolic function of expert knowledge is that it can be used to *substantiate* pre-existing policy preferences (Boswell 2009). The Danish report has been interpreted, and thus criticised, as commissioned work that legitimises a more restrictive approach to evaluating Eritrean asylum seeker claims (Group of scholars 2015; NTB 2014; Yohannes 2014). The impartiality of COI was called into question. Jens Weise Olesen cast additional doubt by declaring that the head of the fact-finding mission in Eritrea hinted at a possible pay raise if the team produced the 'right' conclusions—those that would substantiate the government's policy preferences. Danish immigration authorities have denied this accusation (Lange Olsen *et al.* 2014).

Brekke (2004:45) suggests that politicians may use asylum policies as a means to create an impression of a restrictive country. Thus, in addition to the actual changes that a government puts into effect, policies have an equally important communicative and symbolic function. We suggest that COI can play a similar role in an asylum policy tool kit. First of all, COI has a direct impact on the number of applicants who are accepted as refugees. Secondly, when COI signals a restrictive turn, it may serve to deter asylum seekers' decisions about a

[5] All quotes from Danish, Norwegian, and Swiss media have been translated into English by the authors.

destination country. Eritrean asylum claims in Denmark dropped dramatically after the report was published—from 606 at their peak in August 2014[6] to just three in January 2015 (Danish Immigration Service 2014b, 2015)—which lends support to the hypothesis that the Danish authorities successfully communicated a restrictive turn to future applicants.

The policies of one country tend to influence the behaviour of other countries which adapt in order to appear less attractive to asylum seekers. This has raised concerns about 'a race to the bottom' in European asylum policies, where countries influence each other in an increasingly restrictive direction (see e.g., Thieleman 2004; Hatton 2005). One could therefore expect that the Danish report on Eritrea, and its observed outcomes, would trigger reactions in other countries. The following section examines how the report impacted the policies of other countries.

The international repercussions of the Eritrea Case

COI reports and country guidance documents are not publically accessible in most countries and methodological disparities between COI reports make them difficult to compare. It appears, nevertheless, that other European countries picked up the Danish report quickly. The impact of the report has varied, as the following examples show.[7]

The impact of the Danish report for Eritrean asylum seekers appears to be most visible in the UK. The Home Office published two country information and guidance documents on Eritrea in March 2015 that quote the Danish report extensively, without any caveats or acknowledgement of concerns surrounding the validity of the report (UKHO 2015a, 2015b). For example, one of the UK documents refers to the Danish report as the 'most up to-date information available from inside Eritrea' (UKHO 2015a:4). The Danish report has been (mis)used by authorities to support conclusions within current UK guidance which state very clearly—in fact much more so than the Danish report—that illegal exit from Eritrea and draft evasion from military service are no longer considered grounds for protection (UKHO 2015a, 2015b).

The Norwegian COI unit, Landinfo, published three papers on Eritrea in March and April 2015 (Landinfo 2015a, 2015b, 2015c). The reports are based on a fact-finding mission to Eritrea that was conducted in January 2015, two months after the Danish report was published. None of the Norwegian reports quote the Danish report directly, and Landinfo has criticised the Danish report for its poor quality. However, some of the information in the Norwegian reports does point (more cautiously) in the same direction as the Danish report. For example, in the report about the Eritrean National Service, Landinfo writes that there have allegedly been positive changes with regard to the national service, but they conclude that it 'remains to be seen' whether these changes are followed through (Landinfo 2015b). It is clear that the content in the reports were produced in a similar context as the Danish one, where the political focus has been on deterring asylum seekers. Jøran Kallmyr,[8] State Secretary in the Norwegian Ministry of Justice, pronounced: 'In the Danish report, we can

[6] The number of asylum applications by Eritrean nationals fluctuated in 2014, as the figures of the Danish Immigration Service (2014b: 5) show: there were seven in Jananuary;
seven in February; 12 in March; 30 in April; 57 in May; 150 in June; 513 in July; 606 in August; 523 in September; 314 in October; 64 in November; and ten in December.

[7] The information in this section presents the situation at the time of submitting the paper in early May 2015.

[8] Kallmyr is a member of the populist, right wing party 'Fremskrittspartiet,' which is currently part of a coalition government in Norway.

read about signals that may point in the direction of positive change in Eritrea. If it is safe to reject and send people back to Eritrea, then that is an opportunity which is of great interest to the Norwegian government' (Crone *et al.* 2014). After a meeting with the Foreign Minister of Eritrea,[9] Kallmyr warned Eritreans against coming to Norway, saying that their 'dream may not come true' (Andreassen 2015).[10]

Other European countries have been more cautious about accepting the conclusions of the report. The Swedish COI unit Lifos has published the Danish report on its online COI database, but with a warning about the limited selection of sources. It asserts that 'large parts of the report consist of statements taken out of context, leading the reader to form an inaccurate picture,' that 'the internationally renowned Professor Gaim Kibreab completely rejected the report,' and that 'the report is not written according to the [European Asylum Support Office]'s guidelines for reporting methodology' (Lifos 2014).

Conclusion

The Danish report on Eritrea cannot be considered representative of the COI work in all European countries, but it does illustrate the importance of paying close attention to the ways in which information is produced and used in a field that is markedly politicised. The case also illustrates how quickly information is circulated and how it is sometimes reproduced uncritically, as seen in the actions of the UK's Home Office. Even though conclusions may be heavily disputed, we observe the ways in which the Danish report began to take on 'a life of its own' in the international sphere. Information that can legitimise restrictions seems to be picked up very quickly, especially by political actors with a populist and/or anti-immigrant agenda.

The Eritrea case also illustrates how COI can become an instrument to discourage asylum seekers from going to a specific country. While we cannot claim that the Danish report was intentionally produced to act as a deterrent, official documentation shows that the number of Eritrean asylum claims in Denmark dropped dramatically after the report was published. Therefore, the report may have served a political purpose even though the original conclusions were not actually put into practice. The Eritrea report seems to have fulfilled the *substantiating* function of expert knowledge described by Boswell (2009), supporting the short term policy preferences of the Danish authorities to curb the number of asylum seekers. In the long run, however, such use of expert knowledge may undermine the other symbolic function of expert knowledge that Boswell identifies: to bolster the legitimacy of the institution and its decision-makers. The debate over the Danish report raises doubts about the reliability and objectivity of expert knowledge used in decision-making and may therefore undermine the *legitimising* function of this knowledge. This is a perilous path to go down if immigration authorities in Europe seek to maintain the legitimacy of the asylum system. Questioning the mere existence of an unbiased, neutral knowledge is beyond the scope of this paper, but immigration authorities do have the power to prevent boundaries between expert knowledge and policy preferences from become increasingly blurred. If they fail to do so, the credibility of the asylum institution may be undermined in the long run.

[9] The meeting took place on 28th November, three days after the publication of the Danish report.

[10] Ann Margit Austenå, the general secretary in the Norwegian Organisation for Asylum Seekers (NOAS) pronounced that until there is concrete documentation of the fact that Eritrea has changed its practice, she considers Kallmyr's statements to be propaganda to deter applicants ('skremselspropaganda').

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Providing sustainable psychosocial support for Syrian refugees in Jordan

REVA DHINGRA

As the Syrian refugee crisis enters a fifth year, psychosocial support for refugees has become an increasingly important priority in the relief effort in Jordan and other countries hosting Syrian refugees. This is largely due to a shift in policies by international aid organisations that increasingly consider psychosocial support to be a form of 'life-saving' aid. This article examines the expansion of psychosocial services for Syrian refugees in Jordan in the context of the evolving social and economic challenges refugees confront in situations of protracted displacement.

Smiling children lined the stage, clutching sheets of paper—diplomas that certified their graduation from a mentoring programme organised by MercyCorps and education NGO Questscope. The programme pairs Syrian refugee and Jordanian children at risk of violence and antisocial behaviour with Jordanian and Syrian mentors who serve as role models. One after the other, children stepped in front of the microphone to perform skits on violence in the classroom, to rap about racial and gender discrimination, or to simply thank their mentors for their support.

MercyCorps's programme is one of a growing number of programmes operated by organisations across Jordan aimed at providing 'psychosocial support' for the more than 646,700 registered Syrian refugees in Jordan (UNHCR 2015). With no end to the Syrian conflict in sight, psychosocial support has been increasingly emphasised as a critical service; 356,308 Syrian refugees were reported to have benefitted from psychosocial support services in 2014, as compared to a mere 5,590 in 2012 (UNHCR 2014; UNHCR 2013). This increase reflects the acknowledgement by international agencies of the potential psychological and social impacts of displacement. Yet the rapid expansion of psychosocial services in Jordan takes place in a context of changing social and economic needs of Syrian refugees who have been in Jordan for multiple years. In addressing the traumas of conflict, loss of livelihood, ruptured social networks, and diminished educational opportunities, an integrated, community-driven approach to psychosocial support is necessary for individuals suspended in the limbo of displacement.

Shifting international perspectives towards psychosocial support

Psychosocial support has only recently been promoted by international agencies as a service that, like food and shelter, is necessary for ensuring the survival and resilience of refugees and host communities (Wessels 2009). Increased research on the psychological impacts of displacement during the 1990s, coupled with crises such as the Rwandan genocide, prompted a concerted effort by international organisations to codify the importance of psychosocial and mental health services in humanitarian responses (Wessels 2009). In 2007, the Inter-Agency Standing Committee released the first global guidance on minimum mental health and psychosocial support (MHPSS) for refugee crises (IASC 2007). It describes the centrality of psychosocial services in enhancing the resilience of individuals, families, and communities

by building on social ties through targeted programming and referring individuals for clinical psychological interventions where necessary (Meyer 2013).

Psychosocial programming in Jordan

This increased commitment to providing adequate psychosocial support has been exemplified in the expansion of psychosocial services for refugees in Jordan. At least 47 organisations provide MHPSS services to Syrian refugees (WHO and IMC, 2014). In comparison, at the height of the Iraqi refugee crisis in Jordan in 2008, an assessment of MHPSS needs found that only eight organisations were providing 'basic' psychosocial support and mental health services for the estimated 450,000-750,000 displaced Iraqis in Jordan (IOM 2008).

'NGOs have learned from their history and their mistakes, especially in psychosocial support,' noted Dua'a Al-Daraweesh, the community development team supervisor at CARE Jordan, one of the main organisations providing this type of service to refugees (Daraweesh, interview, 8 April 2015). 'Psychosocial support is, in some cases, even more critical than cash assistance,' she added, especially for refugees still traumatised from conflict or those waiting to be resettled who 'simply lose hope.'

Organisations focus on addressing non-clinical psychosocial issues faced by refugees through activities and the provision of 'safe spaces'; they refer more severe cases for mental health support and medical services.

Many of these programmes are targeted at children, who make up 52 per cent of the Syrian refugee population in Jordan. The No Lost Generation campaign, launched in 2013 to support Syrian refugee children, incorporates psychosocial support programming as a means of helping 'overcome the psychological distress and trauma caused by the conflict, and [to reduce] the potential for replicating the hatred and violence [Syrian children] had experienced' (NLG 2014: 2). Youth-focused programmes, such as MercyCorps's, consist of multi-week mentoring cycles for children who are deemed 'vulnerable'—those who are out-of-school or are survivors of domestic violence, among other considerations. Natasha Shawarib, the senior project coordinator of MercyCorps's NLG programming, noted in an interview on 24 March 2015 that for children facing 'profound stress,' mentoring programmes provide the opportunity to connect with both 'role models' and other children to 'help the child's emotional and social development.' Including vulnerable Jordanians in activities has also contributed to promoting 'social cohesion' by addressing the psychosocial wellbeing of host communities as well as refugees.

An imperfect solution

While the expansion of psychosocial support represents a vital step forward from the lack of attention in previous refugee crises, it takes place in a context of changing social and economic needs of Syrian refugees who have been in Jordan for two or more years. As the refugee presence continues in Jordan, the direct trauma of conflict is increasingly being replaced by traumas borne from economic pressures and ongoing alienation that is rooted in educational exclusion and lack of social cohesion.

Daraweesh notes, 'refugees are facing a very bad financial situation in Jordan…which then affects their psychosocial wellbeing….For Syrian refugees, the main needs are related to…Jordan labour issues, the right to work.' It is a legal requirement that all non-Jordanians have a work permit if they are to be employed. Yet obtaining a permit is financially and legally prohibitive for most refugees. For the minority of Syrians who do obtain permits, job

options are limited to a list determined by the government (Freihat 2015). Stresses that result from income insecurity and joblessness may contribute to other issues such as domestic, sexual, and gender-based violence. This behavior is often perpetrated by adult male refugees, a demographic that comprised only 31,000 of beneficiaries receiving MHPSS services (JRP 2015: 62).

As a consequence of receiving insufficient aid and confronting a high cost of living, many heads of Syrian refugee households enlist their children to earn additional income for their families. Illegal and child labour have become increasingly prevalent among Syrian refugees—this problem is intertwined with the prevalence of Syrian children who remain out of school in Jordan due to overcrowding, and financial and safety concerns. The ongoing lack of access to education (40 per cent do not go to school) and the burden of premature responsibility are key factors contributing to psychosocial stresses faced by Syrian refugee children (UNICEF 2014).

Jordanian host communities are also affected by the financial challenges created by and arising from displacement. Local populations face increased job competition and inflation, factors that have been observed to contribute to distressing tensions between groups. Syrian adolescents are particularly affected by these social rifts (UNICEF 2014).

Without addressing systemic factors such as labour laws and access to education, psychosocial support programmes provide only a temporary respite—especially as international attention and funding for Syrian refugees diminishes. The plight of Iraqi refugees in Jordan foreshadows a less-than-promising future for the Syrian refugees who are now living in the country. 'Some Iraqis are stuck, with no resettlement plan, and they can't engage with the local community 100 per cent because of the limitations of the work permit,' said Daraweesh. 'They don't want to go back to Iraq because of the situation but they can't live here like this. Their psychosocial needs are deeper and more critical than Syrian refugees because they simply lose hope' (Daraweesh, interview, 8 April 2015). Instead of adjustment and improvement in psychosocial wellbeing, prolonged displacement and continued economic restrictions are contributing to increased MHPSS challenges for Syrian refugees.

Creating more holistic approaches to refugees' well-being

The shifting struggles that refugees confront require an approach to psychosocial support that goes beyond addressing the immediate effects of violence. The IASC guidelines recognise that as refugees remain in exile from their homeland, the 'loss of hope or perspective for the future... [and] feelings of helplessness and resignation' are ongoing threats to psychosocial wellbeing which must be addressed in both humanitarian and developmental responses to refugee situations (IASC 2007: 169).

In Jordan, aid organisations are developing community-driven, integrative approaches for the provision of psychosocial support that seeks to address the myriad causes of psychosocial issues observed among Syrian refugees. Their intentions are to address traumas caused by conflict, loss of livelihood, ruptured social networks, and diminished educational opportunities. Organisations have employed three specific strategies to address these concerns. They have improved assessments to identify community needs; they involve Syrians as volunteers in programmes; and they include psychosocial support in educational and vocational programming.

First, by encouraging refugees to get involved in directing programmes, humanitarian and development organisations have been able to provide support that better reflects the needs of beneficiaries (Mercy Corps 2). For example, NGOs such as CARE and Collateral Repair Project responded to refugees' expressed interest in establishing a place for community members to interact outside of scheduled activities by providing spaces that are used as 'community centres' for volunteers and beneficiaries. The inclusive, needs-based approaches that these NGOs have taken enhance programme sustainability, especially in situations where funding for psychosocial support is limited, and increase refugees' sense of agency.

Second, involving Syrian refugees in mentoring and administrative positions both supports individual economic security and promotes the psychosocial wellbeing of the volunteers themselves. Despite government restrictions on work permits for Syrians, some NGOs are able to employ Syrian refugees as 'volunteers'—positions that do not require work permits—and provide stipends. Engaging in 'value-based and participatory activities' such as volunteering provides more than just financial benefits; it is cited as a key form of psychosocial support (IOM 2015: 48). Ahmad,[11] a mentor at a community centre operated by Questscope in Za'atari refugee camp, noted, 'The community centre is my life now,' adding that the centre enabled him to leave the isolation of his caravan to work and socialise (Ahmad, interview, 4 March 2015). Another mentor volunteer reported feeling depressed before the programme but added that he now had a 'purpose.'

Finally, organisations have increasingly worked with children and adolescents in educational and vocational programming in order to help students attain basic knowledge and skill sets for the future and to more efficiently address the challenges of discrimination and violence that children face in schools. Organisations such as Questscope include psychosocial support training for teachers within 10th grade equivalency education programmes, while Save the Children Jordan provides psychosocial support training for teachers in Jordanian schools.

Conclusion

As the Syrian displacement crisis transitions from a humanitarian emergency to a protracted refugee situation, the challenges facing Syrians and Jordanian host communities continue to evolve. Efforts by aid organisations to effectively identify needs and increase community involvement in programmes are a positive step forward to promoting sustainable support for refugee psychosocial wellbeing. Yet as the Syrian conflict persists, addressing the psychosocial impact of displacement may be impossible without systemic labour and educational policy changes.

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[11] Name has been changed

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LAW MONITOR

What's in a name? The Australian Border Force and its implications for forced migrants

BERNICE CARRICK

Australia's immigration portfolio is undergoing a radical restructuring. Its settlement and citizenship remit is being cast aside in favour of the Australian Border Force. These changes institutionalise claims that the border is paramount to the survival of Australian democracy, economy, freedom, and culture. They endorse a view of the border as extending externally beyond the state's physical territory, and internally into every aspect of daily life. The prominent role of the border has been coupled with a conception of 'legitimate migration' based solely on economic benefits. As a result, little space remains for the issue of forced migration, which is, at best, seen as a phenomenon experienced elsewhere. Forced migrants are now at risk of becoming invisible within Australian policy.

Australia's Department of Immigration was established in 1944 with the twin aims of increasing Australia's population by 1 per cent each year and providing resettlement to displaced people from Europe (Chubb 2010). Over the next half century, and notwithstanding a period of racially-discriminatory policies, the Department was motivated by a strategy of nation-building, providing a range of settlement services and a focus on permanent migration (Chubb 2010). From the 1980s to the present, this has included an annual quota of people referred by UNHCR for resettlement. However, since the late 1990s there has been a determined, largely bi-partisan, shift towards restrictive asylum policies, the removal of judicial review mechanisms, and a reduced emphasis on settlement services for migrants (Crock 2004; Phillips 2004; Ruddock 2000).

In 2015, these changes are being solidified through dramatic institutional change at the bureaucratic level, and in corresponding policy frameworks. On 9 May 2014, the then Minister for Immigration, Scott Morrison MP, announced the establishment of a 'single frontline operational border agency... to enforce our customs and immigration laws and protect our border' (Morrison 9 May 2014). This agency, now known as the Australian Border Force (ABF), was formed on 1 July 2015 by the merging of the Immigration and Customs departments. It is to be led by a Commissioner, who will report directly to the Immigration Minister, and who will have 'the same standing as other heads of key national security related agencies, such as the Commissioner of the Australian Federal Police, the Chief of the Defence Force, and the Director General of ASIO' (Morrison 9 May 2014). The militarised structure of the ABF is also reflected in the titles of other senior personnel. For example, ABF functions in Western Australia will be managed by a ‘Regional Commander’ (Department of Immigration and Border Protection 2015a).

The functions of the ABF have been set out in two policy documents: 'Blueprint for Integration' and 'Plan for Integration' (Department of Immigration and Border Protection 2014; Department of Immigration and Border Protection 2015b). Along with the Minister's May 2014 speech, these two documents evidence an intention to define Australia, not as a

migrant settler state or a multicultural nation, but as a prosperous bounded community. They provide a detailed plan by which the ABF will support and facilitate that change.

A number of key claims concerning the value of the border emerge as central:

- The border is required for democracy: ('Our borders define a space within which, as sovereign nation states, we can … operate our democracy… create the space for civil society');
- The border is required for economic activity and prosperity: ('a space within which… we can… conduct our commerce, foster free markets, establish property rights');
- The border is required for freedom, liberty and the rule of law: ('a space within which, as sovereign nation states, we can apply the rule of law… and provide for the freedom and liberties of all of our citizens'); and
- The border is required for national and cultural freedom of expression: ('enable expression of culture… Our border creates the space for us to be who we are and to become everything we can be as a nation') (Morrison 9 May 2014).

Thus, according to the Minister, 'our border is a national asset' and, as such, its defence is of paramount importance (Morrison 9 May 2014).

The idea that liberal nation-states require strong and secure borders in order to function is not new. Michael Walzer's prominent account of equality in liberal democracies, for example, maintains that effective border controls are essential for the maintenance of states as political communities within which all those who are legally admitted enjoy the full range of membership rights (Walzer 1983). It is also well understood that in modern liberal democracies, migration controls do not end with entry or admittance decisions but continue to exert a high degree of control over the lives of migrants (Bosniak 2008).

The conception of the border that is now being institutionalised in Australia, arguably goes a step further, extending the border outwards beyond the physical territory of Australia and at the same time integrating it into every sphere of national life. According to the Blueprint, 'our border is not just a line on a map' but rather 'a complex continuum stretching ahead of and behind the border, including the physical border' (DIBP 2014: 10). This statement and the linking of the border with democracy, freedom, prosperity, and culture suggest that the border has a legitimate role in structuring the lives of not just visitors, but migrants and citizens as well.

The Blueprint is primarily focused on promoting this expansive view of the border and does not explicitly discuss immigration policy in detail. When it does refer to immigration, it is to assert that migrants are to be selected on the basis of their potential economic contribution, and that immigration and citizenship decisions are to be based on Australia's social and economic needs (Blueprint 2014:11). In the wider political discourse, Australia's status as a settler nation is linked to the strength of the border and this qualified idea of 'legitimate' immigration:

> Border security is the platform upon which we enable the seamless flow of people and goods legitimately across our borders that is critical to Australia's success as an open trading economy and that has arguably made us *the world's most successful immigration nation*. Maintaining our border as a secure platform for legitimate trade,

> travel and migration is what border protection is all about (Morrison 9 May 2014, emphasis added).

Across these texts there is resounding silence on issues relating to forced migration and displacement. The unmistakable message is that migrants who are not selected by the ABF on the basis of their potential economic contributions have no claim to entry. They cannot be part of our successful immigration nation and consequently *they will not be here*. No policies are needed because, in the world of the nation constructed by the ABF, unauthorised presence has disappeared.

On the other hand, the government continues to recognise that forced migration exists *in other lands*. In his Refugee Week speech, Minister Morrison noted that 800,000 'refugees and others in need of humanitarian assistance' had settled in Australia since World War II and spoke at length about Australia's resettlement programme and, in particular, the Women at Risk programme (Morrison 18 June 2014). Given that the Minister was speaking in the context of Australia's current practice of interception, tow-backs, and offshore processing, the clear implication was that refugees and other forced migrants belong elsewhere, and it remains an option—although never an obligation—for Australia to 'select and/or authorise' some of these for entry (Morrison 18 June 2014).

The government's ongoing assurance that Australia will retain a resettlement quota is welcome. However, given that the overwhelming emphasis in the Blueprint and Plan is on developing, strengthening, and extending the power and reach of the border, and that immigration is only referred to as an economic strategy, one needs to ask how long that assurance can be relied upon. When the discretionary admission of a small number of humanitarian migrants is not considered to be economically or socially advantageous, there will no longer be a policy rationale for continuing the programme. The days of the immigration portfolio being paired with 'ethnic affairs', 'multicultural affairs', 'Indigenous affairs' and even citizenship are long gone. Today, with an Australian Border Force that ‘touches every part of Australian life’ and requires an economic justification for every entry and transaction it oversees, the space for humanitarian migration has become very small indeed.

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FIELD MONITOR

Return to exile: Critical continuities of displacement following refugee resettlement to a third country

GEORGINA RAMSAY

Based on eighteen months of ethnographic fieldwork conducted in Australia and Uganda between 2012 and 2014, I highlight the phenomenon of refugees who have received third country resettlement but continue to engage in periodic return travel to the country of their previous exile, where they were first granted refugee status. I explore the factors that motivate refugees to return to the country of their previous exile, and I show that third country resettlement does not necessarily remove resettled refugees from the 'refugee cycle.' The need to critically re-examine third country resettlement as a durable solution to refugee displacement from a social perspective is explored.

The UNHCR considers resettlement to a third country to be a 'durable solution' for the 'refugee cycle' of displacement, due to the legal protections and permanent residency status it confers (UNHCR 2006:129). In UNHCR and broader humanitarian discourse, displacement is primarily viewed as a condition of dislocation from the state of origin and its territory (Malkki 1992, 1995). Forced migrants thus become part of the 'refugee cycle' upon fleeing their country of origin, a situation considered to be resolved when forced migrants are given state protection through repatriation, reintegration, or resettlement (UNHCR 2006:129). Yet, for refugees who have the opportunity to be resettled, the experience of displacement is not so neatly resolved through this process of establishing a legal relationship with a new state (Koser and Black 1999:16-17). Many resettled refugees remain involved in the 'refugee cycle' through their ongoing role in material, social, and emotional networks of support for kin who remain in settings of exile. Subsequently, refugees resettled in a third country often continue to be interwoven within enduring continuities of displacement, which cannot be simply reduced to territorial or legal logics.

Regular, return visits to the country of prior exile, where they lived as legal refugees before resettlement, is one practice through which resettled refugees experience such continuities of displacement. As part of my doctoral research with Central African refugees resettled in Australia, I accompanied an informant on one such journey to Uganda in order to explore the motivations that underlie this phenomenon. In doing so, I witnessed the role of return travel in maintaining a network of material, social, and emotional support for refugees that ties together settings of third country resettlement and protracted exile. As notes from my fieldwork suggest, such social and emotional dimensions of displacement for refugees are not automatically resolved through third country resettlement.

Fieldnotes from an airport departure terminal (1)

I await the arrival of Nyomanda, my research informant and travel companion, at Kingsford Smith International Airport in Sydney, Australia. I see her emerge from amongst the bustle of

other passengers in a skirt that is brightly patterned in the national colours of her homeland, the Democratic Republic of Congo. She is accompanied by an entourage of companions to bid her farewell before the journey. Nyomanda and I are travelling to Uganda, the country where she spent seven years in exile prior to her resettlement to Australia six years ago. We will live together in Kampala, the capital city of Uganda, for a few months. This will be the third time that Nyomanda has made this journey back to Uganda since her resettlement to Australia.

Because third country resettlement is available to few refugees, it is difficult at first to understand why Nyomanda would make return visits periodically to a country from which she agreed to be resettled in order, she believes, to ensure protection for herself and her immediate family. When I ask about her reasons for returning, Nyomanda simply says that she returns to Uganda to 'visit family' who remain there in exile.

Return travel as a network of transnational support

The social and economic role of return travel is an unexplored area within the broad body of literature that examines refugee resettlement as a transnational phenomenon (Lindley 2013; Horst 2008; Ali-Ali, Black, and Koser 2001). As I observed, however, return travel is not an infrequent practice. Whilst conducting fieldwork in Australia with refugees resettled from countries in Central Africa, I witnessed resettled refugees planning and executing trips back to their previous country of exile on multiple occasions. From my observations, I came to understand that these return journeys are not undertaken lightly. Due to the costs of flights, resettled refugees who return to their previous country of exile do so for lengthy periods, usually months at a time. These refugees usually travel alone and leave other immediate family behind in Australia. Whilst the traveller is overseas, their families in Australia are often left without a central form of income for extended periods of time. Most of the refugees whom I witnessed participating in return travel contributed to their family income in Australia through either welfare payments or paid employment, both of which are suspended whilst the traveller is overseas. Despite the financial difficulties that return travel involves, these refugees consider the visits to be a priority. It was whilst I was still in Australia, at Kingsford Smith International airport in Sydney, that I first began to understand the specific motivations for refugees embarking on return travel.

Fieldnotes from an airport departure terminal (2)

Nyomanda strides toward me at the departures terminal of the airport, followed by her entourage of farewell companions. It is then that I observe the amount of luggage that they are carrying: four large suitcases. A quick glance at my own piece of luggage—a duffel backpack—alerts me to the fact that we will exceed the airline's limit of baggage assigned to each passenger. Nyomanda seems unconcerned, however, and meets me with an enveloping embrace. I quietly ask Nyomanda if all of the luggage is coming with us to Uganda. 'Of course,' she says. We make our way to the check-in desk of our airline.

Nyomanda's luggage weighs in at 120kg, approximately three times the weight of baggage allocated to each passenger. There follows a quick re-evaluation of the luggage, as Nyomanda shifts clothing, toiletries, and shoes across the four suitcases. Nyomanda's companions approach. Together, they begin determining which of the items are to be taken to Uganda. Suitcases are opened, and clothes and other items are sorted quickly across seats and the tiled airport floor. The tension mounts as the deadline to check in approaches, and small arguments break out over which items should stay and which should remain.

I observe that only one suitcase, the smallest, contains Nyomanda's personal items. Two other suitcases consist entirely of children's clothes, and the third is packed full of shoes in children's sizes. I notice that Nyomanda has carefully written a name on the sole of each shoe.

I ask her, despite the rush, why she has done this. Hurriedly rummaging through clothes and deciding which to pack and which to leave, Nyomanda replies impatiently, 'They are for the children. I have to make sure I have enough for each of them. I must provide for all of them, you see?'

The social context of the 'refugee cycle'

It was only after we arrived in Uganda and established ourselves in a house in Kampala that I realised the extent to which Nyomanda's return travel is defined by family expectations of support. In Kampala, we lived intermittently with members of Nyomanda's family who journeyed to visit us and seek support from her. Although legally recognised as refugees in Uganda, Nyomanda's relatives live in precarious conditions. Uganda administers aid to refugees through a self-reliance strategy that incrementally reduces the amount of support provided according to the length of their residence in a settlement (UNHCR 2006:136). The aim of this model of humanitarian assistance is to encourage refugees to participate in subsistence agriculture in order to support their own livelihoods. However, this strategy can exacerbate material insecurity for refugees, particularly for those who have little prior experience in agricultural practice (Hovil 2007). Like other resettled refugees, Nyomanda seeks to address the ongoing risk of impoverishment to her relatives through return travel, fulfilling her enduring responsibility to provide material support to relatives in exile.

However, resettled refugees can also mitigate economic insecurity for their kin in exile through remittances and other strategies (see Lindley 2013; Horst 2008; Jacobsen 2005). Why then did my informants choose to physically travel back to visit family in a country of prior exile, despite significant financial costs? The practice of return travel, as I was to witness, allows resettled refugees to reconstitute and reaffirm social and emotional connections to kin through physical presence. In Kampala, we also lived with Nyomanda's thirteen nieces and nephews who otherwise reside, parentless, in a refugee settlement in rural Uganda. As orphans, these children rely on their relationship with Nyomanda not only as a source of economic support, but also as a fundamental basis for their emotional wellbeing. Evidently, the physical presence made possible through return travel also reinvigorates emotional and social dimensions of kinship that continue to remain important during third country resettlement.

Third country resettlement: a 'durable solution'?

Resettlement to a third country is conceptualised by the UNHCR as a 'durable solution' for the 'refugee cycle' by virtue of the legal protections that it provides (UNHCR 2006:129). This way of framing refugee resettlement risks depicting forced migration as a purely individual experience, according to a territorial logic in which displacement is determined by whether a refugee has access to state-based forms of protection (Malkki 1992, 1995). However, for the Central African refugees with whom I conducted research, an individual's displacement is an inherently social experience involving the material livelihoods and emotional wellbeing of whole families.

For these refugees, third country resettlement was a continuation of social relations extending across continents, rather than a straightforward 'solution' that ended the experience of

displacement. Whilst protected from the immediate socio-economic insecurities of exile, refugees that are resettled in a third country remain heavily involved in the broader social contexts of the 'refugee cycle' and the economic and social insecurity that their non-resettled dependents face. When developing and operationalising 'durable solutions' for displacement, the social context of refugee experiences must be taken into account, and critical continuities of displacement in settings of resettlement should be considered.

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FIRST HAND MONITOR

Resettlement as a transsexual from the Middle East—reflections on a journey

MANAR AL

In this article Manar Al depicts, through personal reflections, the journeys that transgendered people born in the Middle East make as they navigate the resettlement process. By sharing his experiences, he demonstrates difficulties faced in the resettlement process, from lacking UNHCR knowledge of LGBT issues, to language difficulties faced by resettled individuals in host counties. He also discusses the opportunities that resettlement has to offer. Today, living in the United States, Manar is fulfilling his greatest dream: living a normal life, as a normal man, safe from persecution.

The situation for LGBT persons in the Middle East, especially transsexual individuals, can be critically dangerous. LGBT persons regularly suffer from a long list of discriminatory actions, including rejection by their community, verbal or physical harassment, denial of employment, and poor access to medical treatment. In some cases, LGBT persons may even become the victims of mass killings perpetrated by armed militias that have been known to put LGBT persons at the top of their 'kill lists'. Together, these factors can leave transsexual individuals with no option but to leave their home countries to seek a safe life elsewhere. However, such a move is often only open to the luckiest of LGBT individuals—many LGBT persons in the Middle East lack the resources to flee overseas or are unaware of how to begin the process of seeking resettlement to a new country.

My story illustrates the challenges faced by transsexual individuals living in the Middle East. I will discuss the difficulties I faced in my home country and the challenges that arose once I embarked on the resettlement process. While outlining challenges, I also aim to emphasise the vast opportunities that resettlement can offer to transsexual individuals; in particular, how resettlement to the United States helped me to realise my dream of living a normal life as a normal man.

Growing up as a transsexual in Iraq

I am a 32-year-old Female to Male transsexual and LGBT activist, born in Iraq. In May 2013 I arrived in the United States as a refugee after I'd spent nine months in Lebanon waiting for UNHCR's decision on my resettlement case.

I grew up in Baghdad, a warzone that has been ranked as one of the most dangerous places in the world for LGBT individuals to live. During my high school years, I lived through physical conflicts that erupted in the city, and through a huge conflict between my mind and body, unaware of why exactly I felt this conflict. I had no information or resources to explain what I was going through. All I knew was that I wasn't accepted as I was. I suffered verbal harassment at school, at home, and in the street. Everybody wanted me to be somebody I was not.

When I started college in 2000 I had to make a decision: dress as a male and deal with endless abuse, or dress as a female to please everybody around me. The latter is exactly what I did. I kept a low profile, dressing as a woman and hiding my real identity. The abuse stopped, but I would avoid looking at myself in the mirror. I hated what I had to be and felt unbearable humiliation. I tolerated this internal struggle because I had dreams for the future that could only be fulfilled if I completed my education.

In 2008, aged 26, I learned for the very first time about gender identity disorder while watching a TV show. I cried for hours because I knew that I was not alone and knew that there was a future for me. However, I was unable to seek any medial help in Baghdad for fear of being caught and tortured by local militia or police forces. My only resource was the Internet. I learned that I needed to work hard to save money to start my 'freedom' project.

Escalating violence and flight to Lebanon

In March 2012 a campaign of brutal attacks against LGBT individuals broke out in Baghdad. With the help of the local army, unknown armed militia began to publicly attack and kill LGBT individuals. This was meant to send a warning to others. The community in Baghdad supported these acts, rejecting anything unusual. The pressure was high and, living in fear, I started to seek help from organisations outside Iraq. In 30 days I sent 30 emails to NGOs, embassies, the UN, and other bodies. Eventually, I received a response from the Iraqi Refugee Assistance Project (IRAP), a US-based NGO. They said, 'Yes, we can help you. But you have to make a tough decision. You need to leave your country and apply from a nearby country to UNHCR for resettlement. We will guide you through the resettlement process until you arrive safely in the USA.'

In August 2012, with a broken heart, I left my home country, family, and friends. I went to Beirut, Lebanon where I applied to UNHCR for resettlement. In terms of security, living in Lebanon as a refugee was not much different to living in my home country Iraq. As a transsexual, I still hid myself and dressed as a woman, keeping a low profile to protect myself from abuse and harassment.

The process moved quite quickly. However, the lack of knowledge among UNHCR staff about gender identity disorder shocked me. I was asked, 'What do you mean that you're a transsexual? Does that mean that you're a lesbian?,' and 'What is the difference between gender orientation and sexual orientation?' Luckily, I was knowledgeable about LGBT and resettlement issues and I was able to answer their questions, making sure that my claim was heard. When I walked into their office I knew that I was meant to be a priority for them, as stated in the UNHCR's resettlement guidelines.[12] I made sure they knew that I was aware of my rights.

Resettlement to the USA

Nine months later, in May 2013, I was granted resettlement and relocated to the USA. I boarded the airplane as a female and landed in the USA as a male. At the age of 30, for the first time in my life, I was able to dress and act true to myself.

For most transsexuals who are resettled, language is the biggest barrier to accessing

[12] For more details, see UNHCR's 'Resettlement Assessment Tool: Lesbian, Gay, Bisexual, Transgender and Intersex Refugees' (April 2013): http://www.unhcr.org/51de6e5f9.pdf

assistance. Most information regarding resettlement and the gender transition process is in English, leaving many refugees in the dark about the resettlement process and treatment options. Together with a group of other resettled LGBT activists, I have helped to initiate activities on social media to deal with this problem, founding a group called the Arab Trans Association. We support Arab transsexuals by translating and distributing information about the resettlement process, medical treatment, and success stories. Our group also refers potential clients to resettlement NGOs for further assistance, while carrying out activities to spotlight the Arab Trans situation for wider audiences.

In the last two years, living in the US, I have been able to find love, a home, and, most importantly, medical help to start living as a man. Today, I live as a normal man with a small family, in the gorgeous countryside of New York. I no longer worry about the future. I can now achieve my dreams.

*Manar Al is a Protect Management Professional (PMP) holder and an MBA student at Edinburgh Business School, Heriot-Watt University. Manar was resettled to the United States in 2013 after fleeing Baghdad, Iraq. He is a vocal advocate for the rights of trans refugees, particularly those from the Middle East, and has consulted with leading refugee advocates on appropriate services for LGBT refugees. Manar is also the founder of the Arab Trans Association (*www.facebook.com/arabtransorg*), an online community created to support trans refugees in the Middle East.*

Call for Papers

Oxford Monitor of Forced Migration, Vol. 5, No. 2

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